



END  
OF  
ROLL

REFUSED

R3173

*James McCullom, et al.*

DECISION RENDERED. OCT 30 1902  
NOTICE OF DECISION MAILED APPLICANT.

OCT 30 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 30 1902

RECORD FORWARDED DEPARTMENT.

NOV 15 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 4 - 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 14 1903

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

MAR 14 1903

#1260

No. 3173

# For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name James McCullom

Age 47 Blood 1/8

Post Office, Bezer, Miss.

Father: Tom McCullom d

Mother: Charlotte Newell f

Claims through father  
wife Mary McCullom f  
(no claim for wife)

### Children:

Levy McCullom (F) 13

Pink W. " (M) 11

Alex. D. " 8

Edward E " 6

Dickey A. " 3

Edrena " (F) 2

Areola " (F) 9 mo.

(Claims for self and  
7 minor children)

Stenographer

J. S. Niles

M.C.R. 3173

COPY.

Muskogee, Indian Territory, March 14, 1903.

James McCullom,

Bezer, Mississippi.

Dear Sir:

You are hereby notified that on the 4th 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 James McCullom, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

PY.

Kuskogee, Indian Territory, March 14, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 4th 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 James McCullom, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Commissioner of Indian Affairs stated that

"Slaves were not recognized or considered as citizens of the Choctaw Nation in 1830, nor entitled to take under the 14th article of the Choctaw treaty of 1830, and it being admitted that she (Sallie) was a slave, it follows that Sallie could not have been a beneficiary under the 14th article. It is, therefore, recommended that the decision of the Commission rejecting these parties be approved."

In as much as the ancestors of these applicants, who were living in 1830 in Mississippi, viz: Tom McCullom and Sallie, were both slaves, it is evident that they were not legally capable of complying with the provisions of article 14 of the treaty of Dancing Rabbit Creek. It therefore follows that their descendants, who are possessed of less than the required amount of Choctaw blood, are not entitled to identification as Mississippi Choctaws. For this reason your decision is affirmed.

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

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

D C 6462-1903.

DEPARTMENT OF THE INTERIOR.

J.W.H.

I.T.D. 1648-1903.

Washington.

FHE

L.R.S.

March 4, 1903.

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

Gentlemen:

November 15, 1902, you transmitted the record in the matter of the application of James McCullom (M.C.R.3173), for himself and his seven minor children, Levy, Pink W., Alex D., Edward E., Dacey A., Edrena and Arcola McCullom, for identification as Mississippi Choctaws, including your decision of October 30, 1902, refusing to identify them as such.

It seems that the principal applicant is the son of one Tom McCullom, a 1/4 blood Choctaw, who was born about 1821, and was a slave. The mother of Tom McCullom was a 1/2 blood Choctaw and also a slave. She was the property of one John McCullom, of Perry county, Mississippi.

In stating your reasons for said decision, you hold that "no freedman is entitled to identification as a Mississippi Choctaw.

Reporting in the matter February 11, 1903, the Acting



-2-

slave, it follows that Sallie could not have been a beneficiary under the 14 article. It is, therefore, recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

(Signed) A. C. Tomner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

(COPY)

Land  
69033-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

February 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of James McCullom, for himself and seven children, Levy, Pink W., Alex D., Edward E., Dicey A., Edrena and Argola McCullom, wherein a decision adverse to the applicants was rendered by the Commission on October 30, 1902.

It appears from the evidence in this case that the applicants base their claims to identification on their being descendants of one Sallie, who, it is stated was a slave.

The Commission bases its decision rejecting these parties on the ground that it is of the opinion that no freedman is entitled to identification as a Mississippi Choctaw.

Selves were not recognized or considered as citizens of the Choctaw Nation in 1830, nor entitled to take under the 14th article of the Choctaw treaty of 1830, and it being admitted that she was a

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 James McCullom, 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.

Respectfully,

*James D. ...*  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
Enc. M C R 3173.

M M & C -2

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

Respectfully,

(SIGNED)

*James D. Dineen*  
Acting Chairman.

COPY

Muskogee, Indian Territory October 30, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of James McCullom, 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., 493) which is as follows:

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

Said decision concludes as follows:

"It is 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 applications of James McCullom, Levy McCullom, Pink W. McCullom, Alex D. McCullom, Edward E. McCullom, Dicey A. McCullom, Edrena McCullom and Arcola McCullom as such should therefore be refused, and it is so ordered."

You are further advised that the principal 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

J 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)

*Tom D. Dixey.*  
Acting Chairman.

Registered.

108

Muskogee, Indian Territory October 30, 1902.

James McCullom,

Bezer, Mississippi.

Dear Sir:-

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 James McCullom, 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 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 applications of James McCullom, Levy McCullom, Pink W. McCullom, Alex D. McCullom, Edward R. McCullom, Dacey A. McCullom, Edrena McCullom and Arcola McCullom 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

has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 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 applications of James McCullom, Levy McCullom, Pink W. McCullom, Alex D. McCullom, Edward E. McCullom, Dicoy A. McCullom, Mirrena McCullom and Arcola McCullom as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*[Signature]*  
\_\_\_\_\_  
Acting Chairman.

*[Signature]*  
\_\_\_\_\_  
Commissioner.

*J. H. Brockbridge.*  
\_\_\_\_\_  
Commissioner.

Muskogee, Indian Territory,

OCT 30 1902



*J. F. W.  
C. W. L.*

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

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In the matter of the application of James McCullen, et al.,  
for identification as Mississippi Choctaws, H.C.R. 3173.

---: 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 James McCullen for himself and his seven minor children, Levy,  
Pink W., Alex D., Edward E., Dicky A., Marena and Arzela McCullen,  
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  
therein and make report to the Secretary of the Interior."

It also appears from the testimony that the principal  
applicant herein was born of a slave mother prior to the Emancipation  
Proclamation and was himself a slave and that the other applicants  
are lineal descendants of him, and it does not appear from the rec-  
ords in the possession of the Commission that any of said applicants

James McCullom et al--6

- Q By the same father? A Yes sir.  
Q What are their names? A Henry, Aleck and John McCullom.  
Q Have any of them been before the Commission yet? A No sir, can't get them to come.  
Q Have you any full sisters living? A Yes sir, one.  
Q What is her name? A Mollie Graham.  
Q Have you any half sisters? A Yes sir, two.  
Q By the same father? A Yes sir.  
Q What are their names? A Tilda McCullom and Sallie Ulmer. I don't know the name of Tilda's husband.  
Q Have either of them ever been before the Commission? A No sir.  
Q Have you any brothers dead? A Yes sir, I have one full brother dead.  
Q Did he have any children? A No sir.  
Q Have you any half brothers dead? A One died when I was a child.  
Q Have you any half sisters dead? A Yes sir.  
Q How many? A Four.  
Q Have you any full sisters dead? A No sir.  
Q Are any of your father's brothers living? A No sir, not that I know of. Uncle Henry went off.  
Q How long since you heard of him? A Not since 1877.  
Q Did your father ever have any other brothers or half brothers?  
A No sir.  
Q Did your father ever have any half sisters? A He has got one whole sister.  
Q What is her name? A Mollie Hartsfield.  
Q Has she been before the Commission? A Not that I know of. She is in Perry County, Mississippi.  
Q Has he any sisters dead? A I don't know, sir.

This applicant has the appearance of being a negro. He does not speak or understand the Choctaw language. Shows no indications of being possessed of Indian blood.

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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, August 1st, 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 23rd day of August, 1901, at Meridian, Mississippi.~~  
Subscribed and sworn to before me this the 23rd day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

23, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up the hearing of these Choctaw cases. This second Commission was duly appointed by the President and they came down here to Mississippi and heard a great many more applications of Choctaws for benefits under article 14, claiming that their land had been sold by the Government.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

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

Q Did any of your ancestors ever receive any scrip from the Government of the United States under the provisions of the Act of Congress above referred to? A No sir, not to my knowledge.

Q Do you know any person living, any old persons, who would be likely to be informed as to your ancestry and the amount of Choctaw blood you may have and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A The old folks that I know of don't know that they ever received any benefits under that head.

Q Have you any witnesses here with you today that you want to introduce in support of your application? A No sir, only papers.

The affidavit of Ander McCullom offered in evidence, identified as "Exhibit-A", filed and made a part of the records in this case.

Also the affidavit of Sharlet Newel, offered in evidence, identified as "Exhibit-B", filed and made a part of the records in this case.

Q Are these two affidavits all of the documentary evidence you have to offer at this time? A Yes sir.

Q Do you want permission to file written evidence later? A If any mistakes in this and it can be corrected, I want it done right if it is done at all.

I don't know what you mean by that, but we will give you permission to file further written evidence, proper written evidence, if you wish to do so. We would like to have you file it within thirty days, if you can. If you wish to introduce witnesses in support of your application, you can bring them here to Meridian, and we will hear their testimony.

Q Have you any brothers living? A Yes sir.

Q Full brothers? A No sir, half brothers.

treaty of Dancing Rabbit Creek? A No sir not that I know of.

Q Were any of your Choctaw ancestors living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made, 71 years ago? A I would suppose my grandmother was here.

Q Sallie was your grandmother? A Yes sir.

Q What was her other name? A That is all I know.

Q She was a slave and didn't have a surname? A Yes sir, she was a slave.

Q You think, then, that your grandmother Sallie, who you claim to be a half blood Choctaw, was living in Perry County, Mississippi, when this treaty was made? A Yes sir, I presume she was.

Q She wasn't a recognized member of the Choctaw Tribe of Indians, at that time, was she? A I don't know, sir.

Q Did she own an improvement here at that time? A No sir, she didn't own nothing.

Q She was owned by white people? A Yes sir.

Q Did any of your Choctaw ancestors ever remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory--any of your forefathers? A Not that I know of.

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 for the Choctaw Indians here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14, or under the supplement to that treaty? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of Choctaws who might desire to remain in Mississippi and become citizens of the States in accordance with that article. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government, at its public land sales, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this 14th article. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved March 3, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the applications of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty but that their land had been sold by the Government. This Commission was duly appointed by the President and came down here and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed, they were unable to dispose of but a small percent of ~~these~~ these cases. Accordingly, Congress passed another act, which was approved August

Q Did 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 of these minor children? A No sir, I didn't.

Q Have you ever made any application of any description before today? A No sir.

Q Do you now desire to make a application for the identification of yourself and seven minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek?

A I am willing to do that.

Q Do you understand what that 14th article is? A No sir.

The treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians here in Mississippi. The object of that treaty was to bring about the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to remove to the new country and preferred to stay here in Mississippi and Alabama. For the benefit of those who preferred to stay here , the 14th article was inserted in the treaty. That 14th article 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."

Q That is the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you think you understand that clearly? A Yes sir, I understand it that far.

Q Did any of your ancestors ever take advantage of the provisions of that 14th article of the treaty of Dancing Rabbit Creek? A They did not.

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

Q Did they at that time, any of your old folks, take advantage of the provisions of the 14th article and get land here then? A No sir.

Q You are sure that none of your Choctaw ancestors ever got any land here in Mississippi under the provisions of the 14th article of the

in Perry County.

Q She had the appearance of being an Indian, did she? A Yes sir, she had Indian marks, straight hair.

Q She lived, so far as you know, in Perry County, Mississippi, all her life? A Yes sir, so far as I know.

Q Through which one of her parents did she derive her Indian blood? A From her father.

Q What was his name? A I don't know, sir.

Q You claim he was a full blood Choctaw, then? A Yes sir, so the old white people told me.

Q Do you know of anyone living that knew him during his life time? A No sir.

Q You have no evidence then aside from what you heard? A No sir, I never saw that old Indian.

Q Did your grandmother have an Indian name? A Sallie.

Q That isn't an Indian name, is it? A No sir.

Q She didn't have any other name? A No sir.

Q Did your father ever go out to the Indian Territory? A No sir.

Q Have you ever been out there? A No sir.

Q Are you married? A Yes sir.

Q Is your wife living? A Yes sir.

Q What is her name? A Mary.

Q Have you been married more than once? A No sir.

Q Has your wife any Choctaw blood? A No sir.

Q You make no claim for her then? A No sir.

Q Have you any children? A Seven.

Q Are any of them married? A No sir.

Q Any of them over 21? A No sir.

Q What are their names and ages-the oldest first? A Levy.

Q Girl? A Yes sir.

Q How old? A Thirteen.

Q Next? A Pink W.

Q Boy? A Yes sir.

Q How old is he? A Eleven.

Q Next one? A Alex D.

Q How old? A Eight.

Q Next? A Edward E.

Q How old is he? A Six.

Q Next? A Dicey A.

Q How old is she? A Three.

Q Next one? A Edrena.

Q Girl? A Yes sir.

Q How old is she? A Two.

Q Next one? A Arcola.

Q Girl? A Yes sir.

Q How old is she? A About nine months.

Q Are you the father of these seven children? A Yes sir.

Q What is the name of their mother? A Mary.

Q Are these children all living with you now? A Yes sir.

Q This application is for yourself and seven minor children, is it? A Yes sir.

Q Is your name or the name of any one of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Well, I would suppose not.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, August 1st, 1901.

In the matter of the application of James McCullom for the identification of himself and his seven minor children as Mississippi Choctaws.

Said James McCullom, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James McCullom.  
Q What is your age? A Forty-seven.  
Q What is your postoffice address? A Bexar, Mississippi.  
Q What County? A Smith County.  
Q How long have you lived in Mississippi? A All my life.  
Q Is your father living? A No sir, dead.  
Q What was his name? A Tom McCullom.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Charlotte Newell.  
Q Do you claim to have Choctaw blood? A Yes sir, according to evidence and witnesses I am possessed of a little Choctaw blood.  
Q How much Choctaw blood do you claim to have? A My father was a quarter Choctaw and my father's mother was half Choctaw. I have seen her myself many times. I would suppose that I was one-eighth. My mother aint no Choctaw.  
Q You claim to have one-eighth Choctaw blood then? A Yes sir.  
Q You get this Choctaw blood solely through your father, do you?  
A Yes sir.  
Q How long has your father been dead? A Five years.  
Q How old was he when he died? A I don't know, sir.  
Q About how old? A About seventy years old, I guess.  
Q Did he always live here in Mississippi? A Yes sir, born and raised in Mississippi.  
Q Was he a slave? A Yes sir.  
Q Were you a slave? A No sir, I was just a small chap at the time of the war.  
Q Was your mother a slave? A Yes sir.  
Q Were your father and mother married? A Yes sir, under the rules that were then. They were married by what the master said.  
Q How many children did they raise? A Eleven.  
Q In what part of Mississippi did your father live? A In the south part of Mississippi, in Perry County. That was where he was born. He was brought to Jasper County and was there until his death.  
Q Through which one of his parents did you say your father got his Choctaw blood? A His mother.  
Q His father had no Choctaw blood? A No sir, he was an African. Old man McCullom bought him and he had raised this half Indian woman. They was married under the law then and raised that family.  
Q What was your grandmother's name? A Sallie.  
Q She, you claim, was a half blood Choctaw? A Yes sir.  
Q How long has she been dead? A About eighteen years.  
Q How old a woman was she when she died? A I don't know, sir.  
Q You have seen her? A Yes sir.  
Q Did she speak or understand the Choctaw language? A Yes sir, she could talk it. She was right with the Choctaws there.  
Q Did you ever hear her converse in the Choctaw language?  
A Yes sir.  
Q She was a slave too? A Yes sir, she belonged to John McCullom

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

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In the matter of the application of James McCullom, et al.,  
for identification as Mississippi Choctaws, M.C.R.5173.

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

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Original application of James McCullom, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Affidavit of Andy McCullom .....	7
Affidavit of Sharlot Newel .....	8
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Choctaw MCR 3173

James McCullom

MCR 3173

1259

No. 3172

# For Identification as a Mississippi Choctaw.

Date AUG 1 1901  
Name Sallie Rush

Age 44 Blood 1/4

Post Office, Moscow, Miss.

Father: Dave Keely L

Mother: Sallie Hampton L

Claims through father  
husband George Rush  
(no claim for husband)

(Claims for self and 10 minor children)

Children:

Thomas	Rush		19
Mary	"		16
Allen	Druce	"	13
Sallie	"	(F)	13
Dave	"	"	12
Armetta	"	(F)	8
Thredie	"	(M)	6
Ellie	"	"	5
Lucy	"	"	2
Millie	"	(M)	13 mo.

Stenographer

J. S. Stiles

M.C.R. 3172

307

Muskogee, Indian Territory, March 6, 1903.

Sallie Rush,

Moscow, Mississippi.

Dear Madam:

You are hereby notified that on the 21st 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 Sallie Rush, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

Chairman.

M.C.R. 3172

Muskogee, Indian Territory, March 6, 1903.

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

Gentlemen:

You are hereby notified that on the 21st 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 Sallie Rush, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

*James H. Gray*  
Chairman.

(COPY)

D.C.No.5469-1903.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

RAF.

ITD.1256-1903.

L R B

February 21, 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 Sallie Rush and her minor children, Thomas, Mary, Allen Bruce, Saleka, Dave, Armetta, Threadie, Nellie, Lucy and Willie Rush, including your decision of October 16, 1902, adverse to the applicants.

It appears that the principal applicant was born of a slave mother and was herself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

Sallie Rush states that her father, Dave Neely, was a half blood Choctaw Indian, and the Acting Commissioner of Indian Affairs reports February 4, 1903, that the records of the Indian Office fail to show that he complied or attempted to comply with article 14 of the treaty of September 27, 1830. He recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

it is its opinion, under the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), no freedman is entitled to identification as a Mississippi Choctaw.

An examination of the records of this office has been made and it is found that the name of Dave Neely, the father of the principal applicant, does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true, it is believed that the decision of the commission rejecting the applicants was correct, and it is therefore recommended that it be affirmed.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(E.B.H.)

P.

(COPY)

Land.  
67,805-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Sallie Rush for the identification of herself and her ten minor children, Thomas, Mary, Allen Bruce, Saleka, Dave, Armetta, Threadie, Nellie, Lucy and Willie Rush, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the Commission on October 18, 1902.

It appears from the testimony in this case that the applicants are unable to give the name of an Indian ancestor who was alive in 1830, whether they had an ancestor who was a member of the Choctaw tribe in Mississippi or Alabama in 1830, and whether they complied with or received land or scrip under the 14th article of the Choctaw treaty of 1830.

The ancestry goes no further back than the father of the principal applicant, Dave Neely.

It also appears that the principal applicant was born of a slave mother and was herself a slave.

The commission rejected the applicants for the reason that

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 Sallie Rush, et al., applicants 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 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 3172.



--2--

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. D. Dwyer.*  
Acting Chairman.

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 case of Sallie Rush, 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 the opinion of the Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sallie Rush, Thomas Rush, Mary Rush, Allen Bruce Rush, Saleha Rush, Dave Rush, Armetta Rush, Threadie Rush, Nellie Rush, Lucy Rush and Willie Rush as such should therefore be refused, and it is so ordered."

You are further advised that the principal 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

--2--

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.

Waukegee, Indian Territory, October 15, 1902.

Sallie Rush,  
Mosoow, 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 case of Sallie Rush, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is the opinion of the Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sallie Rush, Thomas Rush, Mary Rush, Allen Bruce Rush, Salena Rush, Dave Rush, Arnetta Rush, Threadie Rush, Nellie Rush, Lucy Rush and Willie Rush 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 case,

that any of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It is the opinion of the Commission that under the provision of law above quoted no freedman is entitled to identification as a Mississippi Choctaw, and that the application of Sallie Rush, Thomas Rush, Mary Rush, Allen Bruce Rush, Salata Rush, Dave Rush, Arnetta Rush, Threddie Rush, Nellie Rush, Lucy Rush and Willie Rush as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

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

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

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

Muskogee, Indian Territory,

OCT 13 1902

C. A. L.  
C. W.

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

-----:-----

In the matter of the application of Sallie Rush, et al.,  
for identification as Mississippi Choctaws, N G R 3172.

--: 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 Sallie Rush for herself and her ten minor children, Thomas, Mary, Allen Bruce, Saleka, Dave, Armetta, Threadie, Nellie, Lucy and Willie Rush, 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."

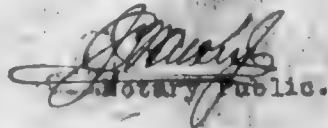
It also appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that all the other applicants are her lineal descendants, and it does not appear from the records in the possession of the Commission

Ballie Bush et al---7

phar to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, August 1st, 1901, and that the 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 23rd day of August, 1901, at Meridian, Mississippi.



Notary Public.

WALTER

his land had been sold by the Government, he should be entitled to select land elsewhere, in the State of Mississippi, Alabama, Arkansas or Louisiana, from vacant Government land, and he was to be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of this Act of Congress? A Not that I know of.

Q Have you any witnesses before the Commission today that you want to introduce in your behalf? A No sir.

Q Have you any written evidence of any kind that you want to offer at this time in support of your application? A No sir.

Q Do you want permission to file written evidence later? A Yes sir.

The Commission will allow you to file proper written evidence within a reasonable time but we would be glad to have you file this within thirty days if you can. Of course it is important that your testimony as to your ancestry and the amount of Indian blood claimed by you should be supported by other testimony than yours. If you see fit to bring any witnesses before the Commission their testimony will be taken in your behalf.

Q Have you any full sisters living? A No sir.

Q Is your brother living? A Yes sir, I don't know-he went off and has been gone fifteen years.

Q What was his name? A Dave Nealy.

Q Is he married? A Yes sir.

Q Do you know his wife's name? A Julia-she was an Indian.

Q Has he been before the Commission? A I don't know, sir.

Q Is he the only brother you ever had? A Yes sir.

Q Have you any full sisters? A No sir.

Q Has your father any brothers living? A No sir.

Q Has he any sisters living? A No sir.

Q Did your father ever have any brothers? A I don't know, sir; I don't think he did.

Q Did your father ever have any sisters? A No sir.

Q Is your brother older or younger than you? A Older than me.

Q Are any of his children living? A Yes sir.

Q Where do they live? A At Moscow.

Q What are their names? A Albert Nealy and Mary Jane Nealy.

Q How old are these two children? A I don't know, sir.

Q Are they grown? A Yes sir, the girl is thirteen, I think, the boy is about sixteen.

Q These are all of your brother's children that are living in this country? A Yes sir, only two.

Q Have they been before the Commission? A No sir, they haven't come yet.

This applicant claims to have one-fourth Choctaw blood. Her hair is black and straight. Her color would indicate that she is possessed of a mixture of negro and Indian blood. Her cheek bones are inclined to be high.

-----  
Ira S. Niles, being first duly sworn, states that as stenogra-



Q Did any of your ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaw Indians here in Mississippi their intention to remain in Mississippi and become citizens of the States?  
A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir, whether they did or not.

Q Did you ever hear of any of them ever getting any land? A No sir

Q Did you ever see or hear of any deed or patent issued to any of your ancestors under article 14 of the treaty of 1830? A No sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under any other article of the treaty of Dancing Rabbit Creek than article 14, or under the supplement to that treaty? A No sir, I don't know, sir, if they did or not.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States ~~provided an Agent~~ directed an Agent here in Mississippi to receive the applications of Choctaws who desired to remain and become citizens of the States under the provisions of that article. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaw Indians who did in fact signify to him their intention to remain and become citizens of the States and on this account land, ~~xxx~~ upon which Choctaws had improvements and lived and which they supposed would be given to them under article 14 of the treaty, was sold by the Government at its public land sales. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission whose duty it would be to go to the State of Mississippi and hear the applications of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty but that their land had been sold by the Government. This Commission was duly appointed by the President and came down to Mississippi and heard a few of these Choctaw cases but in the time allowed them by the act of Congress under which they were appointed, they were unable to hear but a small percent of these Choctaw cases. Accordingly, Congress passed another act, which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up this work. This second Commission was duly appointed and the Commissioners came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that 14th article? A Part of it, I do.

The 14th article states that those Choctaws who were living in the old Choctaw Nation in Mississippi and Alabama. In 1830, 70 years ago, and who desired to stay here in Mississippi or Alabama, must, in order to stay here and receive land and become citizens of the States, go to the United States Indian Agent within six months after the ratification of the treaty of Dancing Rabbit Creek and tell him that they desired to stay here and that they did not want to go to the Indian Territory, that they wanted to take land here and become citizens of the States. If they did that, then the head of ~~xi~~ a family would be entitled to a reservation of one section of 640 acres of land here in Mississippi. If he had a child in his family over ten years of age and unmarried, he could select for that child 320 acres of land. If he had a child in his family under ten years of age, he could select for that child 160 acres of land. He was required by the 14th article to live on that land for five years after the ratification of this treaty, which was on the 24th day of February, 1831. Then he was entitled to a grant in fee simple and would receive a deed or patent to the land, ~~ix~~ that is after he had lived on the land for ~~five~~ years. The final clause of the article is-"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". That means that if at that time he elected to stay here and get land here, as I have described to you, and live on the land for five years, that would not cut him out of what rights he might have in the Choctaw Nation, except when the annual payments were made to the Choctaws by the Government he could not have any portion of the money paid out.

Q Do you think you understand that now? A Yes sir, I understand it

Q Did any of your ancestors, your forefathers, ever comply with the provisions of article 14 of the treaty? A I don't know, sir.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama at the time the treaty was made-your forefathers, old folks? A I don't know, sir; not outside of my daddy.

Q Did your father have an Indian name? A Yes sir.

Q What was his Indian name? A I don't know, sir.

Q Did he ever have a Choctaw name? A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe at the time this treaty was made? A I reckon they were. I don't know, sir.

Q Did any of your ancestors own an improvement in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know that.

Q Did any of your 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 greater portion of the Choctaw Tribe between the years 1833 and 1838? A I don't know, sir.

rolls are made by the Choctaws themselves.) I want to know whether your name or the name of anyone of these children are to be found on any of these rolls? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the Tribe? A No sir.

Q Did you, in the year 1896, make application to the Commission to the Five Civilized Tribes, that is this Commission, for citizenship in the Choctaw Nation for yourself or any of your children? A No sir.

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

Q You now desire to make application for the identification of yourself and 10 minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

I will endeavor to explain it to you. The treaty of Dancing Rabbit Creek—a treaty you know is merely an agreement between nations—in this treaty of Dancing Rabbit Creek the Government of the United States was one party and the Choctaw Nation was the other party. That treaty was entered into between the Government of the United and the

Choctaw Tribe of Indians here in Mississippi on the 27th day of September, 1830. At that time the Choctaws lived in Mississippi and over on the western edge of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to move out to the new country and preferred to remain here; for the benefit of those desiring to remain here in Mississippi the 14th article was inserted in the treaty. That 14th article 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."

Sallie Rush et al---2

Q Does your father speak or understand the Choctaw language? A Yes sir, he talks Indian language.

Q Where did your father's father live? A I don't know.

Q You know nothing whatever about him? A No sir.

Q Were he and your father's mother married? A I don't know, sir; I reckon so.

Q Your father's mother was a slave, wasn't she? A No sir. They wasn't slaves, they was Indians.

Q Was your father's father an Indian? A I don't know, sir. I know his daddy was an Indian.

Q You don't know anything about his mother then? A No sir.

Q Did your father ever go out to the Choctaw Nation in Indian Territory? A I don't know, sir.

Q Have you ever been out there? A No, sir.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q What is his name? A George Rush.

Q Are you living with him? A Yes sir.

Q Has he any Choctaw blood? A No sir.

Q You make no claim for him then? A No sir.

Q Have you any children? A Yes sir.

Q How many children have you under 21 years of age and unmarried? A Ten.

Q What are their names and ages? A The oldest one is Thomas.

Q How old is he? A Nineteen.

Q Next? A Mary.

Q How old is she? A Sixteen.

Q Next one? A Allen Bruce.

Q How old is he? A Thirteen.

Q Next one? A Saleka.

Q How old is Saleka? A Thirteen.

Q Are Allen and Saleka twins? A Yes sir.

Q Next one? A Dave.

Q How old is he? A Twelve.

Q Next one? A Armetta.

Q How old is Armetta? A Eight.

Q Next one? A Threadie.

Q How old is Threadie? A Six.

Q Next one? A Nellie.

Q How old is she? A Five.

Q Next? A Lucy.

Q How old? A Two.

Q Next one? A Willie.

Q How old is Willie? A Thirteen months.

Q Saleka is a girl? A Yes sir.

Q ~~xxxx~~ Armetta is a girl? A Yes sir.

Q Is Threadie a girl? A No sir, boy.

Q Is Willie a girl? A No sir, boy.

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

Q Are they all living with you at this time? A Yes sir.

Q What is the name of their father? A George Rush.

Q Is he the father of all of them? A Yes sir.

Q This application then is for yourself and ten minor children? A Yes sir.

Q Is your name or the name of any one of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? (The Choctaw tribal rolls are lists of names of people that belong to the Choctaw Tribe of Indians in Indian Territory. These tribal

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, August 1st, 1901.

In the matter of the application of Sallie Rush for the identification of herself and ten minor children as Mississippi Choctaws.

Said Sallie Rush, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Sallie Rush.  
Q What is your age? A About forty-four.  
Q What is your postoffice address? A Moscow, Mississippi.  
Q What County? A Kemper.  
Q How long have you lived in Mississippi? A I was born in Mississippi.  
Q Have you lived here all your life? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Dave X Neely.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Saleka Hampton.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q How much do you claim to have? A My daddy is a half.  
Q Your mother has no Indian blood? A No sir.  
Q What do you think you have? A Well, he is a half, that makes me a fourth.  
Q Do you mean that you claim to have one fourth Choctaw blood?  
A Yes sir.  
Q Were you a slave? A Yes sir.  
Q Was your father a slave? A Yes sir.  
Q And your mother was a slave? A Yes sir.  
Q How old a man is your father? A I don't know, sir.  
Q About how old is he? A I can't tell you, he is an old man.  
Q About what age do you think? A I am satisfied he is eighty.  
Q Has he always lived in the State of Mississippi? A Yes sir, I think he has. I have been here all my life.  
Q Were your father and mother married? A Yes sir.  
Q How many children did they have? A Just two.  
Q Are they living together now? A No sir.  
Q How long since they have lived together? A They parted at the time of the war. She was married again.  
Q You are sure they were married? A Yes sir, they was married; they was married by books in them days.  
Q You mean they were married according to the custom among slaves?  
A Yes sir.  
Q Do you know how long they lived together? A No sir, I don't know; they had two children.  
Q Through which one of ~~your parents~~ his parents did your father derive his Choctaw blood? A His daddy.  
Q What was his father's name? A I don't know. His daddy was a whole Indian.  
Q Do you know the name of your father's mother? A No sir, I don't know, but I could find out.  
Q Do you know anyone that does know the name of your father's father? A Yes sir, I can go back and see my ma and see him.  
Q You claim he was a full blood Choctaw Indian? A Yes sir.  
Q Did you ever see your father's father? A No sir.

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

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In the matter of the application of Sallie Rush, et al.,  
for identification as Mississippi Chestaws, M. C. R. 3172

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List of papers forwarded to the Secretary of the Interior,  
embracing the record in the case of  
Sallie Rush, et al.,

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	Page.
Original application of Sallie Rush, et al., before the Dawes Commission for identification as Mississippi Chestaws, . . . . .	1
Decision of the Commission refusing the appli- cation of Sallie Rush, et al., for identifica- tion as Mississippi Chestaws, . . . . .	2

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Choctaw MCR 3172

Sallie Rush

MCR 3172

Keene &

4317



#1258

No. 311

For Identification as a Mississippi Choctaw.

AUG 1 1901

Name *Henry Jones*

Age *21* Blood *full*

Post Office, *Gholson, Miss*

Father: *Joe Jones* L

Mother: *Luey Jones* L

Claims through *both parents.*

*(Claims for self alone)*

Children:

Stenographer

*J. Soliles.*

M. C. R. 3171

COPY

Muskogee, Indian Territory, May 4, 1903.

Henry Jones,

Oshtson, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 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 October 17, 1903, you will have six months from that date, or until April 17, 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. 3171

M.C.R. 3171

Muskogee, Indian Territory, May 4, 1903.

Henry Jones,

Gholson, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 17, 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 November 4, 1903, you will have six months from that date, or until May 4, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Chairman.

Registered.

.no. 3171

H.C.R. 3171.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Manfield, Murray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Henry Jones 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 Henry Jones 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: *Tame Birby*.

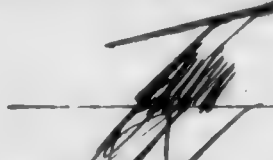
Chairman.


Registered.  
enc.: 3171.

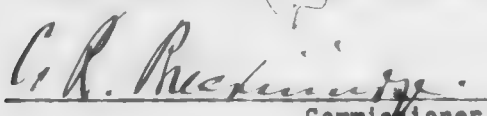
Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, 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 Jones should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

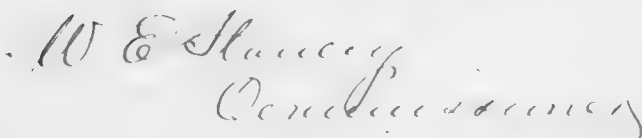
  
\_\_\_\_\_  
Acting Chairman.

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

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

Muskogee, Indian Territory.

APR 17 1903

  
Commissioner

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

*200*

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In the Matter of the Application of Henry Jones for  
Identification as a Mississippi Choctaw.

M. C. R. 3171.

- - 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 August 1, 1901, by Henry Jones, 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

Henry Jones---5

- Q You have no cousins living then, at all? A No.  
Q Are any of your father's brothers living? A No, I don't think so.  
Q Any of your father's sisters living? A Well, there is one living.  
Q What is her name? A Nancy Carter.  
Q What is her husband's name? A I don't know.  
Q Are any of your mother's brothers living? A No sir, I don't think so.  
Q Any of your mother's sisters living? A No sir.  
Q Are any of the children of your mother's brothers living? A I don't think they are. They moved to Texas long time.  
Q What are their names? A I don't recollect.  
Q Are any of the children of your mother's sisters living? A No sir.  
Q Are any of the children of your father's bothers living? A No.  
Q Are any of the children of your father's sisters living? A No sir..

This applicant has every appearance of being a full blood Indian.

Q Do you speak or understand the Choctaw language? A ~~Yes~~ No, my mother died when I was little boy and since that time I have lived about with the white folks and never learned to talk Choctaw much. My father quit off talking Choctaw and I have been with white folks all my life.


This applicant speaks and understands the English language and but very little Choctaw, stating that he has, since he was a small boy, lived almost continuously with white people and has not had an opportunity to familiarize himself with the Choctaw language.

Reference is made to the application of Joe Jones, made to the Commission at Meridian on April 9, 1901, M.C.R. card No.1739.

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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, August 1st, 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 24th day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

providing for the appointment of a Commission whose duty it was to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty, but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came here to Mississippi and heard some of these Choctaw cases, but in the time allotted to them by the act of Congress under which they were appointed, they were unable to dispose of but a small percent of the total number of cases; accordingly, Congress passed another act, which was approved August 23, 1842, providing for the appointment of another Commission, whose duty it was to come here and ~~xxx~~ finish up the hearing of these Choctaw cases. This second Commission was appointed by the President and the Commissioners came here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions, appointed under the acts of Congress approved March 3, 1837, and August 23, 1842, and attempt to establish their rights under article 14 of the treaty? A I don't know.

Q Have you any witnesses before the Commission that you want to introduce in support of your application? Any witnesses here today to testify in your case? A No, none here.

Q Do you know of anyone living who would be able to support your testimony as to your ancestry and as to the amount of Choctaw blood you have? A Yes sir, I reckon so.

Q Who? A Well, someone in Kemper. Mr. Scott know all about it. They live near us.

Q Is there anyone living who would likely know as to whether any of your ancestors ~~xxx~~ ever complied with the provisions of article 14 or ever received any benefits thereunder? A I don't know of anyone.

Q Don't you think your father would know about that? A It might be; I don't know.

Q Have you any written evidence of any kind that you want to offer at this time-any papers of any kind? A No sir.

Q Do you want permission to file such papers later? A I don't know.

If you see fit to offer any papers in support of your application, within a reasonable time, the Commission will accept them and if you care to introduce any witnesses in your case you may bring or send them before the Commission and we will hear their testimony.

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

Q Have you any brothers living? A No-I had two brothers-both dead.

Q Have you any sisters living? A Yes-one.

Q What is her name? A Mary Jones.

Q How old is Mary? A I don't know.

Q About how old is she? A About twenty-nine.

Q Is she married? A She was married once, but her husband died.

Q What was her husband's name? A Manuel Scott.

Q Did you ever have any other sisters? A Well, I did have two beside that but both died.

Q Did they die before they were grown? A One died.

Q The one that died after she was grown, did she have any children?

A No sir.

Q Did any of your brothers that died have any children but that died? A No sir.



Henry Jones---3

treaty was ratified, and let him know that they intended to stay here and become citizens of the States and not go west to the new country, and did they, further, get a reservation of land and live on that land for five years and then get a patent or deed to it from the Government, or did they ever attempt to do that? A I don't know exactly about it.

Q Do you know anything about their having done that, any of them?  
A No.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? That is 71 years ago; were any of them living here then?

A I don't know.

Q Do you think your father was living here then? A I think so.

Q Was your mother? A I think so.

Q Did your mother have a Choctaw name? A I don't know-I don't remember.

Q Has your father a Choctaw name? A Yes.

Q What is his Choctaw name? A Just Joe Jones.

Q You never heard of his having a Choctaw name? A No.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here in 1830 when this treaty was made? A I don't know.

Q Did any of your ancestors own an improvement here at that time?

A I don't know.

Q Did any of your 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 greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A No sir.

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

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14, or under the supplement of that treaty?

A No sir.

Q Are you sure of that? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to register the names of such Choctaws as might desire to remain here in Mississippi and become citizens of the States in accordance with the provisions of article 14. The records of the Government show that that Agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government, in many instances, sold land upon which Choctaws lived and had improvements. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved on the third day of March, 1837,

Henry Jones---2

Q You did not go before the Commission two years ago? A No sir.

Q Did anyone else make application for you two years ago? A No.

Q Do you now desire to make application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

I will try to explain the matter to you. The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made, this treaty or agreement, the Choctaws lived here in Mississippi and in the western part of the State of Alabama. The object of the treaty was to secure the removal of the Choctaws from this country, from the State of Mississippi and Alabama, out west of the Mississippi River to the new country, a part of which is now occupied by the main portion of the Choctaw Tribe. When the treaty was made some of the Choctaws did not want to go to the new country but preferred to stay here, and for the benefit of those who wanted to stay here, article 14 was inserted in the treaty. By an article is meant a little part or paragraph in a treaty. ( Do you understand what I have told you so far about the treaty? A Yes sir). This 14th article 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 his intention within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you think you understand that now? A Yes, I think I do.

Q Did any of your ancestors, your forefathers, ever comply with the provisions of this 14th article or ever receive any benefits under it? A I don't know.

Q Do you understand the question? A No, I don't think I understand it.

Q Did any of your ancestors, any of your old folks, your forefathers, ever go before the Indian Agent, within six months after the

*M. C. R. 3/17/1*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, August 1st, 1901.

In the matter of the application of Henry Jones for the identification of himself as a Mississippi Choctaw.

Said Henry Jones, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Henry Jones.
- Q What is your age? A Twenty-one.
- Q What is your postoffice address? A Gholson, Noxubee County, Mississippi.
- Q How long have you lived in the State of Mississippi? A Born in this State and lived here all my life.
- Q Is your father living? A Yes sir.
- ✓ Q What is his name? A Old man Joe Jones.
- ✓ Q Is your mother living? A No sir.
- ✓ Q What was her name? A Lucy Jones.
- ✓ Q How much Choctaw blood do you claim to have? A I claim full blood.
- ✓ Q Both of your parents were full blood Choctaws? A Yes.
- Q How old a man is your father? A I don't know exactly, he is over sixty summers.
- Q Has he been before the Commission? A I don't know.
- Q Has your father always lived in Mississippi? A Yes.
- Q Did your mother always live in Mississippi? A Yes.
- Q Do you know the name of your father's father? A No.
- Q Do you know the name of your father's mother? A No sir.
- Q Do you know the name of your mother's father? A No.
- Q Do you know the name of your mother's mother? A No.
- Q You don't know the names of any of your ancestors then further back than your mother and father? A No, I don't remember nothing about that.
- Q Has your father ever been out to Indian Territory? A Well, he says he was out there. I heard him talk about it.
- Q Do you know when he went? A No sir.
- Q Do you know how long he stayed there? A No, I don't know how long he stayed.
- Q Do you know whether he was ever recognized in any manner or enrolled as a member of the Tribe out there? A No sir.
- Q Are you married? A No.
- Q This application then is solely in your own behalf, is 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 Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of the Tribe? A No sir.
- Q Did you make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Have you ever made any application of any description before today? A No sir, I never did.

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

In the Matter of the Application of Henry Jones for  
Identification as a Mississippi Choctaw.

M. C. R. 3171.

- - I N D E X . - -

Original application of Henry Jones for identification as a Mississippi Choctaw. ....	1
Decision of the Commission identifying said applicant.....	6

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

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In the Matter of the Application of Henry Jones for  
Identification as a Mississippi Choctaw.

M. C. R. 3171.

Choctaw MCR 3171

Henry James

MCR 3171

R. 3170

Benjamin C. Patrick et al

REFUSED

DECISION RENDERED. OCT 11 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

OCT 18 1902

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

OCT 19 1902

RECORDS FORWARDED DEPARTMENT.

NOV 1 1902

ACTION RENDERED 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

#1257

No. 3170

# For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Benjamin C Patrick

Age 29 Blood 1/8

Post Office M Laurin, Miss.

Father: Bill Patrick L

Mother: Polly " L

Claims through mother  
wife Joanna Patrick L  
(no claim for wife)

Children:

Lee	Patrick	10
Lloyd	"	9
Lazarus	"	7
Love	" (M)	4
Jetty	" (F)	19mo

(Claims for self and 5 minor children)

Stenographer

J. S. Miles



M.C.R. 3170

Muskogee, Indian Territory, February 26, 1903.

Benjamin C. Patrick,

McLaurin, Mississippi.

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 the application for identification as Mississippi Choctaws of the several persons included in the case of Benjamin C. Patrick, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

Chairman.

COPY

Muskogee, Indian Territory, February 26, 1903.

Mansfield, McMurray & Gernish,  
Attorneys 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 Mississippi Choctaws of the several persons included in the case of Benjamin C. Patrick, et al., of which decision you were advised by mail on the 16th day of October, 1902.

Respectfully,

✓  
*Tame Dixby.*  
Chairman.

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

Respectfully,

(Signed) Thos Ryan

Acting Secretary

1 inclosure

C O P Y

D.C. 4803

DEPARTMENT OF THE INTERIOR

RAY

Washington

ITD. 1178-1903

February 16, 1903

L.R.S.

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 Benjamin C. Patrick and his minor children, Lee, Lloyd, Lazarus, Love and Jetty Patrick, including your decision of October 18, 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 one Shirley Gatlin who is 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 said Shirley Gatlin 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 January 30, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is included.

the fact that the name of Shirley Gatlin or Polly Patrick (nee Gatlin) does not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, neither does it appear that he applied to the Commissions appointed under Acts of March 3, 1837 (5 Stats. 180) and August 23, 1842 ( 5 Stats. 513) for an adjudication of his rights as a Choctaw Indian, if he had such rights.

It is evident from these facts that the applicants are not entitled to identification as Mississippi Choctaws or to the right to participate in the distribution of land under the treaty of 1830.

It is therefore respectfully recommended that the decision of the Commission rejecting the parties hereto, be approved.

Very respectfully

W.A.JONES

Commissioner

C. T. C

L.

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C O P Y

DEPARTMENT OF THE INTERIOR

Land

OFFICE OF INDIAN AFFAIRS

67760-1902

Washington, Jan. 30, 1903

The Honorable

The Secretary of the Interior

Sir:

There is transmitted, herewith, for your consideration, application of Benjamin C. Patrick, for himself and for his five minor children, Lee, Lloyd, Lazarus, Love and Jetty Patrick, 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 claims to identification on their descent from Shirley Gatlin, who it is alleged was a member of the Choctaw tribe of Indians in Mississippi in 1830, through Polly Patrick (nee Gatlin) his daughter.

The Commission rejected the applicants October 18, 1902, because it did not appear from its records that the ancestor claimed under by the applicants, complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and further "that none of the applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to citizenship."

An examination of the records of this office discloses

Miss. Choctaw R3170

Muskogee, Indian Territory, November 4, 1902.

Benjamin S. Patrick,  
McLaurin, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, relative to the insufficiency of the proof submitted in the matter of your application for the identification of yourself and your minor children as Mississippi Choctaws, in which you state that you can secure the evidence of certain people named therein in support of your application.

In reply to your letter you are advised that on November 1, 1902, the fifteen days granted you within which to introduce arguments for the consideration of the Secretary of the Interior, expired, and on November 3, 1902, the record in the case was forwarded to the Secretary of the Interior for review. You will be notified in due time of the action of the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY.

Muskegee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Benjamin G. Patrick, 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 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. Dwyer*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

1 enclosure, M C R 3170.



M. M. & 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,

Acting Chairman.

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 case of Benjamin C. Patrick, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin C. Patrick, Lee Patrick, Lloyd Patrick, Lazarus Patrick, Leve Patrick and Jetty Patrick, as Choctaw Indians entitled to rights in the Choctaw lands under 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 principal applicant herein has been allowed fifteen days from the date hereof within which

B.C.P.---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,

ISCHL

James M. [unclear]

Acting Chairman.

Register.

COPY

M.C.R. 3170

Muskogee, Indian Territory, October 18, 1902.

Benjamin C. Patrick,  
McLaurin, 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 Benjamin C. Patrick, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin C. Patrick, Lee Patrick, Lloyd Patrick, Lazarus Patrick, Love Patrick and Jetty Patrick, as Choctaw Indians entitled to rights in the Choctaw lands under 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

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)

*Wm. D. Dwyer*

**Acting Chairman.**

(SIGNED)

*E. A. Mott*

**Commissioner.**

(SIGNED)

*C. B. ...*

**Commissioner**

**Muskogee, Indian Territory.**

**OCT 18 1902**

It also 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 Shirley Gatlin, or ancestors less remote, signified (in person or by proxy) to Colonel W. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 213).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benjamin G. Patrick, Lee Patrick, Lloyd Patrick, Lazarus Patrick, Love Patrick and Jettie Patrick, as Choctaw Indians entitled to rights in the Choctaw lands under article fourteen of the

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Cov.

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

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In the matter of the application of Benjamin G. Patrick,  
et al., for identification as Mississippi Choctaws, M C R 3170.

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--: 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 Benjamin G. Patrick, for himself and his five minor children, Lee, Lloyd, Lazarus, Love and Jetty Patrick, under the following provision of the act of Congress approved June 28, 1898 (30 Stat., 425):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Shirley Gatlin, who is alleged to have been an one-half blood Choctaw Indian.

Benjamin C. Patrick et al---6

- Q Has he been before the Commission? A No sir.
- Q What are the names of your sisters? A Lisa Malone, Lottie Kelly, Mary Patrick and Lou M. Patrick.
- Q Are any of your mother's brothers living? A Yes sir, mother has got Hugh Gatlin, John Gatlin and Dave Gatlin. Ben and Allen Gatlin are dead.
- Q Have any of those uncles been before the Commission? A No sir.
- Q Has your mother any sisters living? A Yes sir.
- Q How many sisters has your mother? A Three sisters I recollect.
- Q How many sisters has she living? A One, Lisa Gatlin.
- Q Did any of your mother's sisters who are dead have any children at the time of their death? A Yes sir, I think so.
- Q Do you recollect their names? A I know the names of aunt Betsy Williams' children; Boykin Williams, Martha Williams, Elizabeth Williams and Lawrence Williams.
- Q That is all you remember of them now? A Yes sir.

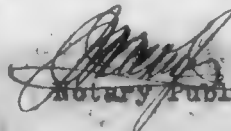
This applicant does not speak or understand the Choctaw language. His complexion would indicate that he might be possessed of a small proportion of Indian blood. His features are those of a white man. His hair is inclined to be dark and straight.

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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, August 1st, 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 26th day of August, 1901, at Meridian, Mississippi.



Notary Public.



Choctaw cases but in the time allowed them by the act of Congress under which they were appointed, they were unable to dispose of but a small percent of these cases and Congress passed another act, which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these cases. This second Commission came down here and heard a great many more of these cases .

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

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

Q Did any of your ancestors ever receive any scrip from the Government under this act of Congress? A Not that I know of.

Q So far as you know, have any of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A Not to my recollection.

Q Have you any witnesses before the Commission today that you want to have introduced in your case? A No sir.

Q Do you know of the existence of any witnesses who would be able to support your testimony as to your ancestry and the amount of Choctaw blood claimed by you? A None but my mother.

Q Has your mother ever been before the Commission? A No sir.

Q Do you know anyone living who would likely know as to whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Not unless my mother.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application. We would like to have you submit such evidence within thirty days if you see fit to do so, and if you see fit to bring your mother or any other witnesses before the Commission, their testimony will be taken in support of your application.

Q Have you any brothers or sisters living, over 21 years of age?

A Yes sir.

Q How many? A Five living and one dead.

Q How many brothers? A One brother.

Q What is his name? Will Patrick.

Q Is he married? A Yes sir.

Q What is his wife's name? A I don't know.

Q Now do you think you understand that clearly? A Yes sir, I understand it.

Q Did any of your ancestors ever take advantage of the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made-that is nearly 71 years ago? A I don't know.

Q Were any of your ancestors recognized members of the Choctaw Tribe here at that time-that is, were any of your old folks who lived here in 1830, when this treaty was made, recognized members of the Choctaw Tribe of Indians? A I don't know.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Not that I know of.

Q Did any of your Choctaw ancestors within six months after the Treaty of Dancing Rabbit Creek was made 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 remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe between the years 1833 and 1838? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A Not that I know of.

Q You never heard, then, that any of your Choctaw ancestors got any land here in Mississippi? A No sir.

Q Did you ever see or hear of any deeds or patents issued by the Government to any of your ancestors, covering land here in Mississippi? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to receive and register the names of Choctaws who desired to remain and become citizens of the States in accordance with the provisions of article 14. The records of the Government show that this Agent failed to report to the Government the names of many Choctaws who did in fact signify to him their intention to remain in Mississippi and become citizens. On this account the Government in many instances sold land, upon which Choctaws lived and had improvements and which they expected they would get under this 14th article of the treaty of Dancing Rabbit Creek. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved March 3, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the applications of Choctaws who claimed they had complied with the provisions of article 14 but had never received any benefits thereunder. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these

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

Q That is the 14th article of the treaty. Do you think you understand that clearly? A No sir.

I will explain it to you now. In the first place, as I have explained to you, this treaty was made for the purpose of removing the Choctaw Indians from Mississippi and Alabama to the new country West of the Mississippi. The 14th article was inserted in the treaty for the benefit of that class of Indians who desired to stay here and become citizens of the States. If an Indian at that time—that was way back in 1830-71 years ago—if he wanted to stay here and not go our west to the new country, in order to get land he must, within six months after the treaty was ratified, the treaty was ratified on February 24, 1831, signify to the Agent for the Government in Mississippi his intention to do so and he would thereupon be entitled to a reservation of one section of land. If he had a child in the family over ten years of age, that child would be entitled to 320 acres of land and if he had a child under ten years of age, that child would be entitled to 160 acres of land, and the reservations must include the present improvement of the head of the family or a portion of it. If they lived on that land for five years from February 24, 1831, they were entitled to a grant in fee simple to the land—in other words, they would get a deed or patent from the Government for their land and they would, of course, have a right to sell it or dispose of it as they should see fit. The last clause in that article is as follows:-

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." That means that those people who might desire to stay here and take advantage of the provisions of this 14th article and get land, did not, by so doing, lose their rights as Choctaw citizens if they ever went west to the new country and joined the tribe there, except that they forfeited their rights in the Choctaw annuity or annual payments made to the Choctaws by the Government.

Benjamin C. Patrick et al---2

- Q Is your wife living? A Yes sir.
- Q What is her name? A Joanna Patrick.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities? A Not as I know of.
- Q Have you any children? A Yes sir, I got five.
- Q What are their names and ages? A Lee Patrick.
- Q How old? A Ten.
- Q Next one? A Lloyd.
- Q How old? A Nine.
- Q Next one? A Lazarus.
- Q How old is he? A About seven.
- Q Next one? A Love.
- Q Boy or girl? A Boy.
- Q How old is he? A About four years old.
- Q Next one? A Jetty.
- Q Girl? A Yes sir.
- Q How old? A About nineteen months.
- Q These children are all living with you at this time? A Yes sir.
- Q This application then is for yourself and five minor children? A Yes sir.
- Q Is your name or the name of anyone of these children on any of the tribal rolls of the Chocta Nation in Indian Territory? A No sir, not that I know of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.
- Q Did you make application to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation under the Act of Congress approved June 10, 1896? A No sir, this is the first application of any kind.
- Q Do you now desire to make application for the identification of your self and five minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I guess so.
- Q Do you understand what that 14th article is? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to the country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe. At the time this treaty was made some of the Indians were unwilling to move out to the new country and insisted on being permitted to remain here, and, for the benefit of those desiring to stay here, the 14th article was inserted in the treaty. That 14th article is as follows:-

\* Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be per-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, August 1st, 1901.

In the matter of the application of Benjamin C. Patrick for the identification of himself and five minor children as Mississippi Choctaws.

Said Benjamin C. Patrick, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Benjamin C. Patrick.  
Q What is your age? A Twenty-nine.  
Q What is your postoffice address? A McLaurin.  
Q What County? A Perry County.  
Q How long have you lived in the State of Mississippi? A I was born and raised in the State of Mississippi.  
Q Is your father living? A Yes sir.  
Q What is his name? A Bill Patrick.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Polly Patrick.  
Q You claim to have Choctaw blood? A Yes sir.  
Q How much Choctaw blood do you claim to have? A One-eighth, I guess. My mother's mother was a half, I believe.  
Q You get your Choctaw blood through your mother? A Yes sir.  
Q Your father has no Choctaw blood? A No sir.  
Q How old is your mother? A About fifty three years old.  
Q Through which one of her parents does she derive her Choctaw blood? A Her mother's side.  
Q What was her mother's name? A Shirley Gatlin, if I am not mistaken.  
Q And she, you claim, was a half blood Choctaw? A Yes sir.  
Q Did you ever see her? A Yes sir, I was small though.  
Q Did she speak or understand the Choctaw language? A Yes sir, ma can talk lots of it. Ma can make the same talk they do.  
Q Could your grandmother speak and understand the Choctaw language? A Yes sir.  
Q How old would your grandmother be if she were living now-your mother's mother? A Ma's about fifty three and grandma was a pretty old woman.  
Q When did she die? A I don't recollect what day.  
Q Was she a pretty old woman at the date of her death? A Yes sir.  
Q And you were pretty small then? A Yes sir.  
Q Has your mother always lived in Perry County, Mississippi? A No sir, she lived in Wayne County.  
Q How long has your mother lived in Mississippi? A I don't know, sir. Ever since I can recollect.  
Q You don't know where she might have lived before that? A No sir.  
Q Do you know where her mother lived? A No sir.  
Q Through which one of her parents did your mother's mother get her Indian blood? A On her mother's side, I think.  
Q Do you know what the name of her mother was? A No sir.  
Q Never did hear that? A Yes sir, I heard it, but don't recollect it.  
Q Have any of your Choctaw ancestors ever lived out in Indian Territory? A No sir.  
Q Are you married? A Yes sir.

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

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In the matter of the application of Benjamin C. Patrick,  
et al., for identification as Mississippi Choctaws, M. C. R. 3170

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List of papers forwarded to the Secretary of the Interior,  
embracing the record in the case of  
Benjamin C. Patrick, et al.

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	Page.
Original application of Benjamin C. Patrick, et al., before the Dawes Commission, for identification as Mississippi Choctaws,.....	1
Decision of the Commission refusing the applications of Benjamin C. Patrick, et al., for identification as Mississippi Choctaws,.....	2

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Benjamin C. Partick, et al., M. C. R. 3170

1 application, embracing  
6 persons.

L e a v i t t,  
Law Clerk.

B l a i r,  
Stenographer.

Choctaw MCR 3170

Benjamin C. Patrick

MCR 3170



REFUSED

R. 3169

William J. Brushhear et al

DECISION RENDERED. JAN 19 1903

NOTICE OF DECISION MADE BY APPLICANT

JAN 19 1903

NOTICE OF DECISION MADE BY ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

JAN 19 1903

RECORD FORWARDED DEPARTMENT.

FEB - 4 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR - 7 1903

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

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 17 1903

DECISION PREPARED

REFER TO M. G. R. 3169

No. 3169

For Identification as a Mississippi Choctaw.

Date AUG -3 1901

Name William J. Brushear

Age 26 Blood 1/16

Post Office, Davis D.T.

Father: Robert Brushear

Mother: Salina E. Brushear (dead)

Claims through father

wife; Catharine Brushear  
(no claim for her)

Children:

William J. Brushear 5

Early " M 3

Salina D " 2

Claims for self and three  
minor children

Stenographer

G. Rosenwinkel

MBR 3169

Name of Child

Evidence Salina B.

Slip Salina D.

W.C.R. 3169.

1077

Muskogee, Indian Territory, April 17, 1903.

William J. Brashear,

Davis, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th 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 Robert Brashear, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

*James Bixby.*  
Chairman.

W.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,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 19, 1903.

William J. Brashear,  
Davis, 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 Robert Brashear, et al., embracing the following applications for identification as Mississippi

Choctaws:

Robert Brashear,	M.C.R. 3168
William J. Brashear, et al.,	M.C.R. 3169

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 Brashear, William J. Brashear, William D. Brashear, Early Brashear and Salina B. Brashear 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."

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 foregoing cause on August 3, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. S. Sherry*  
Notary Public.

WALTER D. WHEELER GO. HOFF

- Q What kind of evidence do you think you will be able to secure?  
I think I can get evidence to show that we are Choctaw Indians.
- Q Well what kind do you think you can get, do you expect to get affidavits or depositions, or do you expect to bring your witnesses here in person? A I don't know which I will do yet.
- Q You understand that the testimony of witnesses in person before the Commission carries more weight than depositions or affidavits? A Yes I guess it would.
- Q You understand also do you, that when you make application for valuable property rights, that even the sworn statement of an interest party will carry very little weight unless supported by outside evidence? A Yes I know that.

If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so, and the same will be made a part of the record in your case.

- Q How much Choctaw blood did your great grandfather Robert Brashear claim to have? A Three-fourths I think.
- Q Did he have an Indian name? A I don't know.
- Q Have you any papers that you want to file at this time? A No I have none with me.

This applicant has dark hair, eyes and complexion but his features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He is not familiar with his ancestors from family history.

applicant excused.

Robert Brashear called as a witness, being first duly sworn testified as follows in behalf of the applicant.

- Q What is your name? A Robert Brashear.
- Q What is your age? A Fifty four.
- Q What is your post office address? A Davis, Indian Territory.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with William J. Brashear who has just applied for identification as a Mississippi Choctaw? A Yes.
- Q What relation is he to you if any? A He is my son.
- Q How were you married to your wife Salina Brashear? A Why a magistrate married us.
- Q Did you get a certificate from him? A No we just married in the old style.
- Q Can you get a certified copy of your marriage license? A I suppose I could, I would have to write back, I could get a certificate of the license I guess.
- Q Does your son get his Choctaw blood from his mother? A No.
- Q He gets it through you alone? A Yes through the Brashear family
- Q And his Choctaw blood comes from the same common ancestor that your does? A Yes.



- Q Well how does it happen that your name is Brashear? A B-r-a-s-h-e-a-r, Brashear it did not speal B-r-a-s-h-e-a-r-s.
- Q Now what is the name of your ancest or who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? Why I suppose my grandfather whose name was Brashears.
- Q Well now was his name Brashear or Brashears? A I guess Brashear.
- Q Was that your father's father? A No my father's grandfather.
- Q What relation was he to you? A My great grandfather I suppose.
- Q What was your father's father's name? A Jesse.
- Q And what was your father's mother's name? A Margaret.
- Q Through which one of your father's parents did he claim his Choctaw blood? A Through my father.
- Q Through which one of your father's parents did he claim his Choctaw blood? A From the Brashears? From his father? Yes.
- Q What was your grandfather's father's name? A Robert.
- Q What was your grandfather's mother's name? A I could not say.
- Q Through which one of your grandfather's parents did he get his Choctaw blood? A I don't know.
- Q You don't know whether it was his father Robert Brashears or his mother whose name you don't know? A Yes I guess he did I don't know for sure.
- Q How did you learn that you were of Choctaw blood? A Well from what I heard my father say.
- Q How long have you known that? A I have heard it ever since I can remember anything.
- Q How does it happen that if you always knew you were a Choctaw Indian you have never applied to be admitted to the Choctaw Nation? A Well they said it was too late.
- Q How long do you claim you have been in the Choctaw Nation? A About twelve years.
- Q When you came here from Tennessee why did you not make application? A I was too young.
- Q Why didn't you have you father make application? A He just neglected it.
- Q Did Robert Brashear live in the old Choctaw Nation in eighteen hundred and thirty? A I think he did.
- Q Have you any evidence on that? A I think I can get it.
- Q Was Robert Brashear a recognized member of the Choctaw Tribe at that time? A I don't know.
- Q Will you be able to get evidence to show whether he was or not? A Yes I guess I can.
- Q Did Robert Brashear go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay in Mississippi and become a citizen of the United States? A I don't know.
- Q You never heard? A No.
- Q You think you will be able to get evidence on that point? A I reckon I will.
- Q Do you understand that it is a matter of considerable importance to your claim to have evidence to show whether Robert Brashear or Jesse Brashear lived in the Choctaw Nation in eighteen hundred and thirty and whether they were recognized Indians and whether they went to the Indian Agent there in Mississippi within six months after the treaty was ratified in eighteen hundred and thirty and told him that they wanted to stay in Mississippi? A Yes I guess it would.
- Q Did Robert Brashear or Jesse Brashear come west with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eight to the present Choctaw Nation? I don't know if they did.

better to move them all to a Country west of the Mississippi River and give them land there in exchange for their land in the State of Mississippi, and the United States was therefore trying to make a treaty with them to do this but some of the Indians did not want to come West and the others would not sign and treaty until some provision was made for those who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. After this article was made a part of the treaty the Indians signed it a lright and it was ratified by the United States and the Choctaw Indians. 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."

Within six months after this 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 become citizens of the United States but when a locating Agent was sent down by the government to locate the land for these Indians it was found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi whose names were not found on the list made by the Indian Agent, so under different acts of Congress Commissioners were appointed to go down there and investigate and find out just who was entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred cases, some were 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 by the Indians 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 Did any of your ancestors own any land in any of these States?  
A I don't know whether they did or not.
- Q You never have heard? A No.
- Q You know what is meant by the word ancestor? A That is my parents I suppose.
- Q Yes your parents, or your parents parents or their parents? A Yes.
- Q What is the name of your ancestor who lived in Mississippi in eighteen hundred and thirty who was a recognized Choctaw Indian when this treaty was made? A Robert Brashears.

#2

- Q When and where were you married to her? A Davis.  
Q When? A November 5th, seven years ago, this fall.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by a minister or an official? A Bryan ordained minister.  
Q Have you your marriage license and certificate and desire to offer same in evidence? A I have them but not with me.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Catherine in support of the application you make for your minor children.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No.  
Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.  
Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.  
Q Have you or your children 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 made application to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as members of the Choctaw Nation? A No.  
Q This is the first application of any kind you have ever made? A Yes.  
Q What kind of application do you want to make now? A I hardly know just,--under the treaty of 1830 or 1836--1866 I meant.  
Q What do you claim under the treaty of eighteen hundred and thirty? I don't understand how this treaty is.  
Q Do you claim to be a Mississippi Choctaw? A Yes.  
Q Do you know what a Mississippi Choctaw is? A No I don't reckon I do.  
Q Well what makes you think that you are one then? A Well because I know they are Indians that is about all.

The law under which the Commission is acting at this time in hearing these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress approved June 28, 1898, commonly called the Curtis act, and is as follows:

\*Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty 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.

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 State of Mississippi was being rapidly filled up with white settlers and it was hard to protect the Choctaws in their tribal government so the United States thought it would be

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 3, 1901.

3169

In the matter of the application of William J. Brashear for identification of himself and his three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

William J. Brashear being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A William J. Brashear, B-r-a-s-h-e-a-r.  
Q How old are you? A Twenty-six.  
Q What is your post-office address? A Davis, Indian Territory.  
Q How long have you lived there? A About twelve years.  
Q Where did you live before you lived there? A In Tennessee.  
Q How long did you live in Tennessee? A I was born there.  
Q And lived there all the time until you came to the Territory?  
A Yes.  
Q What is your father's name? A Robert Brashear.  
Q Is he living? A Yes.  
Q What is your mother's name? A Salina E. Brashear.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one-sixteenth I think.  
Q Has your father 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 Have you any evidence of your father's and mother's marriage? A Yes I have but not with me.

It will be necessary for the Commission to be supplied with evidence of the marriage between your father and mother in support of the application you make.

- Q Are you married? A Yes.  
Q What is your wife's name? A Catherine, C-a-t-h-e-r-i-n-e  
Q Is she living? A Yes.  
Q Do you make application for her? A No.  
Q Have you any children for whom you wish to make application at this time? A Yes.  
Q How many? A Three.  
Q Give the names and ages of these children? A William D., five years old.  
Q Next? A Early, E-a-r-l-y, three years old.  
Q Is that a boy or girl? A That is a boy.  
Q Next? A Salina B.,  
Q How old? A Two years old? A Is that a girl? A Yes.  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Catherine.

Choctaw MCR 3169

William J. Breashear

MCR 3169

ET. ...

R. 3168

DECISION NUMBERED. JAN 10 1903

Robert Proshar.  
REFUSED

NOTICE OF DECISION MAILED APPLICANT

JAN 13 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHICKASAW AND CHICKSAW NATIONS

JAN 17 1903

RECEIVED FORWARD DEPARTMENT.

FEB - 4 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

APR - 7 1903

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

APR 17 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

APR 17 1903

REFER TO M. C. R. ...

DECISION PREPARED

No. 3108

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Robert Brashear

Age 54 Blood 1/8

Post Office, Davis, L. T.

Father: Jesse Brashear (dead)

Mother: Marget Brashear (dead)

Claims through father

wife: Dalina Brashear (dead)

Children:

Claims for himself alone

Stenographer

G. Rosenwinkal

Robert Brashear (3/4<sup>2</sup>)

Jesse Brashear  
dead

wife

Margaret Brashear  
dead

mer  
3168

Robert Brashear 54 1/2  
wife

Salina Brashear  
(or Salina E.)

mer  
3169

William J. Brashear 26 1/16  
wife

Catherine Brashear

mer  
3169

William D. Brashear 5  
Early " 3

Salina B. " 2



Consolidated Case  
of  
Robert Brashear  
3168

Card No.

NAME

RESIDENCE  
COUNTY

POST OFFICE

Age Sex

M.C.N. 3168

60P7.

Muskogee, Indian Territory, April 17, 1903.

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

Gentlemen:

You are hereby notified that on the 7th 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 Robert Brashear, et al., of which decision you were advised by mail on the 19th day of January, 1903.

Respectfully,

*L. C. Hobbs*  
Chairman.

M. C. R. 3168.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Robert Brashear,

Davis, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th 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 Robert Brashear, et al., of which decision you were advised by registered mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

Reporting in the matter March 14, 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,

THOS. RYAN,

Acting Secretary.

1 inclosure.

D.C. 10080-1903.

(Copy)

DEPARTMENT OF THE INTERIOR. THE  
I.T.D. 2964-1903. WASHINGTON. April 7, 1903.

L R S

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

Gentlemen:

February 4, 1903, you transmitted the record in the consolidated case embracing the application for identification as Mississippi Choctaws of Robert Brashear (M.C.R. 3168), for himself, and of William J. Brashear for himself and his three minor children, William D., Early, and Salina B. Brashear, including your decision of January 19, 1903, denying said application.

These applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Robert Brashear (or Brashears), who is alleged to have been a three-quarters blood Choctaw Indian.

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.

his name does not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being true, it is recommended that the decision of the commission rejecting the applicants be approved.

Very respectfully,

A. C. T O N N E R,

Acting Commissioner.

( E . B . H . )

P.

(Copy)

Refer in reply to  
the following:

C O P Y.

L a n d.  
9349-1903.

D E P A R T M E N T O F T H E I N T E R I O R,  
O F F I C E O F I N D I A N A F F A I R S,

W A S H I N G T O N,    M a r c h 1 6, 1 9 0 3.

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 Robert Brashear for himself and William J. Brashear for himself and his three minor children, William D., Early and Salina B. Brashear, for identification as Mississippi Choctaws.

The evidence in this case shows that the applicants claim the right to identification as Mississippi Choctaws by reason of their descent from Robert Brashear, who, it is claimed, was a Choctaw Indian and a member of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

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, that Robert Brashear, the alleged ancestor of the applicants, ever complied or attempted to comply with the provisions of the Choctaw treaty of 1830.

An examination has been made of the office records with reference to the name of Robert Brashear, and it is found that

M C R 3168

COPY,

Muskogee, Indian Territory, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Robert Brashear, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 19, 1903.

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

Robert Brashear,	M. C. R. 3168
William J. Brashear, et al.,	M. C. R. 3169

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 3168

Resigned  
*Tame Bixby.*  
Acting Chairman.



Muskogee, Indian Territory, January 19, 1903.

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

Gentlemen:

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 Robert Brashear, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert Brashear,	M.C.R. 3168
William J. Brashear, et al.,	M.C.R. 3169

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 Robert Brashear, William J. Brashear, William D. Brashear, Early Brashear and Salina B. Brashear 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,

Commissioner in Charge.

F. B.-2

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.

COPY

M. C. R. 3168

Muskogee, Indian Territory, January 19, 1903.

Robert Brashear,  
Davis, 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 Robert Brashear, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert Brashear,	M.C.R. 3168
William J. Brashear, et al.,	M.C.R. 3169

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 Brashear, William J. Brashear, William D. Brashear, Early Brashear, and Salina B. Brashear as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article

-2-

Brashear, and Salina B. Brashear 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)

*T. M. Dancy*

Acting Chairman.

(SIGNED)

*I. D. ...*

Commissioner.

(SIGNED)

*C. R. ...*

Commissioner.

Muskogee, Indian Territory.

JAN 19 1885

twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Robert Brashear (or Brashears), who is alleged to have been a three-quarters 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 Robert Brashear (or Brashears), 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 Robert Brashear, William J. Brashear, William D. Brashear, Early

COPY.

L. & D.  
C. V. W.

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

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

Robert Brashear,                   M C R 2168  
William J. Brashear, et al.   M C R 3169

-----

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Robert Brashear for himself, and by William J. Brashear for himself and his three minor children, William D., Early, and Salina B. Brashear, under the following provision of the act of Congress approved June 20, 1838, (50 Stat., 275):

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

Robert Brashears being recalled testified as follows:

- Q How long you say you have lived in the Indian Territory? A Twelve years.
- Q How does it come that you have never made application before this time? A Just neglected, that is all I can tell you. It was rather late before I found out we had a right here.
- Q How long have you known that you had Chectaw blood? A Nearly all my life but I did not know what tribe until these proved up.
- Q Who proved up? A Whitt Hiden, he proved up through the Brashear family.
- Q When did he prove up his rights? A Well its been about five, six, or seven years ago. Way back when they were proving up right.
- Q Do you mean that he applied to the Dawes Commission in 1896? Yes about that time.
- Q Did he come here before that time and apply to the Chectaw Tribal Council? A I don't know how he did it.
- Q What relation is this Hiden to you? A I don't exactly know.
- Q Why did you come to the Territory in the first place? A Just because it was a good Country, I came out and seen it was a good Country and better then where I was and rented some land from the Indians.
- Q Is there anything else you want to say? A My understanding is that this Chectaw, the governor notified Whitt Hiden that he was a Chectaw Indian.
- Q You say you don't know what relation this Whitt Hiden is to you? A No I don't know only that he proved up through the Brashear family. It has been so long that I don't remember. I think he is related to me but I did get the evidence. I reckon that is about all I know and more too.

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 3, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. Shelby*  
Notary Public

- they were Choctaw Indians and whether either one of them went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know that they did.
- Q Well do you understand that it is important? A Well I suppose that we will get evidence to establish that fact, I suppose we will get evidence that is required.
- Q What evidence do you think is required? A Well I don't know about that, I could get what proof I can.
- Q Don't you understand from the questions that I have asked you this morning that it is important that you get evidence to show where your grandfather and father were living in eighteen hundred and thirty and whether they were Choctaw Indians or not and whether they went to the Indian Agent there within six months from the time that treaty was ratified and told him that they wanted to stay in Mississippi? A You see I don't know anything about that part. Of course I suppose it should be necessary that I have that.
- Q Do you understand that you are making application for valuable property rights? A Yes I suppose I was making application for the benefit of what is right.
- Q Well do you understand that you are making application for valuable property rights? A Yes I supposed it was.
- Q Well do you understand then, that when people make application for valuable property right they should have some evidence besides their own sworn statement? A Well Yes I suppose they have.
- Q Do you understand that the sworn statement of an interested party where valuable property rights are involved carries very little weight unless supported by outside evidence? A Yes.
- Q Do you expect to secure evidence on the points about which you have been questioned? A Yes.
- Q Do you know what kind of evidence you expect to secure? A No I don't know of all them right now I have got to have a little time to get up this evidence.
- Q Do you expect to get any witnesses and bring them before the Commission? A If it is necessary I will bring them here.
- Q Do you understand that oral testimony of witnesses carries more weight than their depositions or affidavits? Yes I understand that.
- Q Have you any papers that you want to file now? A No.
- Q Can you speak Choctaw? A No.

This applicant has light hair and mustache and blue eyes and florid complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He does not know whether they ancestor through whom he claims lived in Mississippi in eighteen hundred and thirty and is very unfamiliar with his ancestors from family history and it has been very difficult to secure intelligent answers to the questions asked this applicant.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.



been sold it was given to them, if the land had been sold the government issued scrip with which they could buy land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestor own land in any of these States? A No.
- Q You don't know that any of them ever owned any land? A No.
- Q Do you know what is meant by the word ancestor? A Yes before me, my fathers and forefathers.
- 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? A Well my grandfather.
- Q What was his name? A Robert Brashear.
- Q Was he living in Mississippi in eighteen hundred and thirty? A I don't exactly know if he was then or not.
- Q How long has your father been dead? A I don't just exactly know. He died about the time of the Mexican War.
- Q Your father then has been dead something like sixty or sixty five years? A Know he has not been dead that long.
- Q Do you remember you father? A No I don't. He died when I was too small to remember him.
- Q He has probably been dead about fifty years then? A Yes I guess it has been that much.
- Q About how old was he when he died? A I don't know.
- Q Was he an old man when he died? A No I don't think he was very old.
- Q Was your father living in eighteen hundred and thirty? Well I don't know, he may have been born in eighteen hundred and thirty
- Q Where was your father born? A In Tennessee.
- Q Your grandfather then lived in Tennessee when your father was born? A Yes I believe he was. I don't know where he was living.
- Q You don't know where your father was born then? A I don't know exactly. He was married in Tennessee.
- Q Did Robert Brashear come west with the other Choctaw Indians between the years eighteen hundred and thirty three and eighteen hundred and thirty eight to the present Choctaw Nation? A Not that I know of.
- Q Did he go to the Indian Agent in Mississippi within six months after the treaty was ratified and tell him that he wanted to become a citizen of the United States? A Not that I know of.
- Q You never heard that he did? A No.
- Q You think you will be able to secure any evidence to show where your grandfather and father were living in eighteen hundred and thirty? A I think so.
- Q And whether they were recognized Choctaw Indians? A Yes.
- Q And whether they, either one of them, went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to become citizens of the United States? A I don't know whether I can show anything about them going there or not.
- Q You understand that it is a matter of importance that you secure evidence to show that your father or grandfather went to the Indian Agent there in Mississippi and told him that they wanted to become citizens of the United States? A No I did not understand that it was.
- Q Well don't you understand from my question now that it is important? A Well if I can prove it I can, if I can't I can't. I only want to prove my right as a Choctaw.
- Q Well don't you understand that in making this application for identification as a Mississippi Choctaw it is important that you have evidence to show whether your father or grandfather were living in Mississippi in eighteen hundred and thirty and whether

Under this law the Commission has the right to determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the State of Mississippi was being filled up with white settlers and it was very hard to protect the Choctaws in their tribal government and the United States thought it would be better to remove them to the Country West of the Mississippi River and give them land there in exchange for their land in the State of Mississippi but some of the Indians did not want to come and the others would not sign any treaty until some provision was made for those who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the sake of the Choctaws who wanted to remain in Mississippi. After that article was put into the treaty the Indian signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provides that:

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

- Q Do you make any claim under the provisions of that article of the treaty? A I claim under that treaty.
- Q Well do you make any claim under the provisions of that article of the treaty? A I don't know that I understand that or not.
- Q Do you understand the explanation that I have just been trying to make to you? A I suppose I do if I claim all the rights that I am entitled to.
- Q Well what I want to know is if you make any special claims? A No special claims I think.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and become citizens of the United States and when a locating Agent was sent down by the government to locate the land for these people it was found that a great many of these who claimed they had gone to the Indian Agent were not on the list made by him, so under different acts of Congress men were appointed as Commissioners to go down there and find out which of these Indians were actually entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of claims, some were allowed and some were rejected, in those cases where the claims had been allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimed by the Indians had not already

- Q Have you ever applied to the Choctaw tribal authorities 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 Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or by the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the 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 This is 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 apply as a Choctaw Indian.
- Q What kind of an application do you want to make now? A Mississippi Choctaw.
- Q What makes you think that you are a Mississippi Choctaw? A I have always been taught I was.
- Q Have you ever lived in Mississippi? A No.
- Q Did your father? A No.
- Q Well then what makes you think you are a Mississippi Choctaw? A My grandfather lived there.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A I suppose so.
- Q Well what one do you claim under? A Well all that is necessary.
- Q Well what one do you claim under? A Eighteen hundred and thirty and eighteen hundred and sixty-six.
- Q What do you claim under the treaty of eighteen hundred and sixty-six? A Well the rights of a Mississippi Choctaw.
- Q Do you think there is any provisions in the treaty of eighteen hundred and sixty-six for a Mississippi Choctaw? A Well I don't understand that exactly, I don't know so much about that I have always been taught there was something in that for a Mississippi Choctaw.
- Q What do you claim under the treaty of eighteen hundred and thirty? A I just claim the right as a Choctaw Indian.
- Q Do you claim under the whole treaty of eighteen hundred and thirty or a part of it? A I claim under both.
- Q Do you claim under the whole treaty of eighteen hundred and thirty or a part of it? A All the treaty that applies to that treaty.

The law under which the Commission is acting at this time in hearing these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, and is as follows:

"Said Commission shall have authority to determine the Identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty 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."

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 3, 1901.

3168

In the matter of the application of Robert Brashear for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Said Robert Brashear being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Robert Brashear.  
Q How do you spell it? A B-r-a-s-h-e-a-r-  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A Davis, Indian Territory.  
Q How long have you lived there? A Twelve years, a little over twelve years.  
Q Where did you live before you lived there? A In Tennessee.  
Q How long did you live in Tennessee? A I was born there.  
Q And lived there continuously until you came to the Territory?  
A Yes.  
Q What is your father's name? A Jesse Brashear.  
Q Is he living? A No he has been dead for a long time ever since the Mexican war.  
Q What is your mother's name? A Margaret.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one-eighth I suppose.  
Q Has your father ever been recognized in any manner or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Have you any evidence of your father's and mother's marriage? A No.  
Q Can you secure such evidence? A Which.  
Q Can you secure such evidence? A No I can't.--Yes I can secure that they were married but I can't tell when.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of your application for identification as a Mississippi Choctaw.

- Q A Yes I suppose I can get it.  
Q Where were they married? A Supposed to have been married in Tennessee, I never knew.  
Q Are you married? A My wife is dead.  
Q What was her name? A Salina.  
Q Salina Brashear? A Yes.  
Q Have you any children for whom you wish to make application? A No they are all of age and can make it themselves.  
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 No.

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

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

Robert Brashear, M C R 3168  
William J. Brashear, et al., M C R 3169

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

	Page.
Original application of Robert Brashear to the Dawes Commission for identification as a Mississippi Choctaw .....	1
Original application of William J. Brashear, et al., to the Dawes Commission for identification as Mississippi Choctaws ....	7
Testimony of Robert Brashear in behalf of the applicants, William J. Brashear, et al. ....	11
Decision of the Commission refusing the consolidated application of Robert Brashear, et al., for identification as Mississippi Choctaws .....	13

Choctaw MCR 3168

Robert Brashear

MCR 3168

Department of the Interior.

Commissioner of the Five Civilized Tribes,

MOOREHEAD, IND. TER.

OFFICIAL BUSINESS.

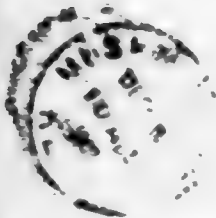
Penalty for private use, \$300.

~~Jonas Harvey Christian,~~

~~Morton, Indian Territory.~~

3167

*File*



DEC

1902



For Identification as a Mississippi Choctaw.

Date AUG -3 1901

Name Jonas H. Christian

Age 49 Blood 1/8

Post Office, Norton, L. T.

Father: William Christian (dead)

Mother: Sarah Christian (dead)

Claims through mother

wife: Margaret Christian  
(No claim for her)

Children:

- Charles H. Christian 18
- Thomas M " 14
- Eros Lee " M 11

Claims for self and 3 children

Stenographer

A. Rosenwinkel  
J. H. L.

Joseph Perry

brother of

James Perry  
wife  
Rhoda Perry

Sarah Perry  
married Dead  
William Christian  
Living

Allen Christian  
Dead  
1<sup>st</sup> wife Millie Mumbauer  
Dead  
2<sup>d</sup> " Catharine Turner  
in Baltimore Dead

E.W. or G.W.  
George W. Christian 47/4  
married  
Elizabeth Fullemer  
classmate wife

Mary Elizabeth  
Belle Christian 32 1/8  
married  
Kennedy  
Tom Christian

Peter Christian 28 1/16  
wife  
Lela Christian

Eliza Christian 22 1/4  
married  
Chas Waggoner  
classmate for husband  
Myrtle Suddupfield 20 1/2  
husband  
Marion Suddupfield

Jonas N. Christian 11 9/8  
wife  
Margaret Christian

Thomas Christian

Charles Wesley Christian 18  
Thomas Milton Christian 14  
Ems Lee Christian 11

James M. Christian 20  
Columbus Christian 18  
John W. Christian 14  
Charles Christian 10  
Tom P. Christian 8  
Sarah G. Christian 7  
Mary Christian 4

Lizzie May Kennedy 11  
Charles E.P. Kennedy 9  
Bertha Kennedy 7  
Ely M. Kennedy 4

Mary Eliza Christian 15

Bertha May Belle Waggoner 5  
Allie Lee Waggoner 18

REFER TO M. C. R. 3167

James H. Christian  
1811

Ameliorated Cases

with you i am  
very sorry i eased  
you this trouble  
do i ask you to  
excuse me

i meet the foreman  
of this band at witey  
I T as i went  
home so send them  
at once to not to  
d. as we are going  
to start soon

your friend

L. H. Christian



mom  
138

INDEXED

COMMISSION TO FIVE TRIBES		
No.	RECEIVED	DATE
11726 1901	AUG 9 - 1901	

100  
6  
1901

Christian, Jonas  
 Wiley, J. T.  
 Aug. 4. 01.

Requests that certain papers  
 be forwarded to him at  
 Manton, J. T.

DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 FILED  
 AUG 13 1901

 ACTING CHAIRMAN.

13002-1908

Muskogee, Oklahoma, May 6, 1908.

Mr. J: H. Christian,  
Olney, Oklahoma.

Sir:

Receipt is acknowledged of your letter of April 29, 1908, requesting to be advised relative to your application for identification as a Mississippi Choctaw.

In reply you are advised it appears that you have heretofore, on several occasions, been informed fully as to the status of your case, and this office is unable to advise you further than to state that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, and allotments of land can only be made to such citizens whose names appear upon the final roll.

Respectfully,

Commissioner.

MCK

MCR 3167

Muskogee, Indian Territory, December 17, 1906.

J. H. Christian,

Hoxbar, Indian Territory.

Dear Sir :--

Receipt is hereby acknowledged of your letter of the 12th instant, requesting that the names of yourself and children be placed upon the rolls of citizens of the Choctaw Nation.

In reply you are advised that the records of this office show that you and your children have been refused identification as Mississippi Choctaws by the Commission to the Five Civilized Tribes and the Secretary of the Interior. Such rights as you might have as citizens by blood of the Choctaw Nation were also passed upon when your Mississippi Choctaw application was disposed of.

It also appears that there is no motion for review or rehearing of your claim now pending and as the time within which such motion could be received under the Act of Congress approved April 26, 1906, expired June 25, 1906, the Department's action of November 22, 1906, refusing your application is considered final and your case closed.

Respectfully,

Commissioner.



MCR 3167

Muskogee, Indian Territory, July 21, 1906.

J. H. Christian,

Hoxoar, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 23, 1905, by reference from the Secretary of the Interior. Therein you state that you think yourself and children should be given a share of the lands of the Choctaws and Chickasaws, and request that your application be given careful consideration.

In reply to your letter you are informed that on November 22, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes dated May 13, 1902, refusing the application made by Jonas H. Christian for the identification of himself and three minor children, Charles W., Thomas M. and Enos Lee Christian, as Mississippi Choctaws.

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

Respectfully,

Commissioner.

Muskogee, Indian Territory, December 3, 1902.

D. Haden Linebaugh,

Attorney at Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 23rd 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 Jonas Harvey Christian, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

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

Respectfully,

*John S. [Signature]*  
Acting Chairman.

10-13

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.B. 1167.

ALLISON L. AYLESWORTH,  
SECRETARY.

Muskogee, Indian Territory, December 5, 1902.

Jonas Harvey Christian,

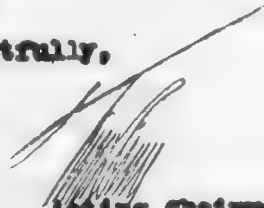
Norton, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd 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 Jonas Harvey Christian, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

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

Respectfully,



Acting Chairman.

H. C. R. 5107.

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 22nd 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 Jonas Harvey Christian, et al., of which decision you were advised by mail on the 21st day of May, 1902.

Respectfully,

Acting Chairman.

maiden name was Cole she being a sister of Coleman Cole who was a son of Robert Cole. Her husband, Sampson Perry was a son of Isaac Perry.

It will be seen by the recital of the record with reference to Sinah Perry that she could not have been the Sinah or Sarah Perry under which the applicants in this case claim as they assert the maiden name of their ancestor was Perry she being the daughter of James Perry. Therefore, in my judgment, the decision of the commission adverse to the applicants herein was correct, and I recommend that the decision of the commission be approved.

Very respectfully,

Your obedient servant,

J. A. Jones,  
Commissioner.

(E.B.H.)  
P.

to comply with the provisions of article 14 of the treaty of 1830, that any person by the name of Sarah or Sina or Sinah Perry or by Sarah or Sina or Sinah Christian ever signified her intention to Col. William Ward, Indian Agent, Choctaw Agency, to comply with the provisions of the 14th article of the treaty of 1830 or presented her claim as a beneficiary under said article of said treaty 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 applicants in this case give the name of the ancestor through whom they claim as Sinah Perry, but also allege that she was sometimes called Sarah Perry; that she was the daughter of James Perry who was a son of Joseph Perry, and cite the fact that the name of James Perry appears upon various pages of Vol. 7 of American State papers, and in one instance as an applicant under the 14th article of the Choctaw treaty of 1830. The name of James Perry does so appear in Vol. 7, American State Papers, and on page 628 appears among a list of applicants under the 14th article of the treaty of 1830. As a matter of fact James Perry sought and secured benefits under the 19th article of the treaty of 1830.

There was<sup>a</sup> Sinah Perry an applicant under the 14th article of the treaty of 1830 in behalf of herself and her child, Harlin. Her husband was named Sampson Perry. She was rejected as an applicant for land under the provisions of that treaty because of failure to comply with the provisions of the 14th article. The record in the case in connection with the application of Sinah Perry shows that she was the wife of Sampson Perry who died about two weeks after the signing of the treaty of Dancing Rabbit Creek; that he

(COPY)

Land.  
30,744-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, Nov. 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated Mississippi Choctaw case of Jonas Harvey Christian, et al., wherein the following cases are consolidated:

Jonas Harvey Christian, et al.,

Elisa Waggener, et al.

G. V. Christian, et al.

Peter Christian, et al.

Mary Elizabeth Kennedy, et al.

Myrtle Sudderfield.

A decision adverse to the applicants in these various cases was rendered by the Commission to the Five Civilized Tribes on May 13, 1902.

The applicants herein claim their right to recognition as Mississippi Choctaws on their alleged descent from Sinah or Sarah Christian nee Perry, also written as Sarah or Sina Perry.

The Commission to the Five Civilized Tribes rejected the parties on the ground that it does not appear from the records in the possession of the Commission of those persons who complied or attempted

tends to show that any of the alleged ancestors were identical with any of the persons named in the records in your possession, or in those in the possession of the Indian Office. In view of the foregoing facts and statements it cannot be held that these applicants have established such compliance with the provisions of the 14th article of the treaty of 1830, or the subsequent acts relating thereto, as would entitle them to identification as Mississippi Choctaws. On the contrary, there is much which tends to show the opposite.

In said report the Commissioner of Indian Affairs recommends that your decision be approved. The Department concurs therein and your decision is accordingly affirmed. You will notify the principal applicants that this decision is subject to their inspection. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 enclosure .



that the said James Perry told him that on being informed that he (Perry) would not be entitled to land under the fourteenth article of the treaty of 1830, he had been induced to take one section of land to which he was told he was entitled by "cultivation", and further that the name of one James Perry does appear on page 640 of said volume in a list of names 'forwarded by Geo. W. Martin' as living in Tallabusha, having two children under ten years of age, named Levi and Oliver, and as having owned land of the first quality which had been sold."

Reporting in the matter November 7, 1902, the Commissioner of Indian Affairs stated that

"The name of James Perry does so appear in Vol. 7, American State Papers, and on page 628 appears among a list of applicants under the 14th article of the treaty of 1830. As a matter of fact James Perry sought and secured benefits under the 19th article of the treaty of 1830."

"There was a Sinah Perry an applicant under the 14th article of the treaty of 1830 in behalf of herself and her child, Harlin. Her husband was named Sampson Perry. She was rejected as an applicant for land under the provisions of that treaty because of failure to comply with the provisions of the 14th article. The record in the case in connection with the application of Sinah Perry shows that she was the wife of Sampson Perry who died about two weeks after the signing of the treaty of Dancing Rabbit Creek; that her maiden name was Cole she being a sister of Coleman Cole who was a son of Robert Cole. Her husband, Sampson Perry, was a son of Isaac Perry."

Comparing the facts contained in said report relating to the ancestry of Sinah Perry with the testimony of the principal applicant, it appears that the Sinah Perry who attempted to comply with the provisions of the 14th article of the treaty of 1830, was the daughter of a man named Cole, while the said applicant alleged that his mother, Sarah or Sinah Perry, was the daughter of a James Perry; it therefore appears that said ancestor was not the person who was entitled to receive the benefits of the said article as shown above. The records at the Indian Office also show compliance with said 14th article on the part of two persons by the name of Sina, one by the name of Sinah, and one by the name of Sarah. It should also be noted that there is nothing in the records which

under 10 years of age were recorded as follows: James, Johnson, Betsey, and Isaac. The witness was Robert Cole, place of residence Sec. 36 N. W. 4 T. 25. R 6 East."

A comparison of the statements made by the principal applicant with those contained in the said affidavit, and certificate, shows that Sarah Perry was about twenty-six years of age in 1830, and that a James Perry was under ten years of age in 1830. From this it will be seen that the latter could hardly have been identical with the James Perry who was the alleged father of Sarah Perry.

It should be noted also, that there is nothing in the record which establishes that the parties named in said affidavit or certificate, are identical with any of the alleged ancestors.

Passing now to the facts as shown by the records in your possession, it appears that

"The name of one James Perry does appear on page 94, American State Papers, volume seven, public lands, in a list of names of Choctaw Indians heads of families, who resided in Greenwood La Flor's district in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the time of the making of the treaty of "Dancing Rabbit Creek," had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty, and it is further found that the name of one James Perry does appear on page 135 of said volume as having had a claim allowed for land in accordance with the provisions of said article nineteen, and further that the name of one James Perry does appear on page 638 of said volume in what purports to be a copy of the affidavit of one John T. Hammond, wherein affiant alleges that within six months after the ratification of the Choctaw treaty of 1830, he visited the office of the resident Indian Agent, Col. Ward, and there saw on the register of Choctaw claimants for the five years stay under article fourteen of said treaty the name of one James Perry. Affiant further states that the said James Perry was induced to take one section of land under the impression that he could not get more, as his claim was not returned to Washington as having been registered and it is further found that the name of one James Perry does appear on page 632 of said volume in what purports to be a copy of the affidavit of James Oxberry, wherein affiant states that he had a conversation with one James Perry, and th

In this case it is to be determined whether any of the alleged ancestors of these applicants 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. In connection therewith, the facts and statements herein-after contained have been considered. The principal applicant seems to be better informed than the other claimants, as to their family history. From his testimony, based upon his personal knowledge and family traditions, it appears that the said Sina or Sarah Perry,

James Perry and Joseph Perry, were all living in Mississippi in 1830; and that Sarah Perry at that time was about twenty-six years old. In one part of his testimony this applicant states that none of his ancestors owned land in Mississippi; afterwards, however, he stated that he thinks that they did own land in that state, but he is unable to locate the county in which the land was so held. He further states that he was born in Illinois, and that his father owned land in that state. In connection with the foregoing testimony there was filed an affidavit, signed by a Henry Byington, in which he states that

"The name of James Perry appears on the record of the American State Papers, Vol. 7, Public Lands, pages 94, 135, 628, 632 and 640, as being a Choctaw Indian in Mississippi and entitled to land as such, and having expressed a desire to remain as a citizen of the said state of Mississippi under the provisions of the 14th article of the treaty of 1830; that the said James Perry had two children at that time under the age of ten years, viz: Levi and Oliver."

In the same connection was filed an unsigned paper which purports to be a certificate stating that

"The name of Joseph Perry 1/2 blood Choctaw Indian, and head of family, appears in Volume 1 of Court of Claims Record, made under the treaty of September 27th. 1830, page 247. The children

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

D.C. 22750-1902.  
I.T.D. 6931-1902.  
File 896-1898.

L.R.S.

November 22, 1902.

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

Gentlemen:

May 21, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Jonas Harvey Christian for himself and his three minor children, Charles Wesley, Thomas Milton and Enos Lee Christian; of Eliza Waggoner for herself and her two minor children, Bertha May Belle and Ollie Lee Waggoner, and for her husband Chas. Waggoner; of G. W. Christian for himself and his seven minor children, James M., Columbus, John W., Charles, Lem P., Sarah G., and May Christian, and for his wife Elizabeth Christian; of Peter Christian for himself and his minor child, Mary Elizabeth Christian; of Mary Elizabeth Kennedy for herself and her four minor children Lizzy May, Charles Early Pinckney, Lethia and Esty Melvina Kennedy; and of Myrtle Sudderfield for herself, together with your decision of May 13, 1902, which was adverse to the applicants.

It appears that one Sina, or Sinah, or Sarah Christian, formerly Perry, was a resident of Mississippi in 1830, and that she was possessed of Choctaw blood. Her father was one James Perry, who was the son of a Joseph Perry. Each of these applicants seeks identification as a Mississippi Choctaw by reason of being a descendant or the husband or wife of a descendant, of the said Sina or Sarah Perry.

Miss Choctaw R3167

Muskogee, Indian Territory, June 10, 1902.

J. E. Christian,  
Morton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 2, in which you state that you believe you are entitled to enrollment as a Choctaw as your mother and grandmother are on the rolls, and you ask for the address of the Secretary of the Interior in order that he may be fully advised of the facts in your case.

In reply to your letter you are advised that on May 21, 1902, the record in your case, including your own oral testimony, the evidence offered by you and the evidence submitted by each of the other applicants whose cases were consolidated with that of Jones E. Christian, et al., was forwarded to the Secretary of the Interior at Washington, D.C. for review, and you will be notified later of any action which may be taken by him.

Yours truly,

Secretary of the Interior—2

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.

Muskogee, Indian Territory, May 31, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Jonas Harvey Christian, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 15th, 1902.

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

Jonas Harvey Christian, et al.,	H O R 3167
Eliza Waggoner, et al.,	H O R 55
G. W. Christian, et al.,	H O R 56
Peter Christian, et al.,	H O R 3643
Mary Elizabeth Kennedy, et al.,	H O R 4903
Myrtle Sudderfield,	H O R 1463.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation

M. McM. & C-8

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Jonas Harvey Christian, Charles Wesley Christian, Thomas Milton Christian, Enos Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James M. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P. Christian, Sarah C. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Myrtle Sudderfield, 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 Eliza Waggoner for the identification of her husband, Chas. Waggoner and the application made by G. W. Christian for the identification of his wife, Elizabeth Christian, as inter-married Mississippi Choctaws, should therefore be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.



Muskogee, Indian Territory, May 31, 1902.

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

Gentlemen:

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

Jonas Harvey Christian, et al.,	H C R 5167
Eliza Waggoner, et al.,	H C R 58
G. W. Christian, et al.,	H C R 58
Peter Christian, et al.,	H C R 3643
Mary Elizabeth Kennedy, et al.,	H C R 4903
Myrtle Spaderfield,	H C R 1463

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 therefor and make report to the Secretary of the Interior.\*

D H L-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Jonas Harvey Christian, Charles Wesley Christian, Thomas Milton Christian, Enos Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James M. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P. Christian, Sarah G. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Myrtle Sudderfield, 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 Eliza Waggoner for the identification of her husband, Chas. Waggoner, and the application made by G. W. Christian for the identification of his wife, Elisabeth Christian, as inter-married Mississippi Choctaws, should therefore be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Registered.

M O R 3167.

Muskogee, Indian Territory, May 21, 1902.

D. Wadon Linebaugh,  
attorney at law,  
Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jonas Harvey Christian, et al., embracing the following applications for identification as Missions-Indian Choctaws:

Jonas Harvey Christian, et al.,	M O R 3167
Elise Haggoner, et al.,	M O R 58
G. V. Christian, et al.,	M O R 58
Peter Christian, et al.,	M O R 3643
Mary Elizabeth Kennedy, et al.,	M O R 4903
Myrtle Sudderfield,	M O R 1465.

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

'The authority vested in the Commission by the twenty-first section of the act of Congress of June 23, 1898, (30 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.'

J H C-2

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Jonas Harvey Christian, Charles Wesley Christian, Thomas Milton Christian, Enos Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James H. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P. Christian, Sarah G. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Myrtle Sudderfield, 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 Eliza Waggoner for the identification of her husband, Chas. Waggoner and the application made by G. W. Christian for the identification of his wife, Elizabeth Christian, as inter-married Mississippi Choctaws, should therefore be refused, and it is so ordered.<sup>2</sup>

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

Yours truly,

Acting Chairman.

Registered.

Muskogee, Indian Territory, May 31, 1903.

Jonas Harvey Christian,

Horton, Indian Territory.

Dear Sir:

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

Jonas Harvey Christian, et al.,	M O R 3167
Eliza Waggoner, et al.,	M O R 55
G. W. Christian, et al.,	M O R 56
Peter Christian, et al.,	M O R 3643
Mary Elizabeth Kennedy, et al.,	M O R 4803
Lytle Sudderfield,	M O R 1463

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.\*

Miss. Cootaw 3167

Muskogee, Indian Territory, May 12, 1902.

J. W. Christian,  
Morton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 8, in which you ask to be advised what is the decision of the Commission in the matter of the application of Jonas H. Christian, et al. for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your rights as Mississippi Choctaws. As soon as such decision is reached you will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

M.C. 3167

Muskogee, Indian Territory, March 6, 1902.

J. W. Christian,  
Norton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the second instant stating that you are unable to appear before the Commission at Muskogee, Indian Territory, on the date set for the rehearing of your application for identification as a Mississippi Choctaw, and you ask for more time as you were disappointed in money matters, and could not get here.

In reply to your letter you are advised that the consolidated case of which your application is a part was set for hearing at Muskogee, Indian Territory on March 4, 1902, and no appearance having been made by any of the applicants, the record in the same is closed, and the Commission will render its decision on the evidence already submitted.

Yours truly,

Commissioner in Charge.

J. N. O.--2.

testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

Acting Chairman.

M.C. 2167



Muskogee, Indian Territory, January 23, 1902.

Jonas H. Christian,  
Horton, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of G. W. Christian et al. and Eliza Waggoner et al., you are informed that under dates of July 25th and 30th, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 3, 1901, you made personal application to this Commission for identification as Mississippi Choctaws of yourself and three minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, March 4, 1902, at one o'clock P. M., there will be heard the

Muskogee, Indian Territory, January 23, 1902.

Manfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Tuesday, March 4, 1902, at one o'clock P. M., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in support of the applications of G. W. Christian et al., Eliza Waggoner et al., Jonas H. Christian et al. and Peter Christian et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 3167

Acting Chairman.

Muskogee, Indian Territory, January 23, 1902.

The Commissioner  
of Indian Affairs.

Sir:

In the matter of the applications for identification as Mississippi Choctaws of G. W. Christian et al. and Eliza Waggoner et al., records of which were returned with letters of your office dated July 25th and 30th, 1901, with instructions for further hearing, you are informed that these cases have been combined with the cases of Jonas H. Christian et al. and Peter Christian et al., applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications and the attorneys for the Choctaw Nation, that there will be heard the testimony of such witnesses as present themselves in person at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, March 4, 1902, at one o'clock P. M.

Respectfully,

K.C. 3167

Acting Chairman.

Muskogee, Indian Territory, December 24, 1901.

Jonas H. Christian,

Norton, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavits of G. W. Christian and Bettie Kennedy, and copy of marriage certificate of Jonas H. Christian and Margaret E. Richardson, which you offer for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same have been filed with the record in your case.

Yours truly,

Commissioner in Charge.

J H C 2

non-appearance, it is probable arrangements may be made for the taking of their depositions.

Yours truly,

Acting Chairman.

M C R 3167

Muskogee, Indian Territory, October 26, 1901.

J. H. Christain,  
Norton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant in which you give reasons for asking that the papers filed by you in your application for identification as a Mississippi Choctaw, be withdrawn. You also state that you can offer additional evidence in support of your claim if necessary.

Replying to your communication, you are informed that on August 3, 1900, Jonas H. Christain made application to this Commission at Atoka, Indian Territory, for the identification of himself and his three minor children as Mississippi Choctaws.

If you are desirous of offering any further evidence in support of such application, the testimony of such witnesses in person as you may present to the Commission at its office at Muskogee, Indian Territory, will be heard.

The Commission is averse to the acceptance and consideration of affidavits but if it is impossible to present any of your witnesses in person and a sufficient reason is given for their

Muskogee, Indian Territory, October 24, 1901.

G. J. W. Christian,  
Norton,  
Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 11, 1901, in which you state your reasons for asking that your papers be returned to you. You also state that you can offer additional evidence in support of your claim if necessary.

It appears from our records that on August 3, 1901, Jonas H. Christian appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his three minor children as Mississippi Choctaws. If you desire to offer any further evidence in support of such application you will be permitted to do so and the same will be made a part of the record in your case.

Yours truly,

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Muskogee, Indian Territory, August 9, 1901.

Mr. Jonas H. Christian,  
Norton, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of August 4th in which you state that you have joined a colony of Indians who are going to old Mexico and ask to have papers which you filed at the time of your application for identification as a Mississippi Choctaw sent to you at once to Norton, Indian Territory.

You are advised that it appears from our record that on August 3rd 1901, Jonas H. Christian appeared before the Commission at Atoka, Indian Territory, and applied for the identification of himself and his three minor children as Mississippi Choctaws. At that time you filed the affidavit of Henry Byington and a certificate unsigned stating that certain persons appearing in volume 7, of the American State Papers and volume 1, of the Court of Claims record as having expressed a desire to remain as citizens of the State of Mississippi under the provisions of the fourteenth article of the Treaty of eighteen hundred and thirty. Papers which have been filed with the Commission cannot at this time be returned to applicants but your letter has been filed with the papers in your case.

Yours truly,

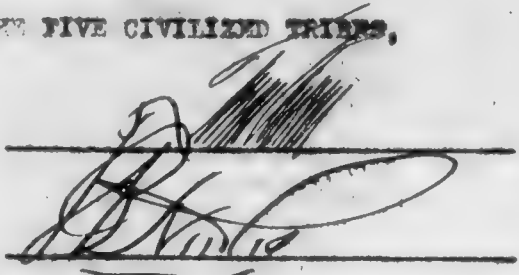
MC-5167



28.

the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza Waggoner for the identification of her husband, Chas. Waggoner and the application made by G. W. Christian for the identification of his wife, Elisabeth Christian, as inter-married Mississippi Choctaws, should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



C. H. Beckwith

Commissioners,

Muskogee, Indian Territory,

MAY 13 1902

of the fourteenth article of the treaty of 1830, or presented her claim as a beneficiary under said article of said treaty to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 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 Jonas Harvey Christian, Charles Wesley Christian, Thomas Milton Christian, Enos Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James M. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P. Christian, Sarah G. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Myrtle Sudderfield, 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

number of persons mentioned in a deposition of John T. Hammond, as having been seen by deponent in June or July, 1931 on the book kept by Colonel Ward of Mississippi claims under the fourteenth article of the treaty of 1830, which said deposition was taken before Murray and Vroom, January 19, 1838. There is nothing in the record herein to show that the Sarah Perry mentioned in this deposition is the same Sarah Perry who is the alleged Choctaw ancestor of these applicants, nor does the name Sarah Perry appear elsewhere in the record of the Choctaw claimants. It is found, however, that the name Sinah Perry does appear in several instances in said record, but as is shown on page 284 of the Court of Claims Record, volume one, above referred to, and on pages 900 and 901 of said Court of Claims record, volume 2, the Sinah Perry therein mentioned was a widow of one Sampson Perry, and her maiden name was Cole, so that it is established that she is not the Sarah or Sina or Sinah Christian (nee Perry), who is the Choctaw ancestor of these applicants. The name of Sinah Perry also appears on page 219 of said Court of Claims Record, volume 1, as the head of a family in 1830, whereas it is shown by the record herein that the Sarah or Sinah Perry, the alleged Choctaw ancestor of these applicants, was not married and at the head of a family in 1830. It does not appear from the records in the possession of the Commission of those persons who did comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 that any person by the name of Sarah or Sina or Sinah Perry, or Sarah or Sina or Sinah Christian, ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions

original applications, and the documentary evidence filed by them. By the evidence so submitted it is attempted to be shown that the applicants herein derive their alleged Choctaw blood through Sarah or Sina or Sinah Christian (nee Perry), James Perry and Joseph Perry, respectively the mother, grandfather and great grandfather of the principal applicant in this group of consolidated cases. But as the evidence shows that all three of these alleged Choctaw ancestors of the applicants were living in Mississippi in 1830, these applicants cannot rely upon the compliance or attempted compliance of the more remote alleged Choctaw ancestors, that of James Perry and Joseph Perry, with the provisions of the fourteenth article of the treaty of 1830, but, in order that these applicants may be identified as Mississippi Choctaws, it is incumbent upon them to show that the said Sarah or Sina or Sinah Christian (nee Perry) complied or attempted to comply with the provisions of said article of said treaty as the head of a family, or that she was the child of a recognized Choctaw head of a family who complied for her, or that she was complied for as an orphan child of a recognized Choctaw Indian. There is nothing in the record herein which would tend to show that the said Sarah or Sina or Sinah Christian (nee Perry) did so comply or attempt to comply, except the vague statements made by two of the principal applicants herein, who are shown to be too young to have any personal knowledge of the matter, that her name was on the "old Mississippi roll." From the records in the possession of the Commission it appears that the name of Sarah Perry is on page 170, Court of Claims Record, volume 1, Choctaw Nation of Indians vs. United States, in a list of 4

In accordance with the instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes, on January 23, 1902, notified G. W. Christian and Eliza Waggoner, the principal applicants in the cases so remanded, and also Jonas Harvey Christian and Peter Christian, who had applied for the identification of themselves and their families as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, that at the office of the Commission to the Five Civilized Tribes, on Tuesday, March 4, 1902, at one o'clock, P. M., there would be heard the testimony of such witnesses as might be presented in support of any of said applications. Notice to the same effect was on the same day given to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

On March 4, 1902, at the office of the Commission to the Five Civilized Tribes, at one o'clock, P. M., this case was called for hearing, and no appearance was made by any of the applicants herein, or by the attorneys for the Choctaw and Chickasaw Nations.

The record herein shows that the applications of Mary Elizabeth Kennedy, et al., M. C. R. 4903, and Myrtle Sudderfield, M. C. R. 1463 were not consolidated with the other applications herein until after the date set for said rehearing.

The Commission, in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants herein, given at the making of their

"heard talk" of her said grandmother living in Mississippi, but there is nothing in her testimony to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribes of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record in these cases further shows that on September 8, 1900, there were forwarded by the Commission to Eliza Waggoner and G. W. Christian, written decisions refusing the applications they had made for the identification of themselves and families as Mississippi Choctaws, and that on September 6, 1900, there was forwarded by the Commission to Mary Elizabeth Kennedy, under the name of Bettie Kennedy, a written decision refusing the application she had made for the enrollment of herself and her family as citizens by blood of the Choctaw Nation.

On December 3, 1900, the records in the cases of Eliza Waggoner, et al., and G. W. Christian, et al., were forwarded to the Secretary of the Interior.

On July 26, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Secretary of the Interior in the case of G. W. Christian, et al., for further hearing, and on July 30, 1901, the said Commissioner of Indian Affairs so remanded the record in the case of Eliza Waggoner, et al.

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 the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830 and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Al Christian, an alleged one half blood Choctaw, and Katherina (last name and blood not given) who are the parents of this applicant.

The record in this case further shows that the applicant, Myrtle Sudderfield, 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 support of this application is the oral statement of the applicant, by which it is attempted to be shown that she was born in Illinois in about the year 1880, and that for about one year prior to the making of her original application she had been a resident of Indian Territory, and claims to be possessed of some Choctaw blood, but says she cannot state how much. She attempts to trace her alleged Choctaw descent through her father to her grandmother (name not given), and says she has

testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits of S. P. Davis, Henry Shields and George Wade it is attempted to be shown that affiants once knew Sarah Perry, a Choctaw Indian by blood, but there is nothing in said affidavits which shows any relationship between the said Sarah Perry and the principal applicant herein. By the ex parte affidavit of York Jackson it is attempted to be shown that he once knew Sarah Christian (nee Perry) and her son, Allen Christian, presumably the father of the principal applicant herein. By the ex parte affidavit of Julia A. Leoney it is attempted to be shown that affiant knows Mrs. Mary B. Kennedy, presumably the principal applicant herein, to be a daughter of James Allen Christian, a Choctaw Indian by blood. Affiant also testifies as to the names of the children of the said principal applicant and her husband, W. J. Kennedy. There is nothing in any of these affidavits to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The last in order of the above applications is that of Myrtle Sudderfield, and the record therein shows that on February 27, 1901, the said Myrtle Sudderfield appeared before the Commission at Atoka, Indian Territory, and there made personal application



given) and his wife, Catherine Christian (nee Turner) (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary Elisabeth Kennedy, and her four minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of the tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of S. P. Davis, Henry Shields, George Wade, York Jackson and Julia A. Looney. By the oral statement of the principal applicant it is attempted to be shown that she was born in Illinois in about the year 1870, and that for about nineteen years prior to the making of her original application she had been a resident of Indian Territory and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandmother, Sarah Perry and her great grandfather, James Perry, and claims that her said grandmother, Sarah Perry, once lived in Mississippi, and gives an estimate as to the age of her said grandmother, which would indicate that the latter was born about the year 1827. There is nothing in her

The next in order of the above applications is that of Mary Eliza beth Kennedy, et. al., and the record therein shows that on June 14, 1900, the said Mary Elisabeth Kennedy, under the name of Bettie Kennedy, appeared before the Commission at Colbert, Indian Territory, and there made personal application for the enrollment of herself and her four minor children, under the names of May, Pinckney, Leathie and Eaty Kennedy, as citizens by blood of the Choctaw Nation, and for the enrollment of her husband, James W. Kennedy, as an intermarried citizen by blood of the Choctaw Nation, and in support of this application presented as evidence her own oral statement and a certified copy of the ex parte affidavit of Prime Harvey, and that upon such evidence such application was refused upon the grounds that the names of said principal applicant and her husband and minor children were not upon any of the Choctaw tribal rolls in the possession of the Commission. The record herein further shows that on March 14, 1902, the said Mary Elisabeth Kennedy appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself and her four minor children, Lizzie May, Charles Early Pinckney, Lethia and Eaty Melvina Kennedy, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from James Allen Christian, an alleged Choctaw (degree of blood not

Affiant further states that the ancestors of the principal applicant "drew land" in Mississippi under the fourteenth article of the treaty of 1830.

NOTE. There is a discrepancy between the oral statement of the principal applicant herein and the ex parte affidavit of George W. Christian, in as much as in the former it appears that Joseph Perry was the great grandfather of the principal applicant, while in the latter it appears that James Perry is the great grandfather and Joseph Perry the great great grandfather. By reference to the evidence in the other cases in this group the Commission is enabled to determine that the said ex parte affidavit is correct on this point.

By the certificate of J. L. Rappole it is attempted to be shown that the name of one Joseph Perry appears on page 247 of the record book of the Court of Claims, Choctaw Nation vs. United States, volume 1. There is nothing in the certificate above referred to which in any way connects the principal applicant herein with the Joseph Perry mentioned therein. From an examination of the record above cited it is found that the name of one Joseph Perry does appear on page 247 of volume 1, Court of Claims Record, above referred to, as a claimant whose claim under the fourteenth article was approved and allowed, and that he had a son named James under ten years of age. There is nothing in the record herein except the vague statement of the principal applicant to the effect that the name of his alleged Choctaw ancestor Joseph Perry was on "the old record book", which would tend to show that the Joseph Perry, who was mentioned in the said volume 1, Court of Claims Record, is the identical Joseph Perry who was the ancestor of the principal applicant, and as the latter was at the making of his original application only about twenty-seven years of age, it is apparent that he can have no personal knowledge on this point.

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of George W. Christian and what purports to be a certificate made by J. L. Happele. By the oral statement of the principal applicant it is attempted to be shown that he was born in Illinois in about the year 1873, and that for about twenty-two years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his father to his grandmother, Sarah Christian (nee Perry) and his great grandfather, Joseph Perry, who he says he thinks was a recognized member of the Choctaw tribe of Indians in 1830, but he does not know how he was so recognized and he further states that he thinks some of his alleged Choctaw ancestors claimed and received land in Mississippi under article fourteen of the treaty of 1830, and that Joseph Perry, his alleged Choctaw great grandfather, is shown by "the old record" to have held land in Mississippi, but the principal applicant admits that he has never seen any such record. He also testifies as to his relationship to the other applicants in this group of consolidated cases. By the ex parte affidavit of George W. Christian it is attempted to be shown that affiant is a half brother of Peter Christian, presumably the principal applicant herein, that he is related to the other applicants in this group of consolidated cases, and that they are descended from Sarah Christian (nee Perry) and her father, James Perry, and her grandfather, Joseph Perry, who was a Choctaw Indian and lived in Mississippi as the head of a family

to her mother.

The next in order of the above applications is that of Peter Christian, et al., and the record therein shows that on September 27, 1901, the said Peter Christian appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his minor child, Mary Eliza Christian, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Rancing Rabbit Creek." The principal applicant claims descent from Allen Christian, an alleged Choctaw (degree of blood not given) and Catherine Christian (blood not given) who are the parents of this applicant.

The record in this case further shows that the principal applicant, Peter Christian, and his minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

he claims to be about an one fourth blood Choctaw. He states that he married his wife, for whom he makes application, in Texas in 1877, and that he did not marry her under the "Indian law." He attempts to trace his alleged Choctaw descent through his father to his grandmother, Sarah or Sina Perry, and to his great grandfather James Perry, but there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation, or that they were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the certified copy of the ex parte affidavit of Prime Harvey it is attempted to be shown that affiant knew Sarah or Sina Perry and her mother he was a full blood Choctaw, and so recognized by all who knew her. There is nothing in the affidavit to show any relationship between the persons mentioned therein and the principal applicant in this case, or that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities of the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

NOTE. There appears a discrepancy between the oral statement of the principal applicant and the certified copy of the ex parte affidavit filed herein, for if we assume that the Sarah or Sina Perry mentioned in the latter is identical with Sarah or Sina Perry alleged by the principal applicant to be his Choctaw grandmother, it appears that the principal applicant attempts to trace his alleged Choctaw descent through his said grandmother to her father, while the affiant attempts to trace the Choctaw descent of the said Sarah or Sina Perry

Chectaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Chectaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Elisabeth Christian as an intermarried Mississippi Chectaw. The principal applicant claims descent from J. A. Christian, an alleged one half blood Chectaw, and Millie (last name not given), a white woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant and his wife and seven minor children, for whom application is made, have never been enrolled by the tribal authorities of the Chectaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, nor have they ever been admitted to Chectaw citizenship by a duly constituted court or committee of the Chectaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application, aside from the oral statement of the principal applicant, is a certified copy of the ex parte affidavit of Prims Harvey. By the oral statement of the principal applicant it is attempted to be shown that he was born in Texas in about the year 1853, and that he resides in Oklahoma, but that he has resided "in the Chickasaw Nation at Durant, at different places ever since 1877", and that

one fourth blood Choctaw. She states that she married her husband, for whom she make application, in Texas under the United States law, and it does not appear that she was ever married to him under the Choctaw law. She only attempts to trace her alleged Choctaw descent to her father, and it does not appear that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation in the states of Mississippi and Alabama, and she expressly states that none of her ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, and there is nothing in her statement which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein.

NOTE. There is nothing in the record of this case which would connect the principal applicant herein with the other applicants in this group of consolidated cases, but by reference to the records in the cases of the other applicants, the Commission is enabled to trace the connection and to judge that the applicants herein are claimed to be descendants of the same common ancestor as the other applicants in this group.

The next in order of the above applications is that of G. W. Christian, et al., and the record therein shows that on June 15, 1900, the said G. W. Christian appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his seven minor children, James M., Columbus, John W., Charles, Lou P., Sarah G. and May Christian, as Mississippi Choctaws, claiming to be descendants of



Bertha May Belle and Ollie Lee Waggoner, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of her husband, Chas. Waggoner, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Al Christian, her father, an alleged one half blood Choctaw, and she does not give the name of her mother.

The record in this case further shows that the principal applicant, Kliss Waggoner, and her husband and two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 521.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in about the year 1878, but she does not state where she was born, and that for about seventeen years prior to the making of her original application she had been a resident of Indian Territory and claims to be an

age, so that it is established that the James Perry referred to in the above reviewed certificate of Henry Byington, as married and at the head of a family in 1830, and alleged by the principal applicant in his oral testimony to be his grandfather, could not have been the James Perry who was the minor son of Joseph Perry referred to in this unsigned purported certificate. By the ex parte affidavits of G. W. Christian and Bettie Kennedy it is attempted to be shown that J. E. Christian or Jonas Harvey Christian, presumably the principal applicant herein, is the son of Sarah Perry and her husband, William Christian. There is nothing in the record herein which in any way connects the principal applicant herein with the James Perry and Joseph Perry, mentioned in the above described certificates. In the oral statement of the principal applicant in which he states that the said James Perry was his grandfather and the said Joseph Perry was his great grandfather, the said principal applicant gives his age in 1901 as forty-nine years, so that it appears he was not living in 1830, and hence can have no personal knowledge of the relationship he alleges as existing between himself and the persons mentioned in said certificates. The marriage certificate filed herewith is simply evidence of the marriage between the principal applicant and his wife, and of the legitimacy of the issue thereof.

The next in order of the above applications is that of Eliza Waggoner, et al., and the record therein shows that on June 15, 1900, the said Eliza Waggoner appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children,

James Perry does appear on page 646 of said volume in a list of names "forwarded by Geo. W. Martin" as living in Tallabusha, having two children under ten years of age, named Levi and Oliver, and as having owned land of the first quality which had been sold. By the certified copy of the ex parte affidavit of Prime Harvey it is attempted to be shown that affiant knew one Sarah or Sinah Perry in the state of Mississippi, that she was a half blood Choctaw, and that her mother (name not given) was a full blood Choctaw and so recognized by all who knew her.

NOTE. There appears a discrepancy between the oral statement of the principal applicant and the certified copy of the ex parte affidavit of Prime Harvey, above reviewed, for if we assume that the Sinah and Sarah Perry mentioned in the latter to be identical with the Sarah Perry, alleged by the principal applicant to have been his Choctaw mother, it appears that the principal applicant attempts to trace his alleged Choctaw descent through his said mother to her father, while the affiant attempts to trace the alleged Choctaw descent of the said Sarah or Sinah Perry to her mother.

By the unsigned purported certificate filed herewith it is attempted to be shown that the name of one Joseph Perry appears on page 247 of volume 1, of the Court of Claims Record, "made after the treaty of September 27, 1830." There is nothing in the certificate above referred to which in any way connects the principal applicant herein with the Joseph Perry mentioned therein. From an examination of the record above stated it is found that the name of one Joseph Perry does appear on page 247 of volume 1, of Court of Claims Record, the Choctaw Nation vs. United States, as a claimant whose claim to have complied with the provisions of the fourteenth article of the treaty of 1830 was proved and allowed, and that the said Joseph Perry had a son named James Perry under ten years of

a list of names of Choctaw Indians, heads of families, who resided in Greenwood La Flore's district in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the time of the making of the treaty of "Dancing Rabbit Creek," had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty, and it is further found that the name of one James Perry does appear on page 135 of said volume as having had a claim allowed for land in accordance with the provisions of said article nineteen, and further that the name of one James Perry does appear on page 626 of said volume in what purports to be a copy of the affidavit of one John T. Hammond, wherein affiant alleges that within six months after the ratification of the Choctaw treaty of 1830, he visited the office of the resident Indian Agent, Col. Ward, and there saw on the register of Choctaw claimants for the five years stay under article fourteen of said treaty the name of one James Perry. Affiant further states that the said James Perry was induced to take one section of land under the impression that he could not get more, as his claim was not returned to Washington as having been registered, and it is further found that the name of one James Perry does appear on page 632 of said volume in what purports to be a copy of the affidavit of James Oxberry, wherein affiant states that he had a conversation with one James Perry, and that the said James Perry told him that on being informed that he (Perry) would not be entitled to land under the fourteenth article of the treaty of 1830, he had been induced to take one section of land, to which he was told he was entitled by "cultivation"; and further that the name of one

must have been about twenty-five years old in 1830. He states further that Joseph Perry, referred to in the unsigned purported certificate filed herewith, was his great grandfather, the father of his grandfather, James Perry, but it appears from the said purported certificate that the said Joseph Perry had in 1830 a child named James Perry under the age of ten years, so that it would appear that the James Perry, who the applicant says was his grandfather, could not have been James Perry, who was a child of the said Joseph Perry mentioned in said certificate. The principal applicant refers to the sworn certificate of Henry Byington filed herein, which alleges that James Perry's name appears in Volume seven of American State Papers, as being a Choctaw Indian in Mississippi and expressing his desire to remain in Mississippi under the fourteenth article of the treaty of 1830, and claims that the said James Perry, mentioned in this certificate was his grandfather, and states further that he thinks his ancestors took land in Mississippi, but admits that he has in his family no deeds or patents to show that they owned lands there, and he does not know in what part of Mississippi they so took lands. By the sworn certificate of Henry Byington it is attempted to be shown that the name of one James Perry appears upon pages 94, 135, 628, 632, and 640 of American State Papers, volume seven, public lands. There is nothing in the certificate above referred to which in any way connects the principal applicant herein with the James Perry mentioned therein. From an examination of the record above stated it is found that the name of one James Perry does appear on page 94, American State Papers, volume seven, public lands, in

to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a sworn certificate of Henry Byington, the ex parte affidavits of Bettie Kennedy and G. W. Christian, a certified copy of the ex parte affidavit of Prime Harvey, a certificate of Marriage between Jonas H. Christian and Margaret E. Richardson, and a paper which is unsigned and purports to be a certificate. By the oral statement of the principal applicant it is attempted to be shown that he was born in Illinois in about the year 1858, that for about twenty-one years prior to the making of his original application he had been a resident of Indian Territory, and claims to be about an one eighth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother, who he says was known by the name of Sina as well as Sarah Perry, to his grandfather, James Perry, and his great grandfather, Joseph Perry, all of whom he claims were living in the state of Mississippi in 1830, and he further claims that the names of his said mother and grandfather are on "the old Mississippi roll" of Indians, which he says was made at the time of the making of the treaty of 1830. He states that his said mother was not married then but was enrolled at about the age of ten years, but in contradiction to this he says that if living in 1901 she would be about ninety-six years old, which tends to show that she

Taking them in the order above named the records of the Commission show with regard to the case of Jonas Harvey Christian et al., that on September 8, 1896, the said Jonas Harvey Christian without others, filed with the Commission a petition for citizenship in the Chickasaw Nation, and that on November 10, 1896, said petition was denied, and no appeal was taken. We find from the record in the said case of Jonas Harvey Christian, et al., that on August 3, 1901, the said Jonas Harvey Christian appeared before the Commission at Atoka, Indian Territory, and there made personal application for the identification of himself and his three minor children, Charles Wesley, Thomas Milton and Knos Lee Christian, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Sarah Christian (nee Perry), an alleged Choctaw (degree of blood not given) and William Christian (blood not given), who are the parents of this applicant.

The record in this case further shows that the principal applicant, Jonas Harvey Christian, and his three minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted

In the matter of the application of G. W. Christian for the identification of himself and his seven minor children, James M., Columbus, John W., Charles, Lem P., Sarah G. and May Christian, as Mississippi Choctaws, and for the identification of his wife, Elizabeth Christian, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Peter Christian for the identification of himself and his minor child, Mary Elizabeth Christian, as Mississippi Choctaws, taken at Atoka, Indian Territory, September 27, 1901.

In the matter of the application of Mary Elizabeth Kennedy for the identification of herself and her four minor children, Lizzie May, Charles Early Pinckney, Lethia and Esty Melvina Kennedy, as Mississippi Choctaws, taken at Muskegee, Indian Territory, March 14, 1902.

In the matter of the application of Myrtle Sudderfield for the identification of herself as a Mississippi Choctaw, taken at Atoka, Indian Territory, February 27, 1901.

In accordance with Departmental instructions of June 10, 1901 and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications into the consolidated case of Jonas Harvey Christian, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each it will be necessary to consider them in a measure separately.



Q. J. 13  
(C. v. W.)  
4/11/01

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

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In the matter of the application of Jonas Harvey Christian et al., for identification as Mississippi Choctaws, consolidating the applications of

Jonas Harvey Christian, et al.,	M C R 3167
Eliza Waggoner, et al.,	M C R 55
G. W. Christian, et al.,	M C R 56
Peter Christian, et al.,	M C R 3643
Mary Elizabeth Kennedy, et al.,	M C R 4903
Myrtle Sudderfield,	M C R 1463

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

The record in the above consolidated case shows that there were, originally, six applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of Jonas Harvey Christian for the identification of himself and his three minor children, Charles Wesley, Thomas Milton and Enos Lee Christian, as Mississippi Choctaws, taken at Atoka, Indian Territory, August 3, 1901.

In the matter of the application of Eliza Waggoner for the identification of herself and her two minor children, Bertha May Belle and Ollie Lee Waggoner, as Mississippi Choctaws, and for the identification of her husband, Chas. Waggoner, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

(5)

Applicants have failed to show by either oral or documentary evidence, any act of compliance on the part of any of their ancestors with any of the provisions of article fourteen of the treaty of 1830.

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(4)

No. in class 1. 4	No. in Gen'l list of claims 125
Names of claimants. Joseph Perry, 1/2 blood Choctaw.	Names of children approved and allowed. (Over ten years of age) Berriman (dead), Edmond (gone west 1 y. since), Stephen.  (Under 10 years of age) James, Johnson, Betsey, Isaac.
Names of witnesses. Col. Rob. Cole	Place of residence and what parts sold by gov't. Sec. 35, NW. 1/4, T. 25, R. 6 E.; vid. g. dep. C. Cole; section unsold; vid. L. Off. table 59.

General Remarks.

Reference to proofs; opinion of Commissioners.

1. Continued residence & proved.
2. Intention & proved; vid. g. dep. Moolubbee No. 34; vid. g. dep. Cole No. 16; vid. g. dep. Turnbull No. 11; vid. g. dep. Hammond No. 4

With respect to this record attention is called to the oral testimony of the applicant Jonas H. Christian given at the time of the filing of his application for identification as a Mississippi Choctaw at Atoka, Indian Territory, August 3, 1901. He then testified that his mother Sarah Christian, nee Perry, if living at the date of the filing of his application, would be about 96 or 97 years of age, and that she was about 25 or 26 years of age at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27th, 1830. It is impossible that the Sarah Christian, nee Perry, can be the daughter of the James Perry who the record above cited shows to be a child of Joseph Perry and under ten years at the time said treaty was concluded.

Applicants have failed to show by either oral or documentary evidence that they are direct lineal descendants of the James Perry who was shown by the records herein cited as claimant under article fourteen of the treaty of 1830.

Applicants have failed to show that they are direct lineal descendants of Choctaw Indians who were recognized members of the Choctaw tribe of Indians and who resided in the old Choctaw Nation in Mississippi and Alabama at the time of the conclusion of said treaty of 1830.

(3)

submitted in these cases is the oral testimony of the applicants supported by affidavits of various parties which tend to identify the applicants as descendants of one Sarah Perry who married William Christian. The proof of the line of descent from Joseph Perry, Common ancestor, is the oral testimony of the applicants only.

Jonas H. Christian who is made the principal applicant in the consolidation of these several cases, testifies orally that the ancestors of all of the applicants herein, Joseph Perry and James Perry, were enrolled as claimants under the treaty between the United States government and the Choctaw tribe of Indians, concluded September 27th, 1830, and supports this evidence by a sworn certificate of one Henry Byington, in words as follows:

"This is to certify that the name of James Perry appears on the record of the American State Papers Vol. 7. Public Lands. pages 94, 135, 628, 632 and 640, as being a Choctaw Indian in Mississippi and entitled to land as such, and having expressed a desire to remain as a citizen of the said state of Mississippi under the provisions of the fourteenth article of the treaty of 1830; that the said James Perry had two children at that time under the age of ten years viz: Levi and Oliver. This record is in my possession and the facts appear upon the said record." (See record in M.C.R. 3167, Jonas H. Christian.)

An examination of the record as shown in Vol. 7, American State Papers, pages 94, 135, 628, 632 and 640, discloses the fact that the James Perry therein referred to, was the father of two children named respectively, Levi and Oliver. Nowhere in said record is it shown that the James Perry therein referred to was the father of a female child; hence, the claim of applicants that their mother Sarah Christian, nee Perry, was the daughter of James Perry named in said record, fails.

There was also filed with the evidence in case M.C.R. 3167, Jonas H. Christian, a typewritten statement without date or signature, in words as follows:

"This is to certify that the name of Joseph Perry, 1/2 blood Choctaw Indian, and head of a family, appears in Vol. 1 in Court of Claims record, made under the treaty of Sept. 27th, 1830, page 247. The children under ten years of age were recorded as follows: James, Johnson, Betsey and Isaac. The witness was Robert Cole. Place of residence--Sec. 35 N. W. 4 T. 25. R. 6 East. The record is now in my possession."

On examination of this record there is found under the caption:

Cap. Anthony Turnbull's Company.

Class 1.--Claims proved & allowed.

(2)

Jonas H. Christian  
and his children

(Charles Wesley Christian  
(Thomas Milton Christian  
(Enos Lee Christian

Applicants for identification as intermarried Mississippi Choctaws:

M.C.R. 56, Elizabeth Christian, wife of G. W. Christian  
M.C.R. 55, Charles Waggoner, husband of Eliza Waggoner.

With respect to these cases the proof shows that they are white persons and not possessed of Choctaw Indian blood.

The following named persons who appear of record as descendants of the common ancestor Joseph Perry, have failed to enter appearance of in any manner prosecute before this Commission any claims which they may have as Mississippi Choctaws:

Children of Allen Christian, (Bettie Kennedy, nee Christian,  
deceased. (Sam Christian

Thomas Christian.

With respect to case M.C.R. 3167, Jonas H. Christian et al., the record shows that on September 8, 1896, Jonas Harvey Christian, Thos. Melton and James Allen Christian filed with this Commission their petition for citizenship in the Chickasaw Nation, and that on November 10, 1896, said petition was denied and no appeal taken. (Reference) See Chickasaw citizenship case No. 27. The evidence submitted by these applicants for citizenship in the Chickasaw Nation shows that the three parties applicants, Jonas H. or Jonas Harvey, Thos. Melton and James Allen Christian, are brothers, children of Sarah A. Perry who married William Christian a white man. And the evidence of the principal applicant, Jonas H. Christian, given at the time of the filing of his application for identification as a Mississippi Choctaw, M.C.R. 3167, and the record in M.C.R. 3643, Peter Christian et al., show that Jonas H. Christian is identical with the person of that name who applied on September 8, 1896, for citizenship in the Chickasaw Nation and that all of the other applicants herein are descendants of Allen or James Allen Christian his brother, who was a party applicant in said petition for Chickasaw citizenship.

---Residence---

All of the applicants herein testify orally that they were born in the state of Illinois and have resided in the Indian Territory for periods of seventeen and twenty-three years. The proof

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

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In the matter of the application for identification  
as Mississippi Choctaws of Jonas H. Christian et al., M.C.R. 3167.

In the matter of the application for identification  
as Mississippi Choctaws of Eliza Waggoner et al., M.C.R. 55.

In the matter of the application for identification  
as Mississippi Choctaws of G. W. Christian et al., M.C.R. 56.

In the matter of the application for identification  
as Mississippi Choctaws of Peter Christian et al., M.C.R. 3642.

All the applicants herein claim Mississippi Choctaw Indian descent from Joseph Perry an alleged one-half Choctaw Indian, through his son James Perry, who was the father of Sarah Christian, nee Perry. Sarah Christian, nee Perry, married a white man named William Christian and was the mother of Allen Christian, Jonas H. Christian and Thomas Christian.

The following descendants of the common ancestor Joseph Perry, appear of record as applicants for identification as Mississippi Choctaws by blood:

	(G. W. Christian
	( and his children
	(James M. Christian
	(Columbus Christian
Children and grandchildren of Allen Christian, deceased.	(John W. Christian
	(Charles Christian
	(Lem P. Christian
	(Sarah G. Christian
	(May Christian
	(
	(Peter Christian
	( and his child
	(Mary Eliza Christian
	(
	(Eliza Waggoner, nee Christian,
	( and her children
	(Bertha May Belle Waggoner
	(Ollis Lee Waggoner

3.

<b>Original application of Bettie Kennedy, et al., for enrollment as Choctaw citizens by blood.</b>	<b>Page. 42</b>
Copy of the ex parte affidavit of Prime Harvey.	44
Written decision of the Commission refusing the application of Bettie Kennedy, et al., for enrollment as Choctaws by blood.	45
Copy of letter of the Commission to Bettie Kennedy, transmitting above decision.	46
Registry receipt.	47
<b>Original application of Mary Elizabeth Kennedy, et al., for identification as Mississippi Choctaws.</b>	<b>48</b>
Ex parte affidavit of S. P. Davis.	55
Ex parte affidavit of Henry Shields.	56
Ex parte affidavit of George Wade.	57
Ex parte affidavit of York Jackson.	58
Ex parte affidavit of JULIA A. LOONEY.	59
<b>Original application of Myrtle Sudderfield, for identification as Mississippi Choctaws.</b>	<b>60</b>
Final decision of the Commission in the consolidated case of Jonas Harvey Christian, et al., for identification as Mississippi Choctaws, refusing such application.	63

	Page.
Copy of letter of the Commission, to Eliza Waggoner, transmitting above decision.	18
Registry receipt.	19
Original application of G. W. Christian, et al., for identification as Mississippi Choctaws.	20
Copy of ex parte affidavit of Prime Harvey.	22
Written decision of the Commission refusing the application of G.W.Christian, et al., for identification as Mississippi Choctaws.	23
Registry receipt.	25
Original application of Peter Christian, et al., for identification as Mississippi Choctaws.	26
Ex parte affidavit of George W. Christian.	32
Certificate of J. L. Rappole.	33
Copy of letter of the Commissioner of Indian Affairs, remanding to the Com- mission for further hearing the case of G.W.Christian, et al..	33a
Copy of letter of the Commissioner of Indian Affairs, remanding to the Com- mission for further hearing the case of Eliza Waggoner, et al.	33b
Copy of letter of Commission to Jonas Harvey Christian, applicant within, notifying him of rehearing in this case.	34
Copy of letter of Commission to G. W. Christian, applicant within, notifying him of rehearing in this case.	36
Copy of letter of Commission to Eliza Waggoner, applicant within, of like import.	37
Copy of letter of Commission to Peter Christian, applicant within, of like import.	38
Copy of letter of Commission to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nation, of like import.	40
Transcript of proceedings on the rehearing.	41



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

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In the matter of the application of Jonas Harvey Christian,  
et al., for identification as Mississippi Choctaws, consolidating  
the applications of

Jonas Harvey Christian, et al.,	M C R 3167
Eliza Waggoner, et al.,	M C R 55
G. W. Christian, et al.,	M C R 56
Peter Christian, et al.,	M C R 3643
Mary Elizabeth Kennedy, et al.,	M C R 4903
Myrtle Sudderfield,	M C P 1463

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 re-  
cord.

	Page.
Original application of Jonas Harvey Christian, et al., for identification as Mississippi Choctaws.	1
Certificate of Henry Byington.	8
Unsigned purported certificate.	9
Copy of ex parte affidavit of Prime Harvey.	10
Ex parte affidavit of George W. Christian.	11
Ex parte affidavit of Bettie Kennedy.	12
Marriage certificate of Jonas F. Christian and Margaret E. Richardson.	13
Original application of Eliza Waggoner, et al., for identification as Mississippi Choctaws.	14
Written decision of the Commission refusing the application of Eliza Waggoner, et al., for identification as Mississippi Choctaws.	16

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

In the matter of the consolidated case of Jones H. Christian, et al., applicants for identification as Mississippi Choctaws, embracing the cases of

Jonas H. Christian, et al.,	M.C.R. 3167,
Eliza Waggoner, et al.,	C.P. 55,
G. W. Christian, et al.,	M.C.R. 56,
Peter Christian, et al.,	M.C.R. 3643.

In accordance with the letters of the Commissioner of Indian Affairs of July 25, and 30, 1901, remanding to this Commission, for further hearing the cases of Eliza Waggoner, et al., and G. W. Christian, et al., the cases of these applicants have been combined with the cases of Jonas H. Christian, et al., and Peter Christian, et al., claiming descent from the same common ancestor Joseph Perry, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the several applicants herein, and the attorneys for the Choctaw and Chickasaw Nations on January 23, 1902.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 4, 1902, at 1:00 o'clock P.M. the cases of the several applicants herein being set for rehearing on this day and date and said cases being called, no appearance was made by any of the applicants herein, nor by the attorneys for the Choctaw and Chickasaw Nations.

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 March 4, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

*G. Rosenwinkel*

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

*Charles M. Hall*  
Notary Public

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 foregoing cause on August 3, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. Shelby*  
Notary Public.

- Q Have you any deeds or patents in your family to show that your ancestors owned land in Mississippi? A No.
- Q Do you know in what part of Mississippi they took land? A No.
- Q You understand do you that you could have the records of land transfers in Mississippi examined and show whether any of your ancestors owned any land there and if so how they owned it and where they got it and what disposition was finally made of it? A I don't know that there ( pointing to papers ) shows all the land. It was just taken there.
- Q In the affidavit of Henry Byington there is no record of any land having been taken. In this other papers which you offer, which purports to be a certificate but has no signature shows, township, section and range, but it is uncertain from the statement in this affidavit whether this land was owned by Joseph Perry or whether it was owned by Robert Cole. The paper says Robert Cole, place of residence W-4, T-25, R-6 E. Who was this Joseph Perry? A He was my great grandfather.
- Q Your grandfather James Perry's father? A Yes.

The names of the children of Joseph Perry, under ten years of age, whom the applicant claims to be the father of his grandfather James Perry are, James, Johnson, Betsy and Isaac. In the affidavit of Henry Byington the name of James Perry appears as having been a Choctaw Indian in Mississippi and having expressed his desire to remain in the State of Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty and that the said James Perry had two children under ten years of age, Levi and Oliver at that time, so it would scarcely appear that the James Perry named therein could be the James mentioned as one of the children of Joseph Perry under ten years of age.

- Q Do you wish to file these papers do you? A Yes.

Should you desire to offer any additional evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case. A I could furnish evidence personally if it would be necessary.

- Q Do you know what is meant by furnishing evidence personally? A Yes it means that to have persons come personally who are going to witness for me.
- Q Well you understand that oral testimony of witnesses carries more weight than depositions or affidavits? A Yes.
- Q Can you speak Choctaw? A No only some few words.
- Q How much Choctaw blood did your mother claim? A About one-fourth
- Q Did she have any Choctaw name? A Sina Perry.
- Q What was it? A Sina. That was the only name she had, Sarah in Choctaw it was Sina.

The applicant in this case has gray hair and mustache which seems originally to have been black, brown eyes and dark complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and 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, although he states they lived in Mississippi at the time of the making of the treaty and offers the affidavit of Henry Byington to show that their names appear as having expressed a desire to take land under the provisions of that article of the treaty

- Q Do you want to offer this affidavit of Henry Byington to the effect that your father's name appears in volume 7, American State Papers, on pages 94, 135, 628, 632 and 640, as being a Choctaw Indian in Mississippi and having expressed his desire to remain in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes is that James Perry?
- Q Yes? A That is my grandfather and I want that filed.
- Q Have you any proof to show that James Perry was your grandfather? A Yes I have proof through my grandmother that my grandfather, her husband's name was James Perry and was a Choctaw by blood.
- Q Well have you any evidence that you can give the Commission to show that this James Perry whose name appears here is your grandfather? A I think I can get it.
- Q You understand that the statement of an interested party where valuable property rights are concerned will carry very little weight unless supported by outside evidence? A Yes I understand.
- Q You think then that you can secure evidence to show that your grandfather James Perry is the identical James Perry whose name appears in this record? A Yes I think I can.
- Q And show that you are a descendant from that James Perry? A Yes.
- Q Do you know whether Sarah Perry, your mother, was a married woman in eighteen hundred and thirty or not? A I don't know.
- Q Were you the oldest one of her children? A No I am the youngest one.
- Q How many children did she have? A She had five.
- Q Are they living now? A No only two of them.
- Q What would be the age of the oldest one or your brothers or sisters if they were living now? A If they were living now, about sixty or sixty-five years old about sixty.
- Q You don't know then whether your mother's name was Sarah Perry or Sarah Christian in eighteen hundred and thirty? A Why Yes, she was not married then. The rolls show that she was entolled at the age of about ten, she was single and was not married according to the old roll.
- Q You say that she would have been about ninety-six if she were living now then she must have been about twenty-five or twenty-six when this treaty was made? A Well I cannot say about that I might be mistaken. I was very young and don't know about the age. Where it appears on the rolls I fand thá in the hands of Henry Byington and got a start-off from him as to where and how my people were enrolled, before I would try to prove my right, although I have always been taught that.
- Q Did James Perry come West with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight, to the present Choctaw Nation? A I don't know?
- Q Did Sarah Perry? A No.
- Q Did James Perry go to the United States Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay in Mississippi and become a citizen of the United States? A I don't know.
- Q Do you think you will be able to secure any proof to that effect? A About the fact that he did or did not?
- Q Yes? A I think so.
- Q You expect to try? A Yes of course I would not give it up. I have so much evidence to back me up. It all shows up mighty plain.
- Q Did any of your ancestors ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of. They took land in Mississippi I think.
- Q Well I asked you if they took land in Mississippi? A Well Yes I think they did.

#4

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q This is the provision under which you are claim at this time? A Yes.

Within six months after the treaty was ratified a large number of Indians went to the Indian Agent and told him that they wanted to stay in Mississippi and become citizens of the United States but when an Agent was sent down by the United States government to locate the land for these Indians it was found it was found that there were a great many who claimed they had appeared before the Indian Agent, whose names were not on the list which he had made, so under different acts of Congress Commissioners were appointed and sent down there to investigate the matter and find out which of these claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. They accused the Indian Agent of not registering all those who came before him, of being drunk and frightening them away, so these Commissioners were sent down there to decide which of these Indians who claimed who claimed to have gone to him, had actually gone to him and tried to register. These Commissioners examined witnesses, took depositions etc., and passed on a large number of cases. 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 had not already been sold it was given to them; if the land had been sold they were given scrip with which they could buy land in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A No none of these ancestors ever owned any land in these states. My father owned some in Illinois but he bought it with his own good money. He died and my mother came back west.
- 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 Why my mother Sarah Perry was enrolled there. Her father James Perry and his father Joseph Perry were supposed to one-half blood Choctaws.
- Q Did these all live in Mississippi at that time? A Yes.
- Q How old would your mother be if she were living now? A About ninety-six or ninety-seven according to the best count.
- Q About how long has she been dead? A I declare I don't know. She left Illinois and came back west and left us children with one of our uncles. She has been dead over thirty years.
- Q About how old was she when she died? A Somewhere about sixty-five I don't know exactly.
- Q Your mother then must have been twenty-five or twenty-six years old when the treaty of eighteen hundred and thirty was made? A Yes somewhere about that I have never made any calculations about it.
- Q What was her mother's name? A Rhoda.
- Q What was her father's name? A James Perry.
- Q Did you ever know him? A No I never seen him.
- Q Which one of your mother's parents was Choctaw? A Her father James Perry.
- Q Have you any evidence to show that James Perry and Sarah Perry lived in Mississippi in eighteen hundred and thirty? A No only what I showed you there. Only from the old record.

- Q Is this the first application you have ever made? A No.
- Q What other application did you make? A I made application before the Dawes Commission in ninety-four or ninety-six I think it was, thinking that my mother was a Chickasaw, by her always telling us children that she was a Chickasaw and that she lived in the Chickasaw Country, and being claimed as a Chickasaw and lived on Chickasaw land but finding her name on the old Mississippi enrolling book I find that she was further known as a Choctaw which I went before Mr. Tams Bixby privately and he told me to appear before the Commission and he would give me another hearing.
- Q When was that? A That was when the Commission was at Colbert.
- Q When was this first application you made as a Chickasaw? A I think it was somewhere in Ninety-six.
- Q Well then you did not make application in ninety-six as a Chickasaw to the Dawes Commission? A Yes.
- Q What was done with that application? A Why they just rejected that application but afterwards Mr. Tams Bixby told me he would give me another hearing as I made a mistake with the record of my mother.
- Q Mr. Bixby told you, you could apply as a Mississippi Choctaw did he? A Yes Yes that was when he was at Colbert. I have witnesses to prove that.
- Q In nineteen hundred was that? A Yes I think so, Yes it was in nineteen hundred last year.
- Q What kind of application do you want to make now? A Why I want to make application for a Mississippi Choctaw under the fourteenth article of the treaty of eighteen hundred and thirty.
- Q Do you understand the provisions of that article of the treaty? A Why I reckon so, the fourteenth article is it not.
- Q Just state as best you can what you understand by it? A Well if I understand it right the fourteenth article of eighteen hundred and thirty was for the Mississippi Choctaws if I understand it right. I don't know if I thoroughly understand it or not.

In eighteen hundred and thirty the United States wanted to move the Indians to a Country west of the Mississippi River and give them land there in exchange for their land in Mississippi and Alabama, because the State of Mississippi was filling up with white settlers so fast that it was very hard to protect the Choctaws in their tribal government but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until some provision was made for those who wanted to remain in Mississippi and article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to remain in Mississippi. After this article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. 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

those who wanted to stay there and take land? A Yes I think Ward was it but Robert Cole witnessed it.

- Q Well what I mean, did your mother's name appear on the list made up by Ward of Indians who went to him within six months after the treaty was ratified and tell him that she wanted to remain in Mississippi and become a citizen of the United States? A I don't know whether she did or not. I know she was enrolled there that is all, that is the book says she was.

Register of William Ward, United States Indian Agent, examined and the name of Sarah Perry not found thereon.

List of claimants under the fourteenth article of the treaty of eighteen hundred and thirty, whose claims were allowed by Commissioners appointed under acts of Congress of March 3, 1837, and August 23, 1842, examined and the name of Sarah Perry not found thereon.

- Q Are you married? A Yes.  
 Q What is your wife's name? A Margaret Christian.  
 Q You don't apply for her? A Why I don't understand that it is necessary I just make application for myself and three minor children.  
 Q Give the names and ages of these children, under twenty-one and unmarried? A Charles Wesley, eighteen.  
 Q Next? A Thomas Wilton, he is fourteen.  
 Q Any others? A Yes, Enos Lee.  
 Q Is that a boy or girl? A That is a boy.  
 Q How old? A eleven years old.  
 Q Are these all your children? A All but my two married girls.  
 Q What is the name of their mother? A Margaret Christian.  
 Q When and where were you married to her? A I was married in Illinois?  
 A When? In seventy-four I think.  
 Q Did you secure a license? A Yes I have the marriage certificate

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor children.

- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
 Q Have you made application to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No.  
 Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.  
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or the Dawes Commission? A No.  
 Q Have you or your children 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 have yourself or your children admitted or enrolled as members of the Choctaw tribe? A No.



#5167

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 3, 1901.

In the matter of the application of Jonas Harvey Christian for identification of himself and his three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Jonas Harvey Christian being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jonas H. or Jonas Harvey Christian.  
Q J-o-n-a-s? A Yes.  
Q What is your age? A Forty-nine.  
Q What is your post-office address? A Horton, Indian Territory.  
Q How long have you lived there? A Twenty-one years the 10th of October coming.  
Q Where did you live before you lived there? A Kibbisis.  
Q How long did you live there? A I was born there.  
Q And lived there continuously until you went to the Indian Territory? A Yes.  
Q What is your father's name? A William Christian.  
Q Is he living? A No.  
Q What is your mother's name? A Sarah Christian, her maiden name was Sarah Perry.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim? A I suppose about one-eighth.  
Q Has your mother ever been recognized or enrolled in any manner as a Choctaw Indian by the Choctaw tribal authorities or the authorities of the United States? A Yes she is on the old Mississippi roll. I found her name on the old Mississippi roll.  
Q Where did you find that roll? A In the possession of Mr. Henry Byington, I was always told that I was an Indian and at Gilbert I found the book.  
Q How long ago was that? A That was last year when the Howe Commission held Court at Gilbert. I gave my mother's name and my grandmother's name at Henry Byington's and he found their names on the old enrolling book, he finally loaned me that book for a few days to read. He also found my great grand father's name on that book.  
Q What book was that? A I don't know what was the number of that book. It was the old enrolling book at the time the Indians made a treaty with the United States government in the year 1830 when they was all enrolled there to be moved from that Country to this, West of the Mississippi River. I don't remember the name of that book, he had two of the books of different numbers, one he had with my mother's name was in, he had loaned to a man by the name of Brown and he told me that he could not get the book, he would have to get it from the Commission, it was in their possession, if he could not find evidence from the parents who were here, part of them were here in this County.  
Q Was Sarah Perry's name on the list made up by Ward, as one of

Choctaw MCR 3167

Jonas H. Christian

See MCR 5556, 3643, 1463, 4903

MCR 3167

No. 3165

For Identification as a Mississippi Choctaw.

Date AUG 3 1901

Name *George Jackson*

Age *22* Blood *1/8*

Post Office, *Sherman, Texas*

Father: *G. B. Jackson (dead)*  
*Boy '68*

Mother: *Jane Jackson*

Claims through *mother*

~~Children:~~

*Claims for himself alone*

Stenographer

*G. Rosenwinkel*

*G. H. L.*

COPY.

M.C.R. 3166.

Muskogee, Indian Territory, October 11, 1902.

George Jackson,  
Box #166,  
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

SIGNED:

T. D. McCallister

Commissioner in Charge.

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 Jackson, Alice Williams, Norman Williams, Bessie Williams, Maggie Williams, Martha Brown, George Brown, Joe Brown, Ray Brown, Mary Whitset, Jimmie Whitset, Ada Whitset, Christina Whitset, Ada Hayes, Mattie Schmidt, Fay Watson and George Jackson, of Chautauq Indian, entitled to rights in the Chautauq 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,

Registered,

Acting Chairman.

COPY.

N O X 3188

Muskogee, Indian Territory, July 16, 1902.

George Jackson,  
Box 188, Sherman, Texas.

Dear Sir:

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

Jane Jackson,	N O X	3189,
Alice Williams, et al.,	N O X	3190,
Martha Brown, et al.,	N O X	3191,
Emily Whitten, et al.,	N O X	3192,
Ada Evans,	N O X	3193,
Bettie Schmidt,	N O X	3194,
Ray Watson,	N O X	3195,
George Jackson,	N O X	3196.

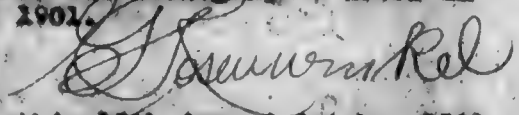
These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

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

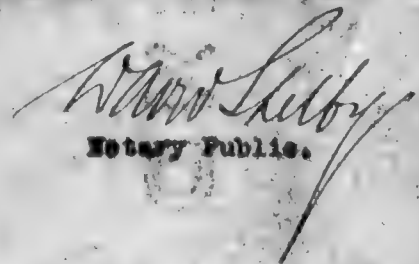
40

eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath stated 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 5, 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 15th day of October 1901.



Notary Public.

- Q Was Joseph Hopkins living in Mississippi in eighteen hundred and thirty? A I suppose so.
- Q Have you any evidence of that fact? A No.
- Q Do you understand that it is a material point in your case on which you should secure evidence? A Yes.
- Q Did Joseph Hopkins come to the present Choctaw Nation with the other Choctaw Indians between eighteen hundred and thirty three and eighteen hundred and thirty eight? A Not that I know of.
- Q Did he go to the Indian Agent there in Mississippi within six months after the ratification of this treaty and tell him that he wanted to stay there and take land and become a citizen of the United States? A I don't know.
- Q What relation did you say Joseph Hopkins was to you? A My great great grandfather.
- Q Well you gave him as your grand father's father which would make him your great grandfather? A Let it go that way that it is down there, I don't expect to get over fifteen hundred no how. I don't expect to get rich or anything of that kind.
- Q You never heard whether Joe Hopkins went to the Indian Agent there in Mississippi and told him that he wanted to become a citizen of the United States? A No I don't know.
- Q Do you think you will be able to secure any evidence to show whether he did or not? A Yes.
- Q You understand that it is material to your case to secure evidence to show whether your ancestors were living in Mississippi in eighteen hundred and thirty and were recognized Choctaw Indians and went to the Indian Agent there and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know whether they did or not.
- Q Well I said do you understand the importance of securing evidence? A Yes I understand.
- Q You understand that where people make application for valuable property rights even the sworn statement of an interested party will carry very little weight unless supported by outside evidence? A Yes.
- Q Do you understand that you are making application for valuable property rights? A Yes.
- Q Is there anything else that you would like to say in support of your application? A No.
- Q Have you any papers that you want to file at this time? A No.
- Q Do you expect to be able to bring witnesses in person before the Commission to bring out these facts in your case? A I suppose I can.
- Q You understand that the oral testimony of witnesses carries more weight than depositions or affidavits? A Yes I understand.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.

- Q Do you speak Choctaw? A No.

The applicant in this case has brown hair and eyes and dark complexion. His face is broad but his features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He is not very familiar with his ancestry and family history and does not know whether the ancestor through whom he claims lived in Mississippi in



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unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Is that the provision under which you are claiming at this time?  
A Yes.

Within six months after this 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 an Agent was sent down to Mississippi to locate the land for these Indians it was found that a great many who claimed they had gone to the Indian Agent and told him that they wanted to stay there in Mississippi were not registered on the rolls made by the Indian Agent, so under different acts of Congress Commissioners were appointed and sent down there to look into this matter and determine which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of claims, some were allowed and some refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and the President if the land claimed by the Indians had not already been sold it was given to them and if the land had been disposed of scrip was issued by the government which was redeemable in land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in one of these States? A Not that I know of.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama who was a recognized Choctaw Indian when this treaty was made? A Joe Hopkins.
- Q What relation was he to you? A My great great grandfather.
- Q You claim your Choctaw blood through your mother you say? A Yes.
- Q What was your mother's father's name? A Joe McDaniels.
- Q What was your mother's mother's name? A Ara McDaniels.
- Q That is not right is it? A My mother's mother's name,--I suppose that is right. Yes I know it is.
- Q Through which one of your mother's parents does she claim her Choctaw blood? A Her father.
- Q Have you any evidence of the marriage of your grandfather and grandmother? A No.

It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application for identification as a Mississippi Choctaw.

- Q Is your grandfather dead? A Yes.
- Q How old would he be if he were living now? A Eighty-eight.
- Q What was your grandfather's mother's name? A Grandfather's mother's name? I don't know.
- Q You know what his father's name was? A Joseph Hopkins.
- Q Through which one of your grandfather's parents did he claim his Choctaw blood? A Through his father.

- Q What makes you think you are a Mississippi Choctaw? A I have always been taught I was.
- Q What do you think is a Mississippi Choctaw? A What do I think is a Mississippi Choctaw?
- Q Yes? Any one claiming that they have Mississippi Choctaw blood I believe is a Mississippi Choctaw.
- Q What do you mean by Mississippi Choctaw blood? A I mean that my ancestors was Mississippi Choctaws.
- Q Well do you know what a Mississippi Choctaw Indian is? A No I don't. All that I know is that they are Indians.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A I claim under the fourteenth article and the benefits of the whole thing.
- Q What do you claim under the fourteenth article of the treaty of eighteen hundred and thirty? A The rights of a Mississippi Choctaw.
- Q Do you understand what the provisions of that treaty of eighteen hundred and thirty are? A No.
- Q Or how they apply to what you call a Mississippi Choctaw? A No.

The law under which the Commission is acting in hearing these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

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

This provision of law authorizes the Commission to determine the identity of Choctaw Indians 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 then in Mississippi and a small portion of the State of Alabama. The State of Mississippi was being filled up with white settlers and it became very hard for the government to protect the Indians in their tribal government and the United States thought it would be better to give the Indians land west of the Mississippi River and move them to that Country, where they would not be molested by the white people but some of the Indians did want to leave their homes in Mississippi and the others did want to sign any treaty until some provision was made for those Indians who wanted to stay there in Mississippi. So article fourteen was made a part of the treaty. Article fourteen of the treaty of eighteen hundred and thirty provides 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

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 3, 1901.

3166

In the matter of the application of George Jackson for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

George Jackson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A George Jackson.  
Q How old are you? A Twenty-two.  
Q What is your post-office address? A Sherman, Texas, box 168.  
Q How long have you lived there? A All my life.  
Q You were born in Texas? A Yes.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Granderson Burten Jackson.--G.B. Jackson.  
Q Is he living? A No.  
Q What is your mother's name? A My mother's name is Jane Jackson.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your mother 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 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 Not that I know of.  
Q Have you ever applied to the Choctaw tribal authorities 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 Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by 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 made application before 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 of any kind you have ever made? A Yes.  
Q What kind of an application do you want to make now? A I want all the benefits of a Mississippi Choctaw.  
Q What are the benefits of a Mississippi Choctaw, do you know? A I hardly know.  
Q Do you want to be identified as a Mississippi Choctaw? A Yes.

Choctaw MCR 3166

George Jackson

See MCR 3159

MCR 3166

No. 3165

For Identification as a Mississippi Choctaw.

Date AUG -3 1901

Name Fay Watson

Age 19 Blood 7/16

Post Office, Dallas Texas

960 Ross Ave.  
Father: G. H. Brown

Mother: Martha Brown

Claims through mother

Husband: William Watson  
(No claim for him)

~~Children:~~

Claims for herself alone

Stenographer

J. Rosenwinkal

5874

COPY.

M.C.R. 3165

Muskogee, Indian Territory, October, 11, 1902.

Fay Watson,

#960 Ross Ave.,

Dallas, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED):

*T. D. Woodies.*

Commissioner in Charge.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Ware, Hattie Schmidt, Fay Watson and George Jackson, 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,

Acting Chairman.

Registered.

COPY.

M.C.R. 3165.

Muskogee, Indian Territory, July 16, 1908.

Jay Watson,

960 Ross Avenue, Dallas, Texas.

Dear Madam:

You are hereby advised that on the 16th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,	M.C.R. 3159
Alice Williams, et al.,	" 3160
Martha Brown, et al.,	" 3161
Mary Whittet, et al.,	" 3162
Ada Wagon,	" 3163
Nattie Schmidt,	" 3164
Fay Watson,	" 3165
George Jackson,	" 3166

These applications were 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:



The applicant in this case has light brown hair, gray eyes and rather fair complexion. Her cheek bones are a trifle prominent but her general appearance is that of a white person.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether the ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty.

Q Did your great grandmother Mary McDaniel have a Choctaw name?  
A Her name was Puggy.

Q That was not a regular Choctaw name? A I don't know that it was but that is what they called her.

Q That sounds more like a nick-name? A Yes that is what it was.

Q What I mean did she have a regular Choctaw name? A Well, I really don't know that.

G. Rosenwinkel being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized tribes he reported in full all the proceedings had in the above entitled cause on August 3, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*W. W. Shelby*  
Notary Public.

- Q How old is she? A Thrity-eight.
- Q Is your mother's father living? A No.
- Q About how old would he be if he were living? A About eighty.
- Q Your grandfather then must have been born prior to the year eighteen hundred and thirty? A Yes.
- Q Then your great grandmother Mary McDaniel was a married woman and the head of a family in eighteen hundred and thirty when the treaty was made? A Yes.
- Q What was the name of her father? A Joe Hopkins.
- Q What was the name of her mother? A Nellie Hopkins.
- Q Through which one of her parents did she get her Choctaw blood? A Her father.
- Q Do you know whether your great great grandfather Joe Hopkins was living in eighteen hundred and thirty? A No I don't know I think he was.
- Q Do you know whether Mary McDaniel was living in Mississippi in eighteen hundred and thirty? A No I don't know.
- Q Do you think you will be able to secure any evidence to show where she was living at that time? A I will try.
- Q Do you know whether Mary McDaniel came west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty eight? A No I do not.
- Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there in Mississippi and become a citizen of the United States? A No I don not.
- Q Do you think you will be able to secure any evidence on that point? A I intend to try.
- Q You understand the importance of securing evidence to show whether your great grandmother was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and whether she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay there and take land? A Yes I understand.
- Q You say you never heard of any of your ancestors owning any land in Mississippi, Arkansas, Louisiana or Alabama? A No.
- Q Is there any other statement that you would like to make at this time? A No.
- Q Have you any papers that you wish to file now? A No.
- Q You say you will secure evidence in support of your application? A I expect to try.
- Q You know what kind of evidence you will be able to secure? A I really don't know now.
- Q Do you think you will be able to secure the testimony of witnesses in person before the Commission? A I really don't know.
- Q You understand the testimony of witnesses in person before the Commission will carry more weight than their depositions or affidavits? A Yes.

Should you desire to offer any additional evidence in support of your claim, either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

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

Q Do you make any claim under the provisions of that article of the treaty? A Yes I claim under the fourteenth article.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and become citizens of the United States but when the United States sent an Agent down to locate the lands for these Indians whowanted to stay there in Mississippi it was found that the names of a great many who claimed they had gone to the Indian Agent and told him that they wanted to stay, were not found on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down there into Mississippi and look into this matter and determine who was entitled to land under the 14th article of the treaty of eighteen hundred and thirty. These Commissioners examined witnesses, took depositions and passed on several hundred cases, some were allowed and some 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 by the Indians had not already been sold it was given to them, if it had been disposed of they were given scrip with which they could buy land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did any of your ancestors own land in one of these States? A A Not that I know of.

Q You never heard that they did? A No.

Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Joe Hopkins.

Q What relation was he to you? A He was my great great grandfather.

Q Did he live in Mississippi or in the old Choctaw Nation in eighteen hundred and thirty? A Yes I think so.

Q You say you claim your Choctaw blood through your mother? A Yes.

Q What is your mother's father's name? A Joe Hopkins McDaniel.

Q What is your mother's mother's name? A Ara McDaniel.

Q Through which one of your mother's parents did she claim her Choctaw blood? A Her father.

Q What was your grandfather's father's name? A John McDaniel.

Q What was your grandfather's mother's name? A Mary McDaniel.

Q Through which one of your grandfather's parents did he claim his Choctaw blood? A His mother.

Q Have you any evidence of the marriage between your grandfather and grand mother? A No but I expect I can get it.

Q Do you intend to try to secure it? A Yes.

Q Your mother you say is living? A Yes.

Q How old is she? A Thirty eight.

- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because I have always been taught by my grandfather that I was a Mississippi Choctaw.
- Q What is meant by a Mississippi Choctaw? A Why the Indians who lived in Mississippi.
- Q You claim to be a descendant of an Indian who lived in Mississippi? A Yes.
- Q What is why you are making this application now? A Yes.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Under the treaty of eighteen hundred and thirty.
- Q What do you claim under that treaty? A I claim the privileges of a Mississippi Choctaw.
- Q What are those privileges? A I don't know.
- Q Do you know what you are applying for now? A Why I am applying for the Mississippi Choctaw Indian rights.
- Q Do you know what these rights are? A No but I understand they are going to get land.
- Q Do you claim anything under any particular part of the treaty of eighteen hundred and thirty or under the whole treaty? A I claim under the whole treaty I believe.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

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

This law empowers the Commission to determine the identity of those Choctaw Indians claiming 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 then living 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 to the a Country west of the Mississippi River. The State of Mississippi was being filled up with white settlers and the United States found it very hard to protect the Indians in their tribal form of government and thought it would be best to move them to the Country west of the River where there would be no white people and where they could set up their tribal government in their own way and not be bothered by white people but some of the Indians did not want to leave their homes in Mississippi and Alabama and the other Indians did not want to make any treaty until some provisions was made for these Indians who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaw Indians who wanted to remain in Mississippi, after that the treaty was signed by the Indians and ratified by the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides:

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 3, 1901.

3165

In the matter of the application of Fay Watson for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Fay Watson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Fay Watson, W-a-t-s-o-n.  
Q What is your age? A Nineteen.  
Q What is your post-office address? A Dallas, Texas.  
Q Have you a street number? A Yes, 960 Ross Avenue.  
Q How long have you lived in Dallas? A I have just moved there.  
Q Where did you live before you lived in Dallas? A In Sherman.  
Q How long did you live there? A I was born there.  
Q Never had a home outside of the State? A No.  
Q What is your father's name? A G. W. Brown.  
Q Is he living? A Yes.  
Q What is your mother's name? A Martha Brown.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother 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 William Watson.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No.  
Q He is a white man and makes no claim to Choctaw blood? A Yes.  
Q Have you any children for whom you wish to apply? A No.  
Q You make 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 applied to the Choctaw tribal authorities 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 Choctaw Nation under the act  
of June 10th 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 This is 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 Why I  
want to claim my rights as a Mississippi Choctaw.

Choctaw MCR 3165

Fay Watson

See MCR 3159

MCR 3165

No. 3161

For Identification as a Mississippi Choctaw.

Date AUG -2 1901

Name Hattie Schmidt.

Age 29

Blood 1/8

Post Office San Angelo Texas

Father: J. L. McDaniel (dead)

Mother: Ara McDaniel ✓

Claims through father

Husband: Fred Schmidt ✓  
(no claim for him)

~~Children:~~

Claims for self alone

Stenographer

G. Rosenwinkel

M.C.R. 3164.

Muskogee, Indian Territory, October 11, 1902.

Hattie Schmidt,

San Angelo, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

Commissioner in Charge.



"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Ware, Hattie Schmidt, Fay Watson and George Jackson, as Chectaw Indians, entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Registered.

COPY.

M.C.R. 3164.

Muskogee, Indian Territory, July 16, 1902.

Hattie Schmidt,

San Angelo, Texas.

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 Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,	M.C.R. 3159
Alisa Williams, et al.,	" 3160
Martha Brown, et al.,	" 3161
Mary Whitte?, et al.,	" 3162
Ada Wares,	" 3163
Hattie Schmidt,	" 3164
Fay Watson,	" 3165
George Jackson,	" 3166

These applications were made under the provision of the act of Congress of June 30, 1898 (30 Stat. 488) which is as follows:

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

Said decision concludes as follows:

Q Do you speak Choctaw? A No.

The applicant in this case has light brown hair, brown eyes and rather dark complexion. Her cheek bones are a trifle prominent but her general appearance is that of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether the ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty when the treaty was made.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. Shelby*

Notary Public

#4

- Q Do you claim your Choctaw blood through your father? A Yes.
- Q How old was your father when he died? A About eighty.
- Q Your father then must have been born prior to the year eighteen-hundred and thirty, the year of the making of this treaty? A Yes.
- Q What was your father's father's name? A John McDaniel.
- Q What was your father's mother's name? A Mary McDaniel.
- Q Your grandmother Mary McDaniel must have been a married woman and the head of a family when the treaty was made? A Yes.
- Q Was she living in Mississippi in eighteen hundred and thirty? A I don't know.
- Q You don't know where your father was born? A No.
- Q What was the name of your grandmother's father? A Joseph Hopkins.
- Q What was the name of your grandmother's mother? A Nell Hopkins.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Her father.
- Q How much Choctaw blood did he claim to have? A I think he was a full blood.
- Q How much Choctaw blood did your grandmother Mary McDaniel claim? A She was one-half.
- Q Do you know whether Joseph Hopkins was living in Mississippi in eighteen hundred and thirty? A No I do not.
- Q If he was living do you know where he was at that time? A No I do not.
- Q You think you can secure any evidence to show where Mary McDaniel, your grandmother, was living in eighteen hundred and thirty and that she was a recognized Choctaw Indian? A I think we can.
- Q You understand that these are important facts in your claim? A I do.
- Q Do you know if Mary McDaniel came west to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A No I do not.
- Q Do you know whether Mary McDaniel went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to become a citizen of the United States? A I do not know.
- Q Do you think you will be able to secure any evidence on that point? A Perhaps I could.
- Q Do you understand that that is material in your case? A I do.
- Q You understand that where people make application for valuable property rights even the sworn statement of the party in interest carries very little weight unless supported by outside evidence? A I understand it.
- Q Do you intend to secure such evidence if possible in support of your application? A I do.
- Q Is there any other statement you would like to make at this time in support of your application? A I can't think of any.
- Q Have you any papers that you want to file now? A I have none.
- Q What kind of evidence do you intend to file in your claim? Well I don't know. I intend to file all the evidence I can.
- Q Do you think you can get witnesses and bring them before the Commission in person? A I don't know.
- Q You understand that it is to the interest of your claim to get the best evidence possible? A Yes.

Should you desire to offer any additional evidence in support of your application, either the testimony of witnesses in person before the Commission, their depositions or affidavits, the Commission will accept the same and make it a part of the in your case.

Q

Mississippi and Alabama and move them all to the Country West of the Mississippi River. The State of Mississippi was being rapidly filled up with white settlers and the United States found it hard to protect the Indians in their tribal government and for this reason desired to move the Indians to another Country West of the River, but some of the Indians did not want to come 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 did not want to leave the State of Mississippi. After this article was inserted in the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Nation? 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."

- Q Do you make any claim under the provisions of that article? A I think not because I see no necessity for making any under a particular article.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and become citizens of the United States but when a locating Agent came down to locate the land for the Indians it was found that names of a great many of those who claimed to have gone to the Agent did not appear on the list made by the Indian Agent so under different acts of Congress Commissioners were sent down there to investigate and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on a great many claims, some were allowed and some were rejected. 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 by the Indians had not been sold it was given to them. if it had been disposed of they were given scrip with which they could buy land in Mississippi, Arkansas, Louisiana or Alabama from any of the public lands in these States.

- Q Did any of your ancestor own land in one of these States? A Not that I know of.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Joseph Hopkins.
- Q What relation was Joseph Hopkins to you? A Great grandfather.

- Q Have you ever applied to the Choctaw tribal authorities 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 Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal authorities? 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 a member of the Choctaw tribe of Indians? 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 Well, as any other Choctaw Indian makes to be identified as a Choctaw.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Well I have been taught I had Choctaw blood.
- Q You are making application then because you have always been taught that you had Choctaw blood? A Yes.
- Q You make any claim under any of the treaties between the United States and the Choctaw Indians? A Well under the treaty of eighteen hundred and thirty.
- Q Do you claim under any particular part of the treaty or under the whole treaty? A No I don't there is any necessity to claim under any particular part of it. I claim under the whole treaty.
- Q What do you claim under the treaty of eighteen hundred and thirty? A As I told you what any other Choctaw would claim, rights and privileges.
- Q What do you think are the rights and privileges which are given you under the treaty of eighteen hundred and thirty? A Well I don't know. I only know that is was about the land which the Indians owned in Mississippi and they were promised other lands for them were they not? Just what rights and privileges they are I don't know.
- Q What do you expect to gain by this application if it is favorably acted upon? A Well I said to you, I don't know just what the rights and privileges are now.

The law under which the Commission is acting at this time in hearing these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

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

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 for the purpose of giving them land west of the Mississippi River in exchange for their land in the States of

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3164

In the matter of the application of Hattie Schmidt for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Hattie Schmidt being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Hattie Schmidt. I expect I better spell it for you, S-c-h-m-i-d-t.
- Q What is your age? A Twenty-nine.
- Q What is your post-office address? A San Angelo, Texas.
- Q How long have you lived there? A Five years.
- Q Where did you live before you lived there? A You mean what place in Texas.
- Q Yes how long did you live in Texas? A I think about twenty-seven years. I believe I was about two years old when we came here.
- Q Where did you live before you came to Texas? A In Illinois.
- Q Where were you born in Illinois? A Yes.
- Q What is your father's name? A J. H. McDaniel.
- Q Is he living? A No.
- Q What is your mother's name? A Ara McDaniel.
- Q Is she living? A Yes.
- Q Through which one of your parents do you claim your Choctaw blood? A My Father.
- Q How much Choctaw blood do you claim? A One-eighth.
- Q Has your father, through whom you claim your Choctaw blood, 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 Have you any evidence of your father's and mother's marriage? A No.
- Q Can you get it? A Yes I think so.

It will be necessary for the Commission to be supplied with evidence of the marriage between your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q A A copy of the marriage certificate will be sufficient will it not?
- Q Yes a certified copy? A Yes.
- Q What is your husband's name? A Fred Schmidt.
- Q Is he living? A Yes.
- Q Do you apply for your husband? A No.
- Q He is a white man and makes no claim to Choctaw blood? A Yes he is a white man.
- Q Have you any children 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 Indian Territory? A No.

Choctaw MCR 3164

Hattie Schmidt

See MCR 3159

MCR 3164



No. 5103

For Identification as a Mississippi Choctaw.

Date AUG -2 1911

Name Ada Wares

Age 34 Blood 1/8

Post Office, 140 (Boyle St. Dallas Texas)

Father: Joe H. McDaniel (dead)

Mother: Ara McDaniel

Claims through father

husband Clarence J. Wares  
(No claim for him)

~~Children.~~

Claims for self alone

Stenographer

L. Rosemond

COPY.

M.C.R. 3163

Muskogee, Indian Territory, October 11, 1902.

Mrs Ware,  
#140 Doyle St.,  
Dallas, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

*F. B. Needles*  
Commissioner in Charge

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Marie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Wares, Ettie Schmidt, Ray Watson and George Jackson, 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,

Acting Chairman.

Registered.

COPY.

M O R 3163

Muskogee, Indian Territory, July 16, 1902.

Aia Wares,  
 140 Bayle Street,  
 Dallas, Texas.

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 Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,	M O R 3159,
Alice Williams, et al.,	M O R 3160,
Martha Brown, et al.,	M O R 3161,
Mary Whitset, et al.,	M O R 3162,
Aia Wares,	M O R 3163,
Hettie Schmitt,	M O R 3164,
Ray Wilson,	M O R 3165,
George Jackson,	M O R 3166.

These applications were made under the provisions of the act of Congress of June 25, 1896 (30 Stat., 404) which is as follows:

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

The applicant in this case has gray eyes, light brown hair, and rather dark complexion. Her features and general appearance are those of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether the ancestor through whom she claims lived in Mississippi at the time of this treaty.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*David Shelby*  
Notary Public.

- Q Did any of your ancestor own land in any of these States? A .  
 Not that I know of. I always understood that they were very poor  
 so I guess they didn't own any land. I never heard of them owning  
 any land.
- Q What was the name of your ancestor who lived in the old Choctaw  
 Nation in Mississippi or Alabama who was a recognized Choctaw  
 Indian in eighteen hundred and thirty? A I don't know whether  
 Mary Hopkins or Joe Was there.
- Q What relation are these people to you? A Well Joe Hopkins was  
 my great grandfather and Mary Hopkins was my grandmother.
- Q You claim your Choctaw blood through your father? A Yes.
- Q How old would your father be if he were living now? A I think  
 about eighty.
- Q Your father then must have been born some time prior to the  
 year eighteen hundred and thirty? A Yes.
- Q What was your father's father's name? A John McDaniel.
- Q And what was your father's mother's name? A Mary McDaniel.
- Q Which one of your father's parents claimed to be Choctaw? A  
 His mother.
- Q What was Mary McDaniel's mother's name? A Nellie I believe.
- Q Nellie Hopkins? A Yes.
- Q And what was Mary McDaniel's father's name? A Joe Hopkins.
- Q Your grandmother Mary McDaniel must have been a married woman and  
 the head of a family in eighteen hundred and thirty when this  
 treaty was made? A Yes.
- Q Do you know whether she was in Mississippi at that time? A No  
 I do not.
- Q Do you know how old her father Joe Hopkins would have been at  
 that time? A No.
- Q Do you know whether he was living at that time? A No I don't.
- Q Do you know whether Mary McDaniel came West with the other  
 Choctaw Indians between eighteen hundred and thirty three and  
 and eighteen hundred and thirty-eight? A No.
- Q Do you know whether she went to the Indian Agent there within  
 six months after the treaty was ratified and told him that she  
 wanted to stay in Mississippi and become a citizen of the United  
 States? A No.
- Q Do you understand that it is material to your case to show whether  
 your grandmother Mary McDaniel lived in Mississippi in eighteen  
 hundred and thirty and was a recognized Choctaw Indian, and  
 whether she went to the Indian Agent there within six months  
 after the treaty was ratified and told him that she wanted to  
 stay there and take land? A Yes.
- Q Do you think you can secure such evidence? A Yes I think I can.
- Q Do you expect to try? A Yes.
- Q Do you think that your evidence will be in the form of oral  
 testimony of witnesses? A I could not say.
- Q Do you understand that this form of evidence would carry greater  
 weight do you? A Yes.
- Q Are there any other statements that you wish to make at this  
 time? A No I told you all I know.
- Q Do you speak Choctaw? A No.
- Q Have you any papers that you want to file now? A No.

If you wish to offer any additional evidence in support of  
 your application either the oral testimony of witnesses, their  
 depositions or affidavits or any documentary evidence, you will  
 be permitted to do so and the same will be made a part of the  
 record in this case.

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 State of Mississippi was rapidly filling up with white settlers and it became very difficult for the United States to protect the Indians in their tribal government and the government thought it would be best to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to the Country West of the River, so they tried to make a treaty with them, but some of the Indians did not want to come west and the other Indians would not sign and treaty until something was done for those who wanted to stay in Mississippi. Article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. After that the Indians signed the treaty and it was ratified by the United States and the Choctaw Indians. 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 citizen of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you make any claim under the provisions of this article of the treaty? A A No I don't know whether they staid there and received benefits under this article, I have no proof that they staid or that they left.

Within six months after the treaty was ratified a large number of Indians went to the Indian Agent there and told him that they wanted to remain in Mississippi and become citizens of the United States but when an Agent was sent down by the United States government to locate the land for these Indians it was found that the names of a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay there in Mississippi were not on the list made by him so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate and find out who of the Indians were entitled to land under this fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up several hundred claims and passed on them. Some were allowed and others 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 by the Indians had not already been sold it was given to them. If it had been disposed of they were given scrip which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

It will be necessary for the Commission to be supplied with evidence of the marriage between your father and mother in support of the application you now make.

- Q Are you married? A Yes.
- Q What is your husband's name? A Clarence J. Wares.
- Q Is he living? A Yes.
- Q Do you make application for your husband? A No.
- Q He is a white man and makes no claim to Choctaw blood? A Yes he is a white man.
- Q Have you any children for whom you wish to make application? 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 No.
- Q Have you ever applied to the Choctaw tribal authorities 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 Choctaw Nation under the act of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by 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 of the Choctaw tribal authorities? 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 a citizen of the Choctaw Nation? A No.
- Q Is this the first application you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well you've got me now. I just want the rights of a Mississippi Choctaw.
- Q You want to make application to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A My father and mother always taught me that I had the blood.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Nation? A I am not posted with the treaties. I didn't know they made any treaties.
- Q What made you think you had a right to come here and make application? A Well I understood you were to come and make application when you had the blood. I don't know that I ever heard my fatherspeak about any treaty at all.

The law which authorizes the Commission to hear these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis Act which is as follows:

Said Commission shall have authority to determine the identity of Choctaw 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."



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3143

In the matter of the application of Ada Wares for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Said Ada Wares being first duly sworn testified as follows:

- : Examination by the Commission : -

- Q What is your name? A Ada Wares.  
Q How do you spell that last name? A W-a-r-e-s.  
Q What is your age? A Thirty-four.  
Q What is your post-office address? A 140 Vogle street, Dallas Texas.  
Q How long have you lived there? A Four years.  
Q Where did you live before you lived there? A Chicago and then I lived in Sherman.  
Q How long did you live in Texas continuously? A About eleven years I guess.  
Q You have lived in Texas continuously for the last eleven years? A No I have been around in Kansas City, Chicago and different places.  
Q Where did you live before you live in Dallas? A In Kansas City one year and in Chicago one year.  
Q You lived in Kansas City one year just before you lived in Dallas? A Yes.  
Q And in Chicago one year just before you lived in Kansas City? Yes.  
Q And where did you live just before you lived in Chicago? A El Paso, Texas.  
Q How long did you live in Texas that time? A I went from Sherman to El Paso. I really don't know how long.  
Q About how long? A About five or six years.  
Q And where did you live just before you went to Texas that time? A In Illinois.  
Q How long did you live in Illinois? A I don't know.  
Q You were born in Illinois? A Yes.  
Q And went from Illinois to Texas? A Yes.  
Q What is your father's name? A Joe Hopkins--McDaniel.  
Q Is he living? A No.  
Q And what is your mother's name? A Ara McDaniel.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father 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 Have you evidence of your father's and mother's marriage? A No.  
Q Can you secure such evidence? A I guess so.

Choctaw MCR 3163

Ada Wares

See MCR 3159

MCR 3163

For Identification as a Mississippi Choctaw.

Date AUG 19

Name Mary Whittet

Age 36 Blood 1/8

Post Office, 960 Ross Ave Dallas Tex

Father: Jor M Daniel (dead)

Mother: Ara M Daniel ✓

Claims through father

Husband: James Whittet -  
(No claim for him)

Children:

- Jimmie Whittet 17
- Ada 15
- Christina " 12

Claims for self and 3 children

Stenographer

G. Rosenwinkel

COPY.

M.C.R. 3162

Muskogee, Indian Territory, October 11, 1902.

Mary Whittet,  
4960 Ross Ave.,  
Dallas, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED).

*E. D. McAdoo*  
Commissioner in Charge.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Ware, Hattie Schmidt, Ray Watson and George Jackson, 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,

Acting Chairman.

Registered.

COPY.

M.C.R. 3162.

Waukagee, Indian Territory, July 16, 1902.

Mary Whittet,

960 Ross Avenue, Dallas, Texas.

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 Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,	M.C.R. 3159
Alice Williams, et al.,	" 3160
Martha Brown, et al.,	" 3161
Mary Whittet, et al.,	" 3162
Ada Ware,	" 3163
Hattie Schmidt,	" 3164
Fay Watson,	" 3165
George Jackson,	" 3166

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat. 496) which is as follows:

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

Said decision concludes as follows:

#5

- Q Do you think you can secure any evidence along these lines? A I can try.
- Q You understand that where valuable property rights are involved even the sworn statement of a party in interest will carry very little weight unless supported by outside evidence? A Yes.
- Q Do you know whether Mary McDaniel ever owned any land in Mississippi, Arkansas, Alabama or Louisiana? A No I don't.
- Q You never heard? A No I never heard.
- Q You know whether you would be able to secure any evidence to show whether she did or not? A No I never tried.
- Q You intend to make ever possible effort to secure evidence in support of your application do you? A Yes.
- Q Are there any other statements that you would like to make at this time in support of your claim? A No nothing that I can think of.
- Q Have you any papers that you want to file now? A No.
- Q Do you speak Choctaw? A No.

If you wish to offer any additional evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence the Commission will accept the same and make it a part of the record in your case.

- Q You understand that the oral testimony of witnesses carries greater weight with it than either depositions or affidavits? A Yes.
- Q Do you expect to bring your witnesses here in person to testify? I could not say at this time.

The applicant in this case has light brown hair and eyes and dark complexion. Her cheek bones are a trifle prominent but her general appearance is that of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether the ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty when the treaty was made.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. Shelby*  
Notary Public.

- A Yes I think he was.
- Q How long has your father been dead? A Since last Monday.
- Q How old was he when he died? A About eighty.
- Q Then your father must have been born in the year eighteen hundred and thirty or before that time? A Yes.
- Q What was your father's father's name? A John McDaniel.
- Q What was your father's mother's name? A Mary McDaniel.
- Q Through which one of your father's parents does he get his Choctaw blood? A His mother.
- Q And what was Mary McDaniel's mother's name? A Nell Hopkins.
- Q And what was her father's name? A Joe Hopkins.
- Q Which one of your grandmother's parents claimed to be Choctaw? A My father.
- Q No which one of your grandmother's parents claimed to be Choctaw? A Her father.
- Q Was Mary McDaniel your grandmother, a married woman and the head of a family in eighteen hundred and thirty? A I think she was.
- Q She must have been if your father was born before that time? A Yes.
- Q How long has your grandmother been dead? A Well I don't remember. I have heard them say that she died during the War.
- Q Do you know how old she was then? A No I could not tell you.
- Q Do you know if Mary McDaniel lived in Mississippi in eighteen hundred and thirty? A I could not say.
- Q Why do you claim through Joe Hopkins who was your great grandfather when your grandmother Mary McDaniel was a married woman in eighteen hundred and thirty and the head of a family? A You want to know how it happens that I claim.
- Q I want to know how it happens that you claim through your great grandfather Joe Hopkins when your grandmother Mary McDaniel, one generation nearer to you, was married in eighteen hundred and thirty when this treaty was made? A Well I claim through my father.
- Q You have not answered my question. I asked you some time ago who was your ancestor who lived in Mississippi in eighteen hundred and thirty when this treaty was made, and you said "Joe Hopkins", now I ask you why you do not claim through Mary McDaniel, your grandmother, since she was married and at the head of a family in eighteen hundred and thirty? A Well I did not know that it made any difference.
- Q Do you know in fact that your great grandfather Joe Hopkins was living in Mississippi in eighteen hundred and thirty? A Well I am not sure I just heard it.
- Q Do you know about how long he has been dead? A No I don't.
- Q Do you know if Mary McDaniel came west with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight to the present Choctaw Nation? A No.
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty? A No I could not say.
- Q You don't know where your father was born? A No I have forgotten if I ever heard them say.
- Q Do you know whether Mary McDaniel went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay and become a citizen of the United States? A No I don't.
- Q Do you understand that it is a very material point in your case that you have evidence to show whether your grandmother was living in Mississippi in eighteen hundred and thirty and whether she was a recognized Choctaw Indian, and whether she within six months after the treaty was ratified went to the Indian Agent there in Mississippi and told him that she wanted to stay and take land there? A Yes I understand that.



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 State of Mississippi was being rapidly filled up with white settlers and the United States found it difficult to protect the Indians in their tribal government and for this reason wanted to make a treaty with them for the purpose of moving them all to some Country west of the Mississippi river and give them land there in exchange for their land in the State of Mississippi but some of the Indians did not want to leave Mississippi and the others would not sign any treaty until something was done for those who wanted to stay there and the fourteenth article was made a part of the treaty for the benefit of these Indians who wanted to stay in Mississippi and after that the Indians signed the treaty and it was ratified by the United States and the Choctaw Indians. 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."

- Q You claim anything under the provisions of this article? A Well I don't know that this article has anything to do with it. But I claim under--I don't know. I just want all the rights and privileges of a Mississippi Choctaw.
- Q Well what do you think are the rights and privileges of a Mississippi Choctaw? A Well I don't know what they all are going to make for them but I claim whatever they do.
- Q Well don't you understand the article of the treaty that I have just repeated to you? A Well I don't understand that just exactly. It seems that the treaty of eighteen hundred and thirty, I understand that better. I claim under that anyhow.
- Q What do you think a Mississippi Choctaw is? A Well a Mississippi Choctaw is an Indian I suppose.
- Q Well all Choctaws are Indians? A Well that is all I have been taught, that was the blood I had and the older ones may know more about it. I can't explain any more to you than I know and I don't think you would wish me to.
- Q Well is your idea of a Mississippi Choctaw one who at one time lived in the State of Mississippi? A Well I can't say that but my great grandfather was there and possibly my father.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was recognized Choctaw Indian? A It was Joseph Hopkins, he was my great grandfather.
- Q Did he live in Mississippi in eighteen hundred and thirty?

#2

- Q Give the names and ages of these children? A Jimmie Whittet.  
Q Age? A Seventeen years old.  
Q Is that a boy? A Yes.  
Q Next. A Ada Whittet, fifteen, girl, Christina Whittet age twelve.  
Q These are all your children? A Three is all.  
Q What is the name of their father? A James Whittet.  
Q When and where were you married to him? A In Sherman.  
Q When? A In eighty-two.  
Q Is your name or are 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 to have yourself or your children enrolled as members of that tribe? A No.  
Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.  
Q Have you or your children 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 or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or the Dawes Commission? A No.  
Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.  
Q This is the first time you have ever applied in any way? A Yes.  
Q What kind of an application do you want to make now? A Well I want all the rights and privileges that they give the Mississippi Choctaws.  
Q You claim then to be a Mississippi Choctaw? A Yes.  
Q You want to be identified as a Mississippi Choctaw? A Yes that is what I want.  
Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Well because my foreparents were Mississippi Choctaws. That is what I have been told.  
Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Well I don't understand exactly the treaties any more than the eighteen hundred and thirty treaty.  
Q Do you claim anything under the eighteen hundred and thirty treaty? A Yes.  
Q What do you claim under the treaty of eighteen hundred and thirty? A I claim the rights and privileges which that treaty made for the Mississippi Choctaws.  
Q Well what are these rights? A Well I don't know that I understand well enough to explain it.

The law under which the Commission is acting at this time in hearing these applications is found in section twenty-one of the act of Congress approved June 28, 1898, commonly called the Curtis Act and is as follows:

"Said a Commission shall have authority to determine the identity of Choctaw 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 there to and make a report to the Secretary of the Interior."

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Atoka, I.T. August 2, 1901.

3162

In the matter of the application of Mary Whittet for identification of herself and her three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Mary Whittet being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary Whittet.  
Q How do you spell it? A W-h-i-t-t-e-t.  
Q How old are you? A Thrity-six.  
Q What is your post-office address? A 960 Ross Avenue, Dallas, Texas.  
Q How long have you lived there? A I have lived there eighteen years.  
Q Where did you live before you lived there? A Sherman.  
Q How long did you live in Sherman? A About seven years.  
Q Where did you live before you lived in Texas? A Illinois.  
Q How long did you live in Illinois? A About ten or eleven years.  
Q Were you born in Illinois? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A Joe McDaniels.  
Q Is he living? A No.  
Q What is your mother's name? A Irene McDaniels.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A Father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father 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 Have you evidence of your father and mother's marriage? A No.  
Q Do you think you can secure same? A Well I think I can.

It will be necessary for the Commission to be supplied with evidence of the marriage between your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Qc What is your husband's name? A James Whittet.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No.  
Q He is a white man and makes no claim to Choctaw blood? A Yes he is a white man.  
Q Have you any children for whom you wish to make application at this time? A Three.

Choctaw MCR 3162

Mary Whittet

See MCR 3159

MCR 3162

No. 3161

For Identification as a Mississippi Choctaw.

Date AUG. 2 1901

Name Martha Brown

Age 38 Blood 1/8

Post Office, Sherman, Texas

Father: Joseph J. McDaniel (dead)  
803 Choctaw St.

Mother: Ara McDaniel

Claims through father  
husband G. H. Brown  
(no claim for him)

Children:

George Brown	16
John	11
Roy	6

Claims for herself and  
3 children

Stenographer

G. Rosenwinkel

COPY.

M.C.R. 3161

Muskogee, Indian Territory, October 11, 1902.

Martha Brown,  
#803 E. Chafin St.,  
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNATURE)

*T. D. Scofield*

Commissioner in Charge.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Marie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Ware, Rattie Schmidt, Jay Watson and George Jackson, 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,

Acting Chairman.

Registered.

COPY.

M.C.R. 3161.

Muskogee, Indian Territory, July 26, 1902.

Martha Brown,

803 N. Chafin Street, Sherman, Texas.

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 Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,	M.C.R. 3169
Alice Williams, et al.,	" 3160
Martha Brown, et al.,	" 3161
Mary Whittet, et al.,	" 3162
Ada Ware,	" 3163
Hattie Schmidt,	" 3164
Fay Watson,	" 3165
George Jackson,	" 3166

These applications were made under the provisions of the act of Congress of June 22, 1898 (30 Stat., 385) which is as follows:

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



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- Q You understand that even the sworn statement of a part in interest where valuable property rights are involved will carry very little weight unless supported by outside evidence, do you?  
A Yes.
- Q You say you don't know whether Mary Daniel owned any land in Mississippi, Alabama, Arkansas or Louisiana? A I do not.
- Q Do you know whether you will be able to secure any evidence on that point? A No I could not tell you.
- Q Is there any other statement that you would like to make now?  
A No I guessnot.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses in person before the Commission, their depositions or affidavits, you will be permitted to do so and the same will be made a part of the record in your case.

- Q You understand that oral testimony carries more weight than depositions or affidavits? A Yes.
- Q Can you speak Choctaw? A No.
- Q Did you know your grandmother Mary McDaniel personally? A No I was very small when she died.

The applicant in this case has dark brown hair and eyes and dark complexion. Her face is broad and cheek bones somewhat prominent. Her features and general appearance however are those of a white person. She does not speak the Choctaw language, and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and does not know whether the ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. Shelby*  
Notary Public

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states of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own any land in one of these States?  
A Not that I know of.
- Q Do you claim that the ancestor through whom you claim your right to identification was one of those Indians who stayed in Mississippi when the treaty was made? A Well I could not say.
- Q What was the name of this ancestor who you claim lived in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A Joe Hopkins, my great grandfather.
- Q Did he live in Mississippi in eighteen hundred and thirty? A I could not tell you.
- Q You claim your Choctaw blood through your father? A Yes.
- Q What is your father's name? A Joe McDaniels.
- Q What was his father's name? A John McDaniels.
- Q What was his mother's name? A Mary McDaniels.
- Q Which one of your father's parents claimed to be Choctaw? A His mother Mary Hopkins.
- Q Mary Hopkins was Mary McDaniels was she? A Yes.
- Q What was Mary McDaniels father's name? A His name is Joe Hopkins.
- Q What was Mary McDaniels mother's name? A Nell Newman.
- Q Nell Hopkins? A Yes Newman was her maiden name.
- Q How long has your father been dead? A He died on last Monday.
- Q How old was he? A Well he was near eighty.
- Q Your father then must have been born before the year 1830? A Yes I guess so.
- Q Do you know when your father was born? A No I don't.
- Q Your grandmother Mary McDaniels must have been a married woman and the head of a family at the time this treaty was made? A Yes I guess so.
- Q How much Choctaw blood do you claim Mary McDaniel had? A Why she was one-half.
- Q Do you know how long your great grandfather Joe Hopkins has been dead? A No.
- Q You don't know if he died when your grandmother was a young girl or when she was a middle aged woman? A No.
- Q Do you know where he was living in eighteen hundred and thirty? A No.
- Q But you do know that Mary McDaniel must have been a married woman and the mother of children in eighteen hundred and thirty? A Yes.
- Q Did Mary McDaniel live in Mississippi in eighteen hundred and thirty? A I could not tell you.
- Q Did she come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I do not know.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there and become a citizen of the United States? A I don't know.
- Q Do you understand that it is important for you to have evidence to show where your grandmother lived in eighteen hundred and thirty and that she was a Choctaw Indian, and that she went to the Indian Agent there in Mississippi and told him that she wanted to stay and take land there? A No.
- Qc Do you think you can secure evidence of these facts? A I don't know, I cannot tell until I try.
- Q You expect to try to secure evidence do you? A Yes.

Under this provision the Commission has power 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 then in Mississippi and Alabama for the purpose of giving them land in a Country west of the Mississippi River in exchange for their land in those States and move them all to the Country West of the River. The State of Mississippi was being filled up with white settlers and it was very hard to protect the Choctaws in their tribal government any longer. Some of the Indians however did not want to leave their homes there in Mississippi and the others would not sign any treaty until something was done for those Indians who wanted to stay, so article fourteen was made a part of the treaty for the benefit of those Indians who did not want to come to the new Country. After article fourteen was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. 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."

- Q Do you make any claim under the provisions of the fourteenth article of this treaty? A No I guess not.
- Q You are basing your claim simply on the fact that you have Choctaw blood? A Yes.

Within six months after this treaty of eighteen hundred and thirty was ratified a large number of Indians went to the Indian Agent there in the State of Mississippi and told him that they wanted to stay and become citizens of the United States but when a locating Agent was sent down by the United States government to locate the land for these Indians it was found that the names of a great many of those who claimed to have gone to the Indian Agent and told him that they wanted to stay in Mississippi, were not found on the list made by him, and so under different acts of Congress Commissioners were appointed and sent down into Mississippi to investigate and find out who of the Indians were entitled to land under the fourteenth article of the treaty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commission and approved by the Secretary of War and by the President if the land had not already been sold it was given to them, if it had been sold they were given script with which they could buy land from any of the public lands in

- Q When and where were you married to G. W. Brown? A In Sherman and have been married twenty-one years.
- Q Is your name or are the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your children 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.
- Q What kind of an application do you want to make now? I could not hardly tell myself.
- Q What do you claim? A Well I claim to be one-eighth Choctaw. I claim through my great grandfather, he was a Choctaw and I want all the privileges with the Choctaws, get benefits granted to a Choctaw.
- Q Do you want to make application for enrollment as a citizen by blood of the Choctaw Nation or do you want to make application for identification as a Mississippi Choctaw? A Well as a Mississippi Choctaw.
- Q You claim then to be a Mississippi Choctaw? A Yes I claim to spring from them, that is what my father has always told me.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because my father was a Mississippi Choctaw, he told me his father was a Mississippi Choctaw, did I say his father--I meant his grandfather.
- Q You are claiming then because you have been taught that you had Choctaw blood? A Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A I don't understand the treaties and could not say that.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, and is as follows:

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

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3161

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

Applicant not represented by attorney.

Martha Brown being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Martha Brown.  
Q What is your age? A Thirty-eight.  
Q What is your post-office address? A 803 East Chafin Street, Sherman Texas.  
Q How long have you lived there? A I guess I have been living there since I was twelve years old.  
Q About twenty-six years? A Yes about twenty-six years.  
Q Where did you live before you lived in Sherman? A In Illinois.  
Q How long did you live in Illinois? A Twelve years.  
Q Lived there until you went to Texas? A Yes.  
Q What is your father's name? A Joseph McDaniels.  
Q Is he living? A No.  
Q What is your mother's name? A Ara McDaniels..  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father ever been recognized or enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities or the authorities of the United States? A No.  
Q Have you any evidence of your father's and mother's marriage? A No.  
Q Do you think you will be able to secure any such evidence? A I think so.

It will be necessary for the Commission to be supplied with evidence of your father's and mother's marriage in support of the application you make for identification as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your husband's name? A G. W. Brown.  
Q Is he living? A Yes.  
Q You make application for your husband? A No.  
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time? A Yes three.  
Q Give the names and ages? A George sixteen. Joe eleven. Roy six.  
Q All boys? A Yes all boys.  
Q These are your children? A Yes.  
Q What is the name of their father? A G. W. Brown.

Choctaw MCR 3161

Martha Brown

MCR 3161

See MCR 3159

No. 3169

For Identification as a Mississippi Choctaw.

Date AUG. 2 1901

Name Alice Williams

Age 41 Blood 1/8

Post Office, Shive, Texas

Father: Joseph McDaniel (deceased)

Mother: Ara McDaniel

Claims through father

Husband: J. F. Williams (no claim for him)

Children:

Norma Williams 13

Bessie " 11

Mamie " 9

Claims for self and minor children.

Stenographer

G. P. ...

COPY.

M.C.R. 3100

Muskogee, Indian Territory, October 11, 1902.

Alice Williams,  
Shife, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

*T. E. Jackson*

Commissioner in Charge



"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Ware, Mattie Schmidt, Jay Watson and George Jackson, 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,

Acting Chairman.

Registered.

COPY.

N.C.R. 3160.

Muskogee, Indian Territory, July 16, 1908.

Alice Williams,

Shive, Texas.

Dear Madam:

You are hereby advised that on the 16th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaw:

Jane Jackson,	N.C.R. 3159
Alice Williams, et al.,	• 3160
Martha Brown, et al.,	• 3161
Mary Whittet, et al.,	• 3162
Ada Ware,	• 3163
Mattie Schmidt,	• 3164
Fay Watson,	• 3165
George Jackson,	• 3166

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stat. 426) which is as follows:

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

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Q You don't know what time, with reference to your grandmother's life he died? A No I could not.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. Shelby*  
Notary Public

- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there and take land and become a citizen of the United States? A I could not tell you that either. I never talked with her on anything of that kind.
- Q You know her personally? A Yes.
- Q Where did you know her? A In Illinois just before she died.
- Q Do you know how long she has been dead? A No it was some time during the war.
- Q Do you know how old she was at that time? A No I don't know that I was small then.
- Q Do you understand do you that it is a material matter to your case that that you secure evidence to show that your grand mother was a recognized Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and that she went to the Indian Agent within six months after the treaty was ratified and told him that she wanted to stay there and take land? A Yes.
- Q You think you can get evidence on those points? A Yes I will try.
- Q Do you think you can get witnesses here before the Commission in person? A I don't know.
- Q You understand that oral testimony of witnesses is better than their depositions or affidavits? A Of course.
- Q You don't know you say whether any of your ancestors owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't think they did. They roamed around too much.
- Q Do you think you will be able to get any evidence as to that fact? A I will try.
- Q Is there any other statement that you would like to make in support of your application? A No I believe not.
- Q Have you any papers that you want to file now? A No.

Should you desire to offer any additional evidence in support of your application, either the oral testimony of witnesses here in person, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

The applicant in this case has light brown hair, gray eyes and moderately fair complexion.

- Q Do you speak Choctaw? A No.

Her features and general appearance are those of a white person although her cheek bones are rather prominent. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether her ancestor lived in Mississippi at the date of the making of the treaty of eighteen hundred and thirty.

- Q Did you ever know Joe Hopkins your great grandfather? A No.
- Q Do you know how long he has been dead? A Why I don't know, I am only forty-one, my father I don't know whether he remembered him or not.
- Q Well about what date did he die, you have no tradition in your family about that? A No I don't remember only that my grandfather was a Mississippi Choctaw.
- Q Do you suppose that he was living in eighteen hundred and thirty? A Well I suppose he was.

scrip with which they could buy land from any of the public lands in the states of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own any land in any of those states?  
A Not that I know of.
- Q If you want to be enrolled as a member of the Choctaw Tribe of Indians why did you not come to the Indian Territory several years ago and make application to the Choctaw council? A Well I don't know why. We married, separated and scattered and each went his own way and we never came together until last week when our father died. That is about as good an answer as I can give you.
- Q You have always known that you were Indian? A Yes I remember my grandmother telling me.
- Q You did not make application for citizenship in 1896? A No we did not.
- Q Why did you not make application in ninety-six? A Well one would wait for another and we just put it off.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized member of the Choctaw Nation? A His name was Joseph Hopkins.
- Q What relation was he to you? A My great grandfather.
- Q You say you claim through your father? A Yes.
- Q What was your father's father's name? A John McDaniel.
- Q What was your father's mother's name? A Mary.
- Q Mary McDaniel? A Yes I am hard of hearing.
- Q Through which one of your father's parents did he get his Choctaw blood? A Through his mother she was a one-half breed.
- Q And what was your grand mother's father's name? A His name was Joe Hopkins.
- Q And what was your grand mother's mother's name? A It was Nell her maiden name was Newman.
- Q Through which one of your grandmother's parents did she get her Choctaw blood? A Her father Joe Hopkins.
- Q You say your father is dead? A Yes he is dead.
- Q How long has he been dead? A He died last Monday.
- Q How old was he? A Nearly eighty, we don't know just exactly how old he was.
- Q You father then was born before the year eighteen hundred and thirty? A Yes he was born before I expect.
- Q Your grandmother Mary McDaniel was then a married woman and the head of a family in the year eighteen hundred and thirty? A Yes.
- Q Do you know where your grandmother lived in eighteen hundred and thirty? A No I could not tell that.
- Q Do you think you will be able to secure any evidence to show where she was living in eighteen hundred and thirty? A I don't know but I can try if it is necessary.
- Q Do you understand that it is a matter of some importance to show where your grandmother was living in eighteen hundred and thirty?  
A Yes.
- Q Was she a Choctaw Indian? A She was one-half Mississippi Choctaw.
- Q How do you know she was Mississippi Choctaw? A Because her father was born and raised in Mississippi, he was a full blood Choctaw Indian.
- Q Well your grandmother herself was at the head of a family at the time this treaty was made was she not? A I think so.
- Q Did she come west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight to the present Choctaw Nation in the Indian Territory? A Not that I know of.

Under this law the Commission has authority 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 State of Mississippi was being rapidly filled up with white settlers and the United States found it hard to protect the Choctaws in their tribal government so the United States thought it would be better to move them all to the Country west of the Mississippi River where they might set up their tribal government and not be disturbed by the white people, so they entered into negotiations with the Indians who lived in Mississippi and Alabama for the purpose of making a treaty with them and give them land west of the Mississippi River in exchange for their land in Mississippi and Alabama. Some of the Indians did not want to leave their homes in Mississippi and the others would not sign any treaty until something was done for those who wished to remain in Mississippi. Article fourteen was made a part of the treaty of eighteen hundred and thirty for the benefit of those Choctaws who wanted to stay in Mississippi and Alabama and after that it was signed by the Indians alright and was ratified by the United States and the Choctaw Indians? Article fourteen of the treaty of eighteen hundred and thirty 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 on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you make any claim under the provisions of this article of the treaty? A I should think so, that is what I would want to claim under.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and become citizens of the United States but when an Agent was sent down by the United States government to locate the land for these Indians it was found that a great many of them who claimed to have gone to the Agent and told him that they wanted to stay in Mississippi did not have their names registered on his list at all, so under different acts of Congress Commissioners were appointed and sent down into Mississippi and investigate the matter and find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of claims, several hundred of them, some were allowed and some 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 which the Indians claimed had not already been sold it was given to them, if the land had been disposed of they were given

#2

- Q Give the names and ages of these children? A Norma-N-o-r-m-a thirteen.
- Q What is the name of the next one? A Bessie, eleven years.
- Q Next? A Mamie-M-a-m-i-e.
- Q How old? A Nine.
- Q Next? A Three is all.
- Q These are your children? A Yes.
- Q What is the name of their father? A J. F. Williams.
- Q When and where were you married to him? A In Sherman Texas.
- Q When? A In December 1877.
- Q Is your name or are the names of your 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 applied to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the 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 have yourself or your children 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 the first.
- Q What kind of an application do you want to make now? A Well I don't know that I can explain it to you. I want to make an application to be recognized and want the benefits of a Mississippi Choctaw.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because my foreparents were Mississippi Choctaws.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Eighteen hundred and thirty I think is what I claim under.
- Q Do you claim under the whole treaty or part of it? A Well if I get my right I claim under the whole treaty. I don't know much about it. I want the rights and benefits that a Mississippi Choctaw gets from this treaty.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act and is as follows:

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

Department of the Interior.  
Commission to the Five Civilized Tribes,  
Atoka, I.T. August 2, 1901.

3160

In the matter of the application of Alice Williams for identification of herself and her three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Alice Williams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Alice Williams.  
Q How old are you? A Forty-one.  
Q What is your post-office address? A Shive, Hamilton County, Texas.  
Q Where did you live before you lived there? A Well I have been right smart round about. I was married in Sherman and then moved to two or three places and settled down in Hamilton County.  
Q How long have you lived in Texas? A Twenty-seven years.  
Q Where did you live before you lived in Texas? In Illinois.  
Q How long did you live in Illinois? A I lived there until I was about eleven years of age.  
Q You were born in Illinois? A Yes.  
Q What was your father's name? A Joseph McDaniel.  
Q Is he living? A No.--Joseph Hopkins McDaniels is his full name.  
Q What is your mother's name? A Maiden name you mean?  
Q No your mother's name? A Ara McDaniels.  
Q Is your mother living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your father 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 Have you evidence of your father's and mother's marriage? A No I have not got it with me but I can get it I think.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your husband's name? A J. P. Williams.  
Q Do you make application for him? A No.  
Q Is he living? A Yes.  
Q He is a white man and makes no claim to Choctaw blood? A He is a white man and makes no claim.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.



Choctaw MCR 3160

Alice Williams

See MCR 3159

MCR 3160

This card must be mailed in a separate envelope and addressed at the post office nearest the address to which it is to be sent.

The postmaster who delivers this card must see that this card is properly signed, subscribed, and mailed to the addressee.

JUL 25 11 50 AM '50

**Post Office Department**  
 ORIGINAL BUSINESS  
 Penalty of \$300 for private use.

RETURN TO:

Name of Sender: **COM. FIVE TRIBES**

Street and Number, } **MUSKOGEE, IND. TER**  
 or Post Office Box. }

Post Office at \_\_\_\_\_

County \_\_\_\_\_ State \_\_\_\_\_

Signature of Delivering Office \_\_\_\_\_  
 and date of Delivery.

REGISTRY RETURN RECEIPT

Form No. 1548

Received from the Postmaster at Sherman, Tex.  
(Delivering office)

Registered (letter) No. 563 from Muskogee, Ind. Ter.  
(Office of origin)

Addressed to Jane Jackson  
(Name of addressee)

Date: \_\_\_\_\_, 190

When delivery is made at an agent of the address, such addresser's name and address should appear in this receipt.

Jane Jackson  
(Signature of name of addressee)

(Signature of addressee required)

This receipt is valid only if returned to the postmaster, or authorized agent, with the registered letter within 10 days of the date of delivery. After that time it is void. It is not valid if returned to the postmaster, or authorized agent, after 10 days from the date of delivery. It is not valid if returned to the postmaster, or authorized agent, after 10 days from the date of delivery. It is not valid if returned to the postmaster, or authorized agent, after 10 days from the date of delivery.

No. 3150

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Jane Jackson

Age 54 Blood 1/8

Post Office, Sherman, Texas

Father: Joe McDaniel (dead)

Mother: Phoebe McDaniel (dead)

Claims through father

1st husband: Mike Moore (dead)

2nd " G.B. Jackson "

Children:

Claims for herself only.

Stenographer

G. B. Amundal

Joe Hopkins  
for Joseph " )  
Wife  
Nell Hopkins - w.  
or Effie " )

Mary Hopkins  $\frac{1}{2}$   
(or Puggy)  
married  
John M<sup>c</sup> Daniel - w.  
(or M<sup>c</sup> Daniel or  
M<sup>c</sup> Daniels)

Joseph Hopkins M<sup>c</sup>  
Daniel. - dead.  
(or Joe)  
Wife  
① Phoebe M<sup>c</sup> Daniel <sup>dead</sup>  
(nee Holland)  
② Ara M<sup>c</sup> Daniel  
(or Ira) (or M<sup>c</sup> Daniels)  
or Irene

m.e.R  
362  
Mary M<sup>c</sup> Daniel  $\frac{36\frac{1}{8}}$   
married  
James Whittet - w.

m.e.R  
363  
Gimmio Whittet 17  
Ada Whittet 15  
Christina Whittet 12

m.e.R  
3.63  
Ada M<sup>c</sup> Daniel  $\frac{34\frac{1}{8}}$   
married  
Clarence J. Ware - w.

m.e.R  
3164  
Hattie M<sup>c</sup> Daniel  $\frac{29\frac{1}{8}}$   
married  
Fred Schmidt - w.

Consolidated Case  
of  
Jane Jackson

REFER TO M. C. R.

3159

Joe Hopkins  
(or Joseph . . .)  
Wife  
Nell Hopkins  
(or Effie " . . .) -w-

Mary Hopkins ±  
(or Puggy)  
married  
John M. Daniel -w-  
(or M. Daniel or)  
(M Daniels)

Joseph Hopkins M. Daniel -  
(or Joe " )  
wife  
① Phoebe M. Daniel  
(nee Holland) dead  
② Ara M. Daniel  
(or Ira) (or M Daniels)  
(or Irene)

m.c.R.  
3/59  
Jane M. Daniel 54/8  
married  
① Mike Moore - dead  
② G. B. Jackson - dead  
(or Branderson Burton . . .)

m.c.R.  
3/6  
George Jackson 22/8

m.c.R.  
3/60  
Alice M. Daniel 41/8  
married  
J. F. Williams -w-

m.c.R.  
3/20  
Norma Williams 13  
" Bessie Williams 11  
" Mamie Williams 9

m.c.R.  
3/61  
Martha M. Daniel 38/8  
married  
G. W. Brown

m.c.R.  
3/65  
Fay Brown 19/16  
married  
William Watson -w-  
m.c.R.  
3/61  
George Brown 16  
" Joe Brown 11  
" Roy Brown 6

Muskogee, Indian Territory, October 11, 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 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 Jane Jackson, et al., of which decision you were advised by mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

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



M.C.R. 3189

COPY.

Muskogee, Indian Territory, October 11, 1902.

Jane Jackson,  
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane Jackson, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNATURE)

*T. C. Woodlee*

Commissioner in charge.

September 27, 1850, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications July 16, 1902.

Forwarding the papers September 25, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Upon a thorough consideration of the case, the Department affirms your decision.

Respectfully,

THOS RYAN

Acting Secretary.

1 inclosure.

DeL.

C O P Y .

D.C.-17322-1902.

88461

XAY.

DEPARTMENT OF THE INTERIOR

Washington.

ITD. 8932-1902  
L.R.S.

October 1, 1902.

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

Gentlemen:

With your letter of July 16, 1902, was transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Jane Jackson; of Alice Williams and her minor children, Norma, Bessie and Mamie Williams; of Martha Brown and her minor children, George, Joe and Ray Brown; of Mary Whittet and her minor children, Jimmie, Ada and Christina Whittet; of Ada Wares; of Hattie Schmidt; and of Fay Watson; and of George Jackson.

The applicants endeavor to trace their descent from one Joe (or Joseph) Hopkins, alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation 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 Joe Hopkins or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of

The applicants in this case attempt to trace — descent from Joe or Joseph Hopkins and his wife Nel Hopkins. Mary McDaniels nee Hopkins was the grandmother of principal applicant, Jane Jackson.

The records of the office relating to Mississippi Choctaws do not show that any one by the name of Hopkins or McDaniels complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they or either of them applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had.

This being true, the decision of the Commission refusing to identify the applicants should be affirmed, and the office so recommends.

Very respectfully,  
Your obedient servant,

W. A. JONES,

Commissioner.

G.A.W.(S)

C O P Y .

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

Washington, Sept. 25, 1902.

Land

42720- - 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 16, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the Department's consideration the record relative to the consolidated case of Jane Jackson, et al., applicants for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Jane Jackson applies for herself; Alice Williams for herself and her three minor children, Norma, Bessie and Mamie Williams; Martha Brown for herself and her three minor children George, Joe and Roy Brown; Mary Whittet for herself and her three minor children, Jimmie, Ada and Christina Whittet; Ada Wares for herself; Hattie Schmidt for herself; Fay Watson for herself; and George Jackson for himself.

July 16, 1902, the Commission held that the parties above named were not entitled to identification as Mississippi Choctaws.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Ware, Hattie Schmidt, Fay Watson and George Jackson, 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,

Acting Chairman.

Registered.

COFY.

M C H 3159

Muskogee, Indian Territory, July 16, 1902.

Jane Jackson,

Sherman, Texas.

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 Jane Jackson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane Jackson,	M C H 3159,
Alice Williams, et al.,	M C H 3160,
Martha Brown, et al.,	M C H 3161,
Mary Whitset, et al.,	M C H 3162,
Ada Warren,	M C H 3163,
Hettie Schmidt,	M C H 3164,
Fay Watson,	M C H 3165,
George Jackson,	M C H 3166.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498), which is as follows:

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

Said decision concludes as follows:

M KOL & O

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Roy Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Wares, Rattie Schmidt, Fay Watson and George Jackson, 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,

Acting Chairman.



COPY.

M.C.R. 3159.

Muskogee, Indian Territory, July 16, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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

Jane Jackson,	M.C.R. 3159
Alice Williams, et al.,	" 3160
Martha Brown, et al.,	" 3161
Mary Whittet, et al.,	" 3162
Ada Ware,	" 3163
Hattie Schmidt,	" 3164
Fay Watson,	" 3165
George Jackson,	" 3166

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:

JA (Secretary)

vised by letter of the action of the Commission, copies of said letters being attached to the report.

Respectfully,

SIGNED

*James H. ...*  
Acting Chairman.

Through the Commissioner of  
Indian Affairs.

1 enclosure.

COPY.

M C R 3159

Muskogee, Indian Territory, July 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jane Jackson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 16, 1902.

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

Jane Jackson,	M C R	3159,
Alice Williams, et al.,	M C R	3160,
Martha Brown, et al.,	M C R	3161,
Mary Whittier, et al.,	M C R	3162,
Ada Ware,	M C R	3163,
Hattie Schmidt,	M C R	3164,
Ray Watson,	M C R	3165,
George Jackson,	M C R	3166.

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 ad-

(2)

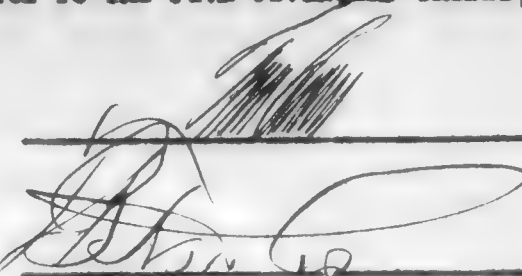
to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe (or Joseph) Hopkins, or a less remote ancestor of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 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 Jane Jackson, Alice Williams, Norma Williams, Bessie Williams, Mamie Williams, Martha Brown, George Brown, Joe Brown, Ray Brown, Mary Whittet, Jimmie Whittet, Ada Whittet, Christina Whittet, Ada Vares, Mattie Schmidt, Fay Watson and George Jackson, as Choctaw Indians, entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,

JUL 16 1902

  
\_\_\_\_\_  
C. T. Buchanan  
Commissioner.

Congress approved June 20, 1898 (30 Stats., 495).

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Joe (or Joseph) Hopkins, who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation in the states of Mississippi and Alabama 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., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted

*J.R.B.*

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

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

Jane Jackson	M.C.R. 3159
Alice Williams, et al	" 3160
Martha Brown, et al	" 3161
Mary Whittet, et al	" 3162
Ada Ware	" 3163
Hattie Schmidt	" 3164
Fay Watson	" 3165
George Jackson	" 3166

--: 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 Jane Jackson for herself; by Alice Williams for herself and her  
three minor children, Norma, Bessie and Manie Williams; by Martha  
Brown for herself and her three minor children, George, Joe and  
Roy Brown; by Mary Whittet for herself and her three minor children,  
Jimmie, Ada and Christina Whittet; by Ada Ware for herself; by  
Hattie Schmidt for herself; by Fay Watson for herself, and by George  
Jackson for himself, under the following provision of the act of

40  
Copy of affidavit of Tobias Edwards..... 57

Final decision of the Commission in the con-  
solidated case of Jane Jackson, et al., for  
identification as Mississippi Choctaws,  
denying said applications..... 58

0-

Original application of Alice Williams, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws.....	10
Application of Alice Williams, et al., .....	16
Copy of affidavit of Tobias Edwards.....	17
Original application of Martha Brown, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws.....	18
Application of Martha Brown, et al.,.....	23
Copy of affidavit of Tobias Edwards.....	24
Original application of Mary Whittet, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws.....	25
Application of Mary Whittet, et al., .....	28
Copy of affidavit of Tobias Edwards.....	29
Original application of Ada Wares before the Dawes Commission for identification as a Mississippi Choctaw.....	30
Application of Ada Wares.....	35
Copy of affidavit of Tobias Edwards.....	36
Original application of Hattie Schmidt before the Dawes Commission for identification as a Mississippi Choctaw.....	37
Application of Hattie Schmidt.....	42
Copy of affidavit of Tobias Edwards.....	43
Original application of Fay Watson before the Dawes Commission for identification as a Mississippi Choctaw.....	44
Application of Fay Watson.....	49
Copy of affidavit of Tobias Edwards.....	50
Original application of George Jackson before the Commission, for identification as a Mississippi Choctaw.....	51
Application of George Jackson.....	56



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----

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

Jane Jackson,	M C R 3159
Alice Williams, et al.,	" 3160
Martha Brown, et al.,	" 3161
Mary Whittet, et al.,	" 3162
Ada Wares,	" 3163
Hattie Schmidt,	" 3164
Fay Watson,	" 3165
George Jackson,	" 3166

List of papers forwarded to the Secretary of the Interior, comprising the records in the Consolidated case of-

Jane Jackson, et al., ..... M C R 3159

Original application of Jane Jackson before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Application of Jane Jackson.....	6
Affidavit of John Lewis.....	7
Affidavit of John Albertson.....	8
Affidavit of Tobias Edwards.....	9

#5

- Q What kind of evidence do you expect to get? A Well I will try to get proof.
- Q Do you expect to secure witnesses and bring them before the Commission in person? A I don't know whether we can or not we will try.
- Q If you cannot secure the testimony of witnesses in person before the Commission can you secure their depositions? A Well I think so.
- Q You understand that the oral testimony of witnesses carries more weight than depositions or affidavits? A Yes.
- Q Did Mary McDaniel ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A No never that I knew of. I pretty nearly know the history and I don't know of it.
- Q Is there any other statement that you would like to make at this time? A No that's all.
- Q Have you any papers that you want to file now? A No.
- Q You understand do you that in a case where valuable property rights are involved even the sworn statement of one of the interested parties unless it is supported by outside evidence does not carry very much weight? A Yes.
- Q So you understand the importance of securing evidence on the matters that you have been asked about to-day? A Yes I understand.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

The applicant in this case has grayish black hair, brown eyes and dark complexion. Her face is somewhat broad but her general appearance is that of a white woman.

- Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether the ancestor through whom she claims lived in Mississippi the date of the making of the treaty of eighteen hundred and thirty.

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 2, 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 12th day of October 1901.

*M. W. Sullivan*  
Notary Public.

- Q Was he a full blood Choctaw? A Yes that's what I have always been told.
- Q Do you claim your Choctaw blood through your father? A Yes.
- Q What was your father's father's name? A John McDaniel, was his name but he got his blood from his mother whose name was Mary McDaniels and her maiden name Hopkins.
- Q What relation was Mary McDaniels to you.
- Q She was my grandmother.
- Q What was Mary McDaniels father's name? A Joe Hopkins.
- Q And what was her mother's name? A Nell Hopkins but she was a white woman.
- Q Your father you say is dead? A He died this week.
- Q How old was he? A He was eighty. The record was lost, we guessed him about 80. He was supposed to be eighty years.
- Q Where was your father born? A Now I don't know but I suppose in Mississippi.
- Q You don't know anything about that? No just what he said, he would say some times in Mississippi and sometimes in North Carolina. I frequently asked him but he didn't remember. He was paralyzed for the last eight years. He only remembered being in the Indian Territory.
- Q You think he was about eighty years old? A Yes I think he was.
- Q Then he must have been born some time before the treaty of eighteen hundred and thirty? A Yes he was born before then.
- Q Then his mother Mary Mc Daniels was a married woman at the head of a family at that time? A Yes she was married quite young.
- Q Do you know how long Mary McDaniel has been dead? A Why she died during the war, I can't tell you the exact date.
- Q Do you know how old she was? A About fifty- or fifty-five.
- Q She must have been born then about the year 1810 or 1815? A Yes somewhere along there, they were of a roaming disposition and didn't keep a record of anything much.
- Q Do you know where Mary McDaniels was living in eighteen hundred and thirty? A No I don't know.
- Q Do you remember of ever seeing her? A Yes I was seventeen years old when she died, She died in Illinois.
- Q Do you know whether Mary McDaniels came West with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A No I don't know whether she did or not. They lived in different States and she talked the language.
- Q Do you remember how Mary McDaniel looked? A Yes I remember that.
- Q How did she look? A She had very dark eyes and was rather tall and had straight black hair.
- Q Do you think you will be able to secure any evidence as to where Mary McDaniel lived in 1830? A I think so.
- Q You said you did not know where she was living at that time? A No I don't. I think I can find out.
- Q Do you know whether she, within six months after the ratification of the treaty went to the Indian Agent and told him that she wanted to stay there and take land? No I don't know I heard her talking about the Indian Country but I was young and don't remember.
- Q Do you think you can get evidence as to whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay in Mississippi? A I don't know I will try.
- Q Do you understand that it is a matter of importance to your case that you secure evidence as to where your mother was living in eighteen hundred and thirty and whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay in Mississippi? A Yes I know it is important.
- Q Do you intend to secure whatever evidence you can on these points? A Yes.

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

- Q Within six months after this treaty was ratified there were a great many Indians who went to the Agent there and told him that they wanted to stay in Mississippi and become citizens of the United States but when an Agent was sent down by the Government to locate the land for these Indians it was found that the names of a great many who claimed to have gone to the Agent and told him that they wanted to stay there and take land in Mississippi, whose names did not appear on the list which the Indian Agent had made so under different acts of Congress Commissioners were appointed and sent down into Mississippi to look into this matter and find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred of the claims, some were 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 which the Indians claimed had not already been sold it was given to the claimant; if the land had been disposed of scrip was issued to them which could be used to buy land in Mississippi, Arkansas, Louisiana or Alabama.
- Q Do you claim anything under the provisions of that article of the treaty? A Well we never received anything that I know of.
- Q Well do you think you make any claim under the provisions of that article of the treaty of eighteen hundred and thirty? A Well I think we have a right to something.
- Q Do you think you have a right under that article of the treaty? A No I guess not.
- Q Well of course you can claim under that article of the treaty. I did not mean to intimate that you could not claim under that treaty. I merely wanted an answer to my question, you did not answer. You have a perfect right to claim under that article if you want to. You think then that you make no claim under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q On what do you base your claim then? A I base my claim on my great grandfather being Choctaw Indian and my grandmother being one half blood.
- Q Then you are making your claim here simply because you have been taught you had Choctaw blood? A Yes simply because I have been taught that I had the blood.
- 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 Joe Hopkins.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities 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 Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory, on appeal from the decision of the Dawes Commission or the Choctaw Tribal authorities? 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 a member of the Choctaw tribe? A No.
- Q Is this the first application you have ever made of any kind? A Yes.
- Q What kind of an application do you want to make now? A I want to be recognized as a Mississippi Choctaw and get back to my grandparents.
- Q What makes you think you have a right to be recognized as a Mississippi Choctaw? A My grandmother always told me that her father was an Indian and she talked the Choctaw language and was a one-half breed.
- Q What kind of an Indian was she? A Choctaw Indian.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A I don't understand treaties, I claim all the rights of a Mississippi Choctaw.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress approved June 28, 1898, and is as follows:

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

This provision of law authorizes the Commission to hear 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 were then living 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 Mississippi River. The State of Mississippi was being rapidly filled up with white settlers and it was very hard for the government to protect the Indians in their tribal government, and thought it would be best to remove the Indians to some Country West of the Mississippi River where there would be no white people and where they would not be disturbed in their tribal government but some of the Indians did not want to leave their homes there 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 did not want to come West. Article fourteen of the treaty of eighteen hundred and thirty provides that:

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3159

In the matter of the application of Jane Jackson for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Jane Jackson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jane Jackson.  
Q How old are you? A Fifty-four.  
Q What is your post-office address? A Sherman, Texas.  
Q How long have you lived there? A Ever since seventy-seven.  
Q Where did you live before you lived there? A In Illinois.  
Q How long did you live in Illinois? A Well from the time I was born until I came to Texas and I was born in forty-seven.  
Q You lived in Illinois then about thirty years? A I think along there.  
Q If you were born in 1847 and moved to Texas in 1877 you must have lived there thirty years? A Yes.  
Q And you lived in Texas ever since then? A Yes.  
Q What is your father's name? A Joe McDaniel.  
Q Is he living? A No.  
Q What is your mother's name? A Her name was Phoebe Mc Daniels. Her maiden name was Phoebe Holland.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my father.  
Q How much do you claim? A One-eighth.  
Q Has your father 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? No, not that I know of.  
Q Have you evidence of the marriage of your father and mother? A No but I suppose I can get it. I know the town they were married in.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? A No.  
Q Your children are all over twenty-one years old? A Yes I had four from my last marriage and two from my first.  
Q What was the name of your first husband? A Mike Moore.  
Q He is dead? A Yes.  
Q What was the name of your second husband? A G. B. Jackson.  
Q He is dead also? A Yes.  
Q Your children are all over age and married? A All over age but none married.  
Q You are making this application for yourself alone? A Yes.

Choctaw MCR 3159

Jane JACKSON

MCR 3159

See MCR 3160, 3161, 3162, 3163  
3164, 3165, 3166

No. 3158

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name John Owens

Age 21 Blood 1/16

Post Office, Mexia Texas

Father: A. T. Owens (dead)

Mother: Maria Lipson

Claims through mother

Children:

Claims for self alone

Stenographer

G. Rosenwinkel



This card must be neatly and correctly made up and addressed at the post office where the article is registered.  
The postman who delivers the registered article must see that this card is properly signed, numbered, and mailed to the addressee.

Postmark of Post Office  
MEX FEB 1903 REC'D  
and date of delivery

**Post Office Department**

OFFICIAL BUSINESS

Penalty of \$500 for private use.

**RETURN TO:**

Name of Sender \_\_\_\_\_  
Street and Number, or Post Office Box \_\_\_\_\_  
Post Office at \_\_\_\_\_  
County \_\_\_\_\_ State \_\_\_\_\_

COM. FIVE TRIBES  
MUSKOGEE, IND. TER.

REGISTRY RETURN RECEIPT.

Form No. 548

Received from the Postmaster at

*Meacham, Texas*  
August 10, 1901

Registered Mail No. *1129* from

(City or town)

Addressed to

*John Owen*

Date

*7/27*

When delivery is made, the postmaster of the address shall deliver to the addressee's name and return receipt thereon in the form.

*John Owen*

Signature of addressee's agent

A registered article is deemed to be delivered to the addressee's agent upon the addressee's written order. Where the addressee's name has been reported as changed, it is to be furnished with notice of the change upon and receipt date of delivery and mailed to the addressee, without envelope or postage.

R. 3158  
John Owens

DECISION RENDERED. JAN 25 1903  
AND

PROTAW

RECEIVED M. O. R. 2857

Department of the Interior.

Commissary to the Muskogee Tribe,

MUSKOGEE, IND. TER.



John Owens,  
Mexico, Texas.

**UNCLAIMED**

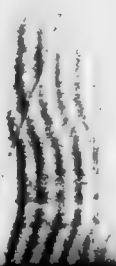
RETURNED TO  
S. H. OWENS  
MUSKOGEE, IND. TER.



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DEPARTMENT OF  
Commissioner to the

MUSKOGEE  
JAN 11  
9-AM  
1907  
INDIAN



Present address  
unknown

General Office  
Notice that Sec. of Int. has  
affirmed Commission's decision.

**Unclaimed.**  
John Owens  
Mexico, Texas.  
**RETURN TO WRITER**



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

Present address

Wm. Brown

General Office

Notice that Sec. of Int. has  
affirmed Commission's decision.

Doctored  
San Owens

RETURN TO WRITER

Mexia, Texas.



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1878

W



COMMISSION TO THE SECRETARY OF WAR  
FOR THE  
AUG 19 1903

AUG 19 1903

*[Handwritten signature]*

CHAIRMAN



*mm*

REFER IN REPLY TO THE FOLLOWING:

MCR 3158

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

Muskogee, Indian Territory, December 6, 1906.

John Owens,

Mexia, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

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

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

HEREIN IN REPLY TO THE FOLLOWING

M.C.R. 3158

ALLISON L. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 13, 1903.

John Owens,  
Mexia, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommia Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Foraythe, Freddy Forsythe, Burty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Leo Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

**M.C.R. 3158.**

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

John Owens,

Mexia, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcada DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2898
William L. Blakley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

Q Can you speak Choctaw? A No.

The applicant in this case has brown hair, mustache and eyes, and dark complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of article fourteen of the treaty of eighteen hundred and thirty although he states that the ancestor through whom he claims lived in Mississippi in eighteen hundred and thirty.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*David Luby*  
Notary Public.

instances where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them. If the land had been sold they were given scrip which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A I have been taught that they did in Newton County.
- Q Mississippi? A Yes.
- Q Which one of your ancestors owned land there? A John Blakley.
- Q What relation was he to you? A Great grandfather.
- Q Was he a Choctaw Indian? A No.
- Q Do you know how he owned that land? A No.
- Q Do you know that you can have the records of land transfers in that County examined and find out from whom your grandfather got this land and how he owned it? A Yes.
- Q Do you understand that this would be a material matter in your case? A Yes.
- Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Elizabeth Blakley.
- Q What relation was she to you? A Great grandmother.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was her mother's name? A Elizabeth Williamson.
- Q What was your mother's father's name? A David Williamson.
- Q Through which one of your mother's parents did she get her Choctaw blood? A From her mother.
- Q Now what was Elizabeth Williamson mother's name? A Elizabeth Blakley.
- Q What was Elizabeth Williamson's father's name? A John Blakley.
- Q Elizabeth Blakley is the ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Yes.
- Q Did she live in Mississippi in eighteen hundred and thirty? A I have been told that she did.
- Q Was she a recognized Choctaw Indian? A I have been told that.
- Q Do you think you can secure evidence on these points? A Yes.
- Q Did Elizabeth Blakley go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay in Mississippi and become a citizen of the States, the United States? A I don't know.
- Q Did she come west with the other Choctaws between eighteen hundred and thirty-three and thirty-eight to the present Choctaw Nation? A No I don't think she did.
- Q Do you think you can secure evidence as to whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there? A I think I can.
- Q Do you understand that it is a matter of importance in your case as to whether your ancestor went to the Indian Agent and told him that she wanted to stay and become a citizen of the United States? A Yes.
- Q Are there any other statements that you would like to make at this time in support of your application? A Yes I have witnesses.
- Q Who are they? A Tempie McAllister and Mrs. Adams.
- Q What relation are they to you? A Second cousins.

They will be examined and their testimony made a part of the record in your case.

- Q What kind of an application do you want to make now? A To be identified as a Mississippi Choctaw.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Through my grandparents, my ancestors.
- Q What do you claim through them? A Choctaw.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Tribe? A Under the treaty of eighteen hundred and thirty, article fourteen.
- Q Do you understand the provisions of that article? A I understand it but cannot explain it.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians. The State of Mississippi was being filled up with white settlers very rapidly and the United States found it hard to protect the Indians in their tribal government and thought it would be best to give them land west of the Mississippi river in exchange for their land in the State of Mississippi and move them to the Country west of the Mississippi River where they could set up their tribal government and not be bothered by white people but some of the Indians did want to come west and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi. Article fourteen was therefore made a part of the treaty for the benefit of those 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."

- Q That is the provision under which you are claiming? A Yes.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi 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 it was found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay whose names were not on the list which the Indian Agent had made. So under different acts of Congress Commissioners were appointed to go down there in Mississippi and find out which of the Indians were entitled to land in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners examined into the cases very thoroughly, examined witnesses, took depositions and passed on several hundred cases. In those



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3158

In the matter of the application of John Owens for identification as a Mississippi Cheetaw.

Applicant represented by Attorney A. Telle.

Said John Owens being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John Owens.  
Q What is your age? A Twenty-one.  
Q What is your post-office address? A Mexia, Lime Stone County, Texas.  
Q How long have you lived there? A I have lived there off and on for about eight years.  
Q How long have you lived in Texas? A All my life.  
Q Born in Texas? A Yes.  
Q Never had a home outside of that State? A No.  
Q What is your father's name? A W. T. Owens.  
Q Is he living? A No.  
Q What is your mother's name? A Maria Gipson.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Cheetaw blood? A My mother.  
Q How much Cheetaw blood do you claim? A One-sixteenth.  
Q Has your mother ever been recognized in any manner or enrolled as a Cheetaw Indian by the Cheetaw tribal authorities or the authorities of the United States? A No.  
Q Are you married? A No.  
Q Are you making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Cheetaw Nation in Indian Territory? A No.  
Q Have you ever applied to the Cheetaw tribal authorities to be enrolled as a member of that tribe? A Not until now.  
Q Well this is not the Cheetaw tribal authority? A No I have not.  
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 Cheetaw Nation under the act of June 16, 1896? A No.  
Q Have you ever been admitted to citizenship in the Cheetaw Nation by the Cheetaw tribal authorities or by the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Cheetaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Cheetaw tribal authorities? A No.  
Q Have you ever before this time applied to either the Cheetaw tribal authorities or the authorities of the United States to be admitted or enrolled as a citizen of the Cheetaw Nation? A No.  
Q Is this the first time you have ever applied in any way? A Yes.

- Q Where did you know her? A I knew her in Mississippi.  
 Q Do you know about what year that was? A The time she died.  
 Q The time you knew her? A Well it was in the fifty's. I was born in the forty's and she died somewhere in the fifty's.  
 Q When you knew her she was living in Mississippi? A Yes.  
 Q She was a half-blood Choctaw Indian was she? A Yes.  
 Q Do you remember how she looked? A Some yes.  
 Q What was her appearance? A Well, she was rather dark, black eyes and black hair and not very tall about my size's woman and straight black hair.  
 Q Do you know whether she lived in Mississippi in eighteen hundred and thirty or not? A I suppose so.  
 Q Do you know whether she came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A She did not.  
 Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to become a citizen of the United States? A I don't know.

Examination by A. Telle.

- Q I believe you are one of the daughters of Mary Blakley Williamson and Joseph Williamson? A Yes.  
 Q Did I understand that Joseph Williamson was a white man? A Yes.  
 Q What other children did your mother have? A Well Mrs. Mc Allister and Mrs. Mary Adams.  
 Q Have they all appeared for identification? A My sisters, Mrs Pete Adams, her children have not.  
 Q Well what are the names of these children that have not appeared yet? A Cynthia Hill and J. A. Adams.  
 Q Then all of that branch of the family have appeared but these two? A Yes.  
 Q Do you remember anything about the property that these people owned, J. J. Williamson and his wife in Mississippi? A I know they owned land but how they got it I don't know.  
 Q You don't know just how he came into possession of that land? A No I don't.  
 Q Have you ever made any effort to trace that matter? A The records in that County I am satisfied have been burned. They have been burned twice since, once during the war and once since.  
 Q Have you any idea where the original records of this land were kept? A At Winchester I think when the Territory was first being settled that was my understanding.  
 Q Now with reference to all these that have appeared here, they are all descendants of the original Blakley family? A Yes.  
 Q And those that are descendants of Elizabeth Williamson have also applied here? A Yes.  
 Q Is Elizabeth Williamson here an applicant for identification? No.

Witness excused.

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 in the above entitled cause on August 2, 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 12th day of October 1901.

*David S. Kelly*  
 Notary Public

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory August 2, 1901, M.C. 3157.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

A Telle Attorney representing above applicants.

Sarah M. Adams being first duly sworn testified as follows

Examination by the Commission

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colerado City, Texas.  
Q How long have you lived in Texas? A Thirty-six years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q You have made application here for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with Maria Gipson, Lawrence L. Boyd, Joseph K. Boyd, Nora B. Hilley, William F. Walker, and John Owens who have applied here for identification as Mississippi Choctaws? A Yes.  
Q Are you related to them in any way? A Yes.  
Q How are you related to them? A To Joseph K. Boyd and Mrs. Hilley I am their aunt and the others are all second cousins of mine.--Well Mrs. Gipson is my own cousin.  
Q Do you know through what ancestor these applicants claim their Choctaw blood? A Yes.  
Q Who is this ancestor? A The first ones John and Elizabeth Blakley beyond that I do not know them only what I have been told. I have been told they were John Smith her father and Elizabeth Smith his wife. That is my great grandparents.  
Q These applicants all claim descent from Elizabeth Blakley and John Blakley? A Yes John Blakley was a white man but Elizabeth Blakley was a one-half Choctaw. That is what I have been told.  
Q Did you know Elizabeth Blakley yourself? A Yes.

- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a house and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Harrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you see any other Choctaws around where she lived? A Yes I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You knew the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness excused.

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 cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*

Notary Public.

- Q About how old? I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William E. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Boss, Arthur A. Boss, Olive Smith, Sarah H. Adams, Morlin G. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcata DeBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one?
- Q All of these people, are they related to each other in any way? A Yes.
- Q In any way? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was the given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q She was a Choctaw Indian? A Well they called her that or she looked like ~~was~~ it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1847? A I don't remember, I just can't recollect any certain time or what date it was to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to the Commissioners and tried to get land there in Mississippi? A No I do not know.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and to come a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I do not.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of their's? --What was their names please? --A Their names or mine?
- Q No their-- Give me the names of your brother's and sister's? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you Rhoda Blakley.
- Q How the name Rhoda? A Russell Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathers Blakley and Sarah Ann Blakley.

Witness Exposed.

Walda Jane Barrington being called as a witness testified as follows, being first duly sworn.

- Q What is your name? A Barrington, F. J.
- Q What does that F. stand for? A It stands for Walda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Will County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1830 then? A Yes I think so - I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty-years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1830 you can count it.
- Q About how old were you? (By Attorney; was it before the War) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married.
- Q She married a man by the name of John Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say that you were born in 1830, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Tolle.

- Q She had been married a good many years tho? A Yes.
- By the Commission.
- Q Do you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years on the 1st of June.
- Q What is your post-office address? A Landon.
- Q Texas? A Yes, Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother was a daughter, she was my mother. She married a man by the name of Hickley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blackfoot? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A Don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you ever live in this Choctaw Nation in the Indian Territory? A Never here, I did not, I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Hickley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Temple W. Allister, Albert Edward Boyd, Aranda DuBose, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Marie Simpson, Joseph K. Boyd, Lawrence L. Boyd, William P. Walker, Nora B. Willey and John Owens? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these children get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw, my Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.



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In the matter of the application of Arcada Dufosse et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H. C. 2859.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2855.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2853.

In the matter of the application of Maria Gipsen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, H.C. 3139.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3155.

In the matter of the application of Lawrence I. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3157.

In the matter of the application of Vera E. Willey for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3156.

In the matter of the application of William Y. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H. C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3158.

Elizabeth Williamson being called as a witness in the above and for going cases, duly sworn testified as follows:

-Examination by the Commissioner-

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2898.

In the matter of the application of Mattie Foraythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1488.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2888.

In the matter of the application of Sarah H. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Marlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2998.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

Choctaw MCR 3158

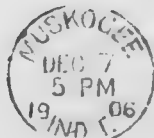
John Owens

MCR 3158

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



RETURN TO  
SPECIAL DELIVERY  
FOR

William F. Walker,

Dawson, Indian Territory.





DEPARTMENT OF THE  
COMMISSIONER OF THE GENERAL LAND OFFICE

1888



No. 3157

For Identification as a Mississippi Choctaw.

Date AUG 2 1951

Name William F. Walker

Age 18 Blood

Post Office, Dawson, Texas

Father: Aviam Walker (dead)

Mother: Martha Walker "

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

G. Rosenwinkel

William F. Walker.

DECISION RENDERED. JAN 23 1903

2857

*MM*

REFER IN REPLY TO THE FOLLOWING:

MCR 3157

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

Muskogee, Indian Territory, December 6, 1906.

William F. Walker,  
Dawson, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.



M.C.R. 3157.

COPY.

Muskogee, Indian Territory, July 13, 1903.

William F. Walker,  
Dawson, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

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

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ica J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al ,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

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

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

ALLISON L. AYLESWORTH,  
SECRETARY.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3157.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

William F. Walker,  
Dawson, Texas.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcada DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2898
William L. Blakley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

- Q Where did you know her? A I knew her in Mississippi.  
 Q Do you know about what year that was? A The time she died.  
 Q The time you knew her? A Well it was in the fifty's. I was born in the forty's and she died somewhere in the fifty's.  
 Q When you knew her she was living in Mississippi? A Yes.  
 Q She was a half-blood Choctaw Indian was she? A Yes.  
 Q Do you remember how she looked? A Some yes.  
 Q What was her appearance? A Well, she was rather dark, black eyes and black hair and not very tall about my size's woman and straight black hair.  
 Q Do you know whether she lived in Mississippi in eighteen hundred and thirty or not? A I suppose so.  
 Q Do you know whether she came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A She did not.  
 Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to become a citizen of the United States? A I don't know.

Examination by A. Telle.

- Q I believe you are one of the daughters of Mary Blakley Williamson and Joseph Williamson? A Yes.  
 Q Did I understand that Joseph Williamson was a white man? A Yes.  
 Q What other children did your mother have? A Well Mrs. Mc Allister and Mrs. Mary Adams.  
 Q Have they all appeared for identification? A My sisters, Mrs Pete Adams, her children have not.  
 Q Well what are the names of these children that have not appeared yet? A Cynthia Hill and J. A. Adams.  
 Q Then all of that branch of the family have appeared but these two? A Yes.  
 Q Do you remember anything about the property that these people owned, J. J. Williamson and his wife in Mississippi? A I know they owned land but how they got it I don't know.  
 Q You don't know just how he came into possession of that land? A No I don't.  
 Q Have you ever made any effort to trace that matter? A The records in that County I am satisfied have been burned. They have been burned twice since, once during the war and once since.  
 Q Have you any idea where the original records of this land were kept? A At Winchester I think when the Territory was first being settled that was my understanding.  
 Q Now with reference to all these that have appeared here, they are all descendants of the original Blakley family? A Yes.  
 Q And those that are descendants of Elizabeth Williamson have also applied here? A Yes.  
 Q Is Elizabeth Williamson here an applicant for identification? No.

Witness excused.

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 in the above entitled cause on August 2, 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 12th day of October 1901.

*W. H. Shelby*  
 Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory August 2, 1901, M.C. 3157.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

A Telle Attorney representing above applicants.

Sarah M. Adams being first duly sworn testified as follows

Examination by the Commission

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived in Texas? A Thirty-six years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q You have made application here for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with Maria Gipson, Lawrence L. Boyd, Joseph K. Boyd, Nora B. Hilley, William F. Walker, and John Owens who have applied here for identification as Mississippi Choctaws? A Yes.  
Q Are you related to them in any way? A Yes.  
Q How are you related to them? A To Joseph K. Boyd and Mrs. Hilley I am their aunt and the others are all second cousins of mine.---Well Mrs. Gipson is my own cousin.  
Q Do you know through what ancestor these applicants claim their Choctaw blood? A Yes.  
Q Who is this ancestor? A The first ones John and Elizabeth Blakley beyond that I do not know them only what I have been told. I have been told they were John Smith her father and Elizabeth Smith his wife. That is my great grandparents.  
Q These applicants all claim descent from Elizabeth Blakley and John Blakley? A Yes John Blakley was a white man but Elizabeth Blakley was a one-half Choctaw. That is what I have been told.  
Q Did you know Elizabeth Blakley yourself? A Yes.

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Are they here? A Yes.

Q Who are they? A One is Mrs. Gipson the other is Mrs. McAllister.

Q What relation is Mrs. Gipson to you? A She is my aunt.

Q What relation is Mrs. McAllister to you? A She is my second cousin.

These witnesses will be examined and their testimony made a part of the record in your case.

If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

Q Do you speak Choctaw? A No.

The applicant in this case has brown hair, brown eyes and dark complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although, it appears from his testimony that the ancestor through whom he claims lived in Mississippi in eighteen hundred and thirty.

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 2, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 12th day of October 1901.

*Wm. H. Kelly*  
Notary Public.

so under different acts of Congress Commissioners were appointed to go down there and ascertain who of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred cases, some they allowed and some were refused. In those cases, which were allowed by the Commission and approved by the Secretary of War and by the President, if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold scrip was issued. This scrip could be used in buying land from any of the public domain in the States of Mississippi, Arkansas, Louisiana and Alabama.

- Q Did any of your ancestors own any land in these States? A I have been told they did.
- Q In which State? A In Mississippi in Newton County.
- Q Do you know which one of those ancestors that was? A My great-grandfather.
- Q What was his name? A John Blakley.
- Q Do you know how he owned that land; from whom he got it? A No.
- Q You understand that you could have the records of land transfers in that County examined and find out from whom your great grandfather got that land and how he owned it? A Yes.
- Q And do you understand that this is a material point in your case, to have evidence as to the ownership of this land? 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 Elizabeth Blakley.
- Q What relation was she to you? A My great grandmother.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q And what was your mother's father's name? A David Williamson.
- Q What was your mother's mother's name? A Elizabeth Williamson.
- Q Through which one of your mother parents did she get her Choctaw blood? A Through her mother.
- Q Elizabeth Williamson? A Yes.
- Q What was Elizabeth Williamson's father's name? A John Blakley.
- Q And what was her mother's name? A Elizabeth Blakley.
- Q Through which one of your grandmother's parents did she get her Choctaw blood? A From her mother.
- Q Did Elizabeth Blakley your great grandmother live in Mississippi in eighteen hundred and thirty? A I have been taught she did.
- Q Will you be able to secure any evidence on that point? A Yes I think so.
- Q Did Elizabeth Blakley go to the Indian Agent, there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay there and become a citizen of the United States? A I don't know.
- Q You never heard? A No.
- Q Did she come west with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eight to the present Choctaw Nation? A I don't know.
- Q You never heard whether she came to this Choctaw Nation or not? A No she did not, I don't think so.
- Q Do you think you will be able to get evidence on this point? A Yes.
- Q Also as to whether she went to the Indian Agent there in Mississippi? A Yes.
- Q You understand that these are material matters in your case? A Yes.
- Q Are there any other statements that you would like to make in support of your application? A Yes I have some witnesses.
- Q Witnesses whose testimony you want to offer? A Yes.



- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal authorities or the Dawes Commission? A No.
- Q Have you ever before this time made application 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 time you have ever applied? A Yes.
- Q What kind of an application do you want to make now? A I want to be identified as a Mississippi Choctaw.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because my great grandfather was a part Choctaw.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Nation? A Yes under the treaty of eighteen hundred and thirty, article fourteen.
- Q Do you understand the provisions of this article? A Yes I understand it but I cannot explain it.
- Q Can you tell what you think is meant by that article? A No.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaws for the purpose of moving them from the old Choctaw Nation in Mississippi and Alabama to a Country west of the Mississippi River and give them land there in exchange for their land in the States of Mississippi and Alabama but some of the Indians did not want to leave their homes there and the others would not sign any treaty until some provision was made for those Indians who wanted to stay in Mississippi and did not want to come west, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to stay in the State of Mississippi. After that article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Nation. 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; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the provision under which you now claim? A Yes.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent and told him that they wanted to stay there in Mississippi and become citizens of the United States, but when a locating Agent was sent down there to locate the land for the Indians he found that there were a great many who claimed to have gone to the Indian Agent and told him that they wanted to remain in Mississippi and take land there, whose names did not appear on the list made by the Indian Agent,

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3157

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw.

Applicant represented by Attorney A Telle.

William F. Walker being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William F. Walker.  
Q What is your age? A Eighteen.  
Q Are you married? A No.  
Q How does it happen that you are applying for yourself? A Well I have no father nor mother.  
Q What is your post-office address? A Dawson, Texas.  
Q How long have you lived there? A I have lived there about five weeks.  
Q Where did you live before you lived there? A In Hill County.  
Q Is that in Texas? A Yes.  
Q How long have you lived in Texas? A I lived there all my life.  
Q You were born there? A Yes.  
Q Never had a home anywhere else? A No.  
Q What was your father's name? A Hiram Walker.  
Q You say your father is dead? A Yes.  
Q What is your mother's name? A Martha Walker.  
Q Your mother is dead also? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A Through my mother.

By Attorney A. Telle.

I think he claims through both.

- Q Your father claims to be Choctaw? A Well I don't know.

Well that is my information that Hiram Walker claimed to be Choctaw.

By the Commission.

- Q You are making this application for yourself alone? A Yes.  
Q Was your mother ever recognized in any manner as a Choctaw Indian by the Choctaw Tribal Authorities or 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 apply to the Choctaw tribal authorities 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 Choctaw Nation under the act of Congress of June 10, 1896? A No.  
Q Have you been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or by the Dawes Commission? A No.

Q Do you know whether Elizabeth Winkley owned any land in Mississippi?  
A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

Q I will ask you Mrs. Harrington if you were at Elizabeth Winkley's house very often? A Yes.

Q And were well acquainted with her? A I was well acquainted with her.

Q Did you ever see any other Choctaws around where she lived? A Yes.

Q The I seen them knocking around there.

Q And common report was it that she was one of the Choctaws? A Yes.

Q Do you remember where Elizabeth Winkley died? A Yes.

Q Where did she die? A In Mississippi.

Q Were you present at her burial? A Yes.

Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.

Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.

Q She could talk to the other Choctaws that came to her? A Yes she could.

Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.

Q Do you know her to be a descendant from Elizabeth Winkley? A Yes.

Q You know the whole family ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

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 cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, made at Atoka, Indian Territory, on August 2, 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*Charles K. Sawyer*  
Notary Public

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blackley, Mattie Faraythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Werlin G. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada Roboso, Orval Boyd, William A. Williamson, Margie Adams, William Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William M. Walker, Vera B. Willey and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other at all? A Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q In what way? A Yes.
- Q Well state as well as you can how? A My sister and Tempie are sisters and Vera Willey is her daughter.
- Q Well are those others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Where you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Elizabeth.
- Q What was her given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blackley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon no, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1830 and 1840? A I don't remember, I just can't recollect any certain time or what date to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen hundred and twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Combed ones were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blackley or her husband went to these Combed ones and tried to get land there in Mississippi? A No I do not know.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember that? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not, the Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You speak Choctaw now can you? A Yes I have not for of all of it, I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of their's? What was their names, please? A Their names of mine?
- Q No their's--give me the names of your brothers and sisters? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my own name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, Albany Blakley, Tommie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Halda Jane Harrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Harrington, H.J.
- Q What does that H. stand for? A It stands for Halda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh well I just can't tell you that.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820, you can count it.
- Q About how old were you? (By Attorney, was it before the war?) A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say you were born in 1820, then your mother must have been married in 1800, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Yelle.

- Q She had been married a good many years tho? A Yes.

By the Commission.

- Q Did you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirtythree and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her living anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-two years old in a few days.
- Q Where were you born? A In the post-office at Brownsville, Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A I claim to have one-half Choctaw blood. My grandfather had a Choctaw mother, who was my mother. She married a man by the name of Ashley.
- Q You mean that this white man and a Choctaw mother had a daughter and that daughter was your mother? A Yes.
- Q How old was your mother when she married Ashley? A Ten.
- Q How much Choctaw blood did your mother claim to have? A She was one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I recognize.
- Q A recognized member of the Choctaw Tribe, where in the Territory? A I don't know, I live in the Territory now.
- Q Did you ever live in the Indian Territory? A Yes when I was little.
- Q How long did you live in the Choctaw Tribe in the Indian Territory? A About one year, I don't know how long.
- Q Were you ever a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory, I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know where I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Lawton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the case of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Massey, Cassie Fortney, William Ross, Thomas W. Ross, Walter A. Ross, Eliza Smith, Sarah W. Adams, Sarah L. Adams, J. Dale Adams, Temple W. Allister, Albert Edward Boyd, Arcona Dubose, Oral Boyd, William D. Williamson, Margie Adams, Lillie Thomas, Marie Simpson, Joseph E. Boyd, Lawrence L. Boyd, William J. Carter, Kate L. Miller, and John Owen? A Yes.
- Q Are you related to them? A Yes-- I am the mother of Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grand children or my sister's grand children. They are all related to me.
- Q Are all of these people got some Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Do your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.

22

✓ In the matter of the application of Arada DuFoss et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2836.

✓ In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2842.

✓ In the matter of the application of William B. Williamson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2844.

✓ In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2854.

✓ In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2858.

✓ In the matter of the application of Warin Simpson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, H.C. 3131.

✓ In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3133.

✓ In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3154.

✓ In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3157.

In the matter of the application of Vera B. Willey for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3160.

In the matter of the application of John Evans for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

~~Examination by the Commissioner~~



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T., August 1, 1901.

In the matter of the application of William L. Haskley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Ferrythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas H. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M. C. 2898.

In the matter of the application of Sarah K. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2896.

In the matter of the application of Temple McAlister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2689.

Choctaw MCR 3157

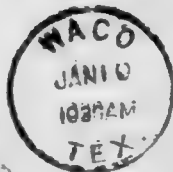
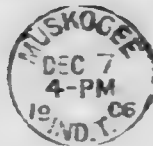
William F. Walker

MCR 3157

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Nora B. Hilley,

1709 S. Seventh Street,

Waco, Texas.

*Just at and on*

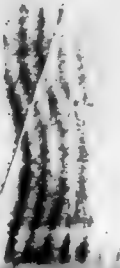


DEPARTMENT C  
Commissioner to the State

W. I. ...

*[Handwritten signature]*

Commissioner.



No. 3156

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name *Nora B. Hilley*

Age *25* Blood *1/8*

Post Office, *Waco, Texas*

Father: *Robert Boyd (dead)*  
*1709 D. of the S.*

Mother: *Tempie McAllister*

Claims through *mother*

Husband: *A. O. Hilley*  
*(No claim for him)*

~~Children:~~

*Claims for herself only*

Stenographer

*G. Rosenwintel*

Nora B. Hilley

DECISION RENDERED.

JAN 23 1903

REC'D C.R. 2857

*mf*

REFER IN REPLY TO THE FOLLOWING:

MCR 3156

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

Muskogee, Indian Territory, December 6, 1906.

Nora B. Hilley,  
1709 S. Seventh Street,  
Waco, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

N. C. R. 3156.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Hera B. Hilley,  
1709 S. Seventh, Street,  
Waco, Texas.

Dear Madam:

You are hereby notified that on the 30th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

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



Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellem Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Huskins, Rebecca Huskins, Minnie Huskins, Thomas Huskins, Lee Huskins, Vivian Huskins, Nellie Huskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as 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,

Registered.

Acting Chairman.

William J. Adams,	M C R	3854
Cynthia Adams Hill, et al.,	M C R	3863
William M. Blakeley, et al.,	M C R	4148
Ida Calame, et al.,	M C R	1487
Mollie Blacklidge,	M C R	1489
Aleck Blacklidge, et al,	M C R	1490
Lula Haskins, et al.,	M C R	1488
John Jordan, et al.,	M C R	1469
Frances O. Vollentine, et al.,	M C R	5063
John T. Vollentine,	M C R	5064
Callie V. Bryant, et al.,	M C R	5065
William S. Blakeley, et al.,	M C R	5066
James E. Blakeley, et al.,	M C R	5067
Ralph Tyler,	M C R	5068
Walter S. Blakeley, et al ,	M C R	5069
Mary M. Bird, et al.,	M C R	5321
Cora Langston, et al.,	M C R	5322
Annie C. Lawhon, et al.,	M C R	5323
Laura E. Bird, et al.,	M C R	5324
Oscar Thomas Boyd, et al.,	M C R	5448
John Blakeley, et al.,	M C R	5873
Albany Kennedy, et al.,	M C R	5874
Mary Frances Knowles, et al.,	M C R	5875
Sarah A. Harris, et al.,	M C R	5876
Thomas L. Kennedy,	M C R	5877
Robert E. Kennedy, et al.,	M C R	5878
James Overstreet, et al.,	M C R	499
Thomas J. Overstreet, et al.,	M C R	500
William H. Overstreet,	M C R	503
Belle Rape, et al.,	M C R	504
Cornelius L. Overstreet,	M C R	505
Riley Overstreet, et al.,	M C R	506
Rebecca Overstreet, et al.,	M C R	507
John A. Overstreet, et al.,	M C R	508
John F. Overstreet, et al.,	M C R	554
Emma Simpson, et al.,	M C R	674

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

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

Said decision concludes as follows:

“ It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

## COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3156

Muskogee, Indian Territory, January 23, 1903.

Nora B. Hilley,  
1709 S. Seventh Street,  
Waco, TEXAS.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcada DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2898
William L. Blakley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

#4

and Mrs Adams is my aunt, my mother's sister.

They will be examined and their testimony taken in your case.

This applicant has slightly curly red hair and brown eyes and brunette complexion. Her features and general appearance are those of a white person.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her testimony that the ancestor through whom she claims lived in the State of Mississippi at the time of the making of the treaty of eighteen hundred and thirty.

*Rosewin Kel*

Subscribed and sworn to me before this 4th day of October 1901.

*Charles H. Sawyer*  
Notary Public.

the President, if the land had been disposed of they were given scrip issued by the government. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own any land in any of these States?  
A I have been told that my great grandfather did.
- Q That your great grandfather owned land there? A Yes.
- Q In which one of these States? A In Mississippi.
- Q What part of Mississippi? A Newton County.
- Q Do you know that he owned that land? A No.
- Q You of course that by having the record of land transfers in Newton County examined you can find out how your great grandfather owned that land? A Yes.
- Q You understand that this is a material point in your case? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation when this treaty was made who was a recognized Choctaw Indian? A Elizabeth Blakley.
- Q What relation was she to you? A She was my great grandmother.
- Q You claim your Choctaw blood through your mother I believe? A Yes.
- Q What was your mother's mother's name? A Mary Williamson.
- Q What was your mother's father's name? A Joseph Williamson.
- Q Through which one of your mother's parents did she claim her Choctaw blood? A She got it from her mother.
- Q What was Mary Williamson's mother's name? A Elizabeth Blakley.
- Q And what was Mary Williamson's father's name? A John Blakley.
- Q Through which one of your grandmother's parents did she get her Choctaw blood? A Through her mother.
- Q Her mother is your great grandmother? A Yes great grandmother.
- Q Did Elizabeth Blakley live in Mississippi in eighteen hundred and thirty? A Yes I have been told she did.
- Q Can you secure evidence of that? A Yes.
- Q Did Elizabeth Blakley come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty three and thirty eight? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A I don't know.
- Q You never have heard? A I have not.
- Q You think you will be able to secure evidence as to whether she did or not? A Yes.
- Q You understand that is a material point in your case? A Yes.
- Q Is there any other statement that you would like to make in support of your application? A Yes, I would like to have two witnesses mentioned in the application.
- Q You want the testimony of two witnesses taken in support of your application? A Yes Mrs. Barrington and Elizabeth Williamson.
- Q Who are these witnesses, who is Elizabeth Williamson? A She is my great aunt.
- Q Who is Mrs. Barrington? A She is a lady who has known us all our lives.
- Q Are these witnesses applicants for identification as Mississippi Choctaws? A No.
- Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses in person, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case. A There are two other witnesses
- Q Who are they? A Tempie McAllister and Sarah M. Adams.
- Q What relation are they to you? A Mrs. McAllister is my mother

- #2
- 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 This is the first application you have ever made of any kind? A Yes.
- Q What kind of an application do you want to make now? A To be identified as a Mississippi Choctaw.
- Q How do you claim your right to be identified as a Mississippi Choctaw? A Under the treaty of eighteen hundred and thirty, article fourteen.
- Q Do you understand the provisions of that article of the treaty? A Yes but not well enough to give an explanation.

In 1830 the United States wanted to make a treaty with the Choctaw Indians for the purpose of giving them land west of the Mississippi river in exchange for their land in the states of Mississippi and Alabama and move them to the Country west so that they might be unmolested in their tribal government but some of the Indians did not want to come west and the others would not make any treaty until some provision was made for those who wanted to stay in Mississippi. So article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to stay in Mississippi, after that the Indians signed the treaty alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"Each Choctaw head of a family being desirous to remain and be 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."

Within six months after the ratification of this treaty a large number of Indians went to the Indian Agent and told him that they wanted to stay there in Mississippi and become citizens of the United States but when a locating agent was sent down to locate the land for these Indians it was found that there were a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi whose names did not appear on the list which he had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate the matter and find out which of these claimants were entitled to land under the treaty of eighteen hundred and thirty. These Commissioners went down there into Mississippi and examined witnesses and thoroughly investigated the matter and passed on several hundred cases. Some of the claims were allowed and some refused. In those cases where the land claimed by the Indians had not already been sold it was given to them after the claims had been allowed by the Secretary of War and by

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3156

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw.

Applicant represented by Attorney A. Telle.

Nora B. Hilley being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nora B. Hilley.  
Q How do you spell it H-i-l-l-e-y? A Yeal  
Q What is your age? A Twenty-five.  
Q What is your post-office address? A Waco, Texas.  
Q Have you a street number? A 1709 South 7th, street.  
Q How long have you lived there? A Five years.  
Q Where did you live before you lived there? A Dawson, Texas.  
Q How long have you lived in Texas? A All my life.  
Q Never had a home anywhere but in Texas? A No.  
Q What is your father's name? A Robert Boyd?  
Q Is he living? A No.  
Q What is your mother's name? A Temple McAllister.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother ever been recognized in any way or enrolled as  
a member of the Choctaw Tribe of Indians by the Choctaw Tribal  
authorities or the authorities of the United States? A Yes she  
was entelld some time ago.  
Q You mean she applied here? A Yes.  
Q You don't mean then that shenwas enrolled as a citizen of the  
Choctaw Nation? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A A. O. Hilley.  
Q Is he living? A Yes.  
Q Do you make application for him? A No.  
Q He is a white man and makes no claim to Choctaw blood? A Yes.  
Q Have you any children for whom you wish to make applicatien at  
this time? 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 No.  
Q Have you ever applied to the choctaw tribal authorities 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  
Dawes Commission for citizenship in the Choctaw Nation under the  
act of Congress of June 10th, 1896? A No.  
Q Have you been admitted to citizenship in the Choctaw Nation by the  
Choctaw Tribal Authorities or the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by a judgment of the United States Court in Indian Territory on  
appeal from the decision of the Choctaw tribal authorities or the  
Dawes Commission? A No.

- Q Where did you know her? A I know her in Mississippi.  
 Q Do you know about what year that was? A The time she died.  
 Q The time you knew her? A Well it was in the fifty's. I was born in the forty's and she died somewhere in the fifty's.  
 Q When you knew her she was living in Mississippi? A Yes.  
 Q She was a half-blood Choctaw Indian was she? A Yes.  
 Q Do you remember how she looked? A Some yes.  
 Q What was her appearance? A Well, she was rather dark, black eyes and black hair and not very tall about my size'd woman and straight black hair.  
 Q Do you know whether she lived in Mississippi in eighteen hundred and thirty or not? A I suppose so.  
 Q Do you know whether she came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A She did not.  
 Q Do you know whether she went to to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to become a citizen of the United States? A I don't know.

Examination by A. Telle.

- Q I believe you are one of the daughters of Mary Blakley Williamson and Joseph Williamson? A Yes.  
 Q Did I understand that Joseph Williamson was a white man? A Yes.  
 Q What other children did your mother have? A Well Mrs. Mc Allister, and Mrs. Mary Adams.  
 Q Have they all appeared for identification? A My sisters, Mrs Pete Adams, her children have not.  
 Q Well what are the names of these children that have not appeared yet? A Cynthia Hill and J. A. Adams.  
 Q Then all of that branch of the family have appeared but these two? A Yes.  
 Q Do you remember anything about the property that these people owned, J. J. Williamson and his wife in Mississippi? A I know they owned land but how they got it I don't know.  
 Q You don't know just how he came into possession of that land? A No I don't.  
 Q Have you ever made any effort to trace that matter? A The records in that County I am satisfied have been burned. They have been burned twice since, once during the war and once since.  
 Q Have you any idea where the original records of this land were kept? A At Winchester I think when the Territory was first being settled that was my understanding.  
 Q Now with reference to all these that have appeared here, they are all descendants of the original Blakley family? A Yes.  
 Q And these that are descendants of Elizabeth Williamson have also applied here? A Yes.  
 Q Is Elizabeth Williamson here an applicant for identification? No.

Witness excused.

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 2, 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 12th day of October 1901.

*W. H. Shell*  
 Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

A. Telle Attorney representing above applicants.

Sarah M. Adams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived in Texas? A Thirty-six years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q You have made application here for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with Maria Gipson, Lawrence L. Boyd, Joseph K. Boyd, Nora B. Hilley, William F. Walker, and John Owens who have applied here for identification as Mississippi Choctaws? A Yes.  
Q Are you related to them in any way? A Yes.  
Q How are you related to them? A To Joseph K. Boyd and Mrs. Hilley I am their aunt and the others are all second cousins of mine.---Well Mrs. Gipson is my own cousin.  
Q Do you know through what ancestor these applicants claim their Choctaw blood? A Yes.  
Q Who is this ancestor? A The first ones John and Elizabeth Blakley beyond that I do not know them only what I have been told. I have been told they were John Smith her father and Elizabeth Smith his wife. That is my great grandparents.  
Q These applicants all claim descent from Elizabeth Blakley and John Blakley? A Yes John Blakley was a white man but Elizabeth Blakley was a one-half Choctaw. That is what I have been told.  
Q Did you know Elizabeth Blakley yourself? A Yes.

Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle,

- Q I will ask you Mrs. Harrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you see any other Choctaws around where she lived? A Yes I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she speaks the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You know the whole family, ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness excused.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Council on to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*

Notary Public.

Q About how old? I reckon about fifteen.

Q What is your nationality? A What is my nationality?

Q Yes? Well I can't hardly know what you want.

Q Are you a white woman? A Yes I pass for one.

Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.

Q Are you acquainted with William B. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Morlin G. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Amanda Robess, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Simpson, Joseph K. Boyd, Lawrence L. Boyd, William V. Walker, Vera B. Willey and John Owen? A Yes.

Q You know all of these? A Yes.

Q Are you related to them in any way? A Not at all.

Q What relation are they to each other if any? A Which one?

Q All of these people, are they related to each other in any way? A Yes.

Q Do you know how? A Yes.

Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Vera Willey is her daughter.

Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.

Q All of these come originally from the same place or? A Yes.

Q Were you acquainted with that ancestor? A Yes.

Q What was the name of that ancestor? A Blakley.

Q What was the given name? A Elizabeth.

Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.

Q She was a Choctaw Indian? A Well they called her that or she looked like ~~was~~ it.

Q Did she look like a full blood? A Well not a full blood, they all said she was half.

Q Who she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.

Q They associated with her as they did among themselves? A I don't know if she did that or not but they was there.

Q You were not living in Mississippi at the time this treaty was made? A No I heard them talking about it.

Q After you moved to Mississippi? A Yes.

Q Were you living in Mississippi between the years 1838 and 1846? A I don't remember, I just can't recollect any certain time or what date it was to save my life.

Q You think you were about fifteen when you went to Mississippi? A Yes.

Q And you were born about eighteen twenty-seven? A Yes.

Q And you went to Mississippi when you were about fifteen years old? A Yes.

Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.

Q Do you remember anything about when those Commissioners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard of her speak about it.

Q You don't know then whether Elizabeth Blakley or her husband went to the Commissioners and tried to get land there in Mississippi? A No I do not know.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley your mother owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I do not.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You can speak Choctaw now can you? A Yes I have not forget all of it. I have forget some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of their's? --What was their names please? --A Their names or mine? --A Their-- Give me the names of your brother's and sister's? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my name comes in their, Elizabeth--now have you Maeda Blakley.
- Q Now the next Maeda? A Russell Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathers Blakley and Sarah Ann Blakley.

Witness Excused.

Waldo Jane Barrington being called as a witness testified as follows, being first duly sworn.

- Q What is your name? A Barrington, W. J.
- Q What does that W. stand for? A It stands for Waldo Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Will County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? A Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh well I just can't tell you that.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton Court.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1840 then? A Yes I remember but I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty-years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? I was born in 1840 you can count it.
- Q About how old were you? (By Attorney) was it before the war? A Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Nineteen or twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Will do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of John Haskley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Will you say that you were born in 1840, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years then? A Yes.

By the Commission.

- Q Do you know whether Elizabeth Haskley came first with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her having lived anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q What is your name? A Williamson.
- Q What is your first name? Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes, Texas.
- Q What nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A My grandfather married a Mississippi Choctaw and my grandmother has a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe or Indians in the Indian Territory? A Yes I am or so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? A Don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes, when I was little.
- Q Did you ever live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mixed-blood Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony in the case of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah H. Adams, Herlin C. Adams, J. Dale Adams, Tempie Ma Allister, Albert Edward Boyd, Arcada Dufosse, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Simpson, Joseph K. Boyd, Lawrence L. Boyd, William P. Walker, Nora B. Hilley and John Owen? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these children get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That goes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.

In the matter of the application of Arcada Duffess et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H. C. 2884.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2884.

In the matter of the application of William D. Williamson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2884.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2884.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, H.C. 2883.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, H.C. 3159.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3159.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3157.

In the matter of the application of Vera B. Willey for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H. C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, H.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

~~Examination by the Commission~~

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, M.C. 2590.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2607.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1493.

In the matter of the application of Thomas E. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2603.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 10, 1901, M.C. 2604.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2608.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2601.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2602.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2606.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2587.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2588.



Choctaw MCR 3156

Nora B. Hilley

MCR 3156

Joseph K. Boyd et al

DECISION RENDERED. JAN 13 1903

W. O. R. 2857

Uncalled for  
advertised 10/1-1902.  
One lot.

MUSKOGEE, IND. T.  
AUG 27  
3:30 PM  
1902



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

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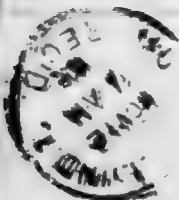
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Joseph K. Boyd,

~~H. B. Johnson~~

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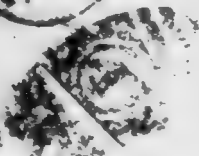


DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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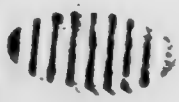
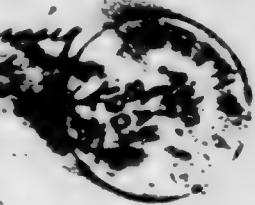
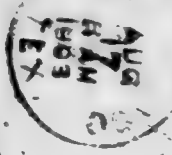
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ACTING CHAIRMAN



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General Office MCR  
Notice of affirming  
Commissioner



Joseph K. Boyd,

Brunner, Texas.



Department of the Interior.  
Comptroller to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
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Joseph K. Boyd,

Harrison, Texas.

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Department of the Interior.

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

OFFICIAL BUSINESS.

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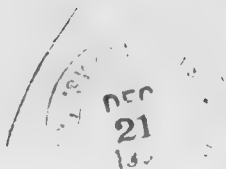
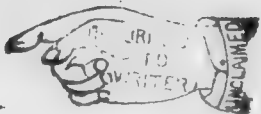
AUG 19 1903

CHAIR

Department of the Interior.

Commissíones to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Joseph K. Boyd,

Care Oliver Dove,

Brunner, Texas.



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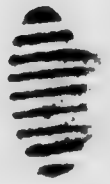
Commissioner

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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Wm. H. A. Boyd

Armoson

Texas.

Received of  
North West Lolo  
Hermanson 1/2  
(Mar, 24<sup>th</sup> 1903)

CHARGE

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MAY 4 1903

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MISSION TO THE FIVE CIVILIZED IN

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAY 4 1903



CHAIRMAN

Received at  
North West Gate  
Hornum 74  
Mar. 24<sup>th</sup> 1913

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Joseph H. Boyd

Age 27 Blood I, 6

Post Office, Waco, Texas

Father: <sup>1003 D. 14 St.</sup> Robert Boyd (dead)

Mother: Tempie McAllister

Claims through mother

wife: Fronie Boyd

Children: Fronie

George Boyd 3 1/2

Frances " F 2

Claims for self and two children

Stenographer

G. Rosenwinkel  
5442

*MM*

REFER IN REPLY TO THE FOLLOWING:

MCR 3155

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

Muskogee, Indian Territory, December 6, 1906.

Joseph K. Boyd,  
c/o Oliver Dove,  
Brunner, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

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.

13  
LETTER IN REPLY TO THE FOLLOWING

M.C.R. 3155.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 13, 1903.

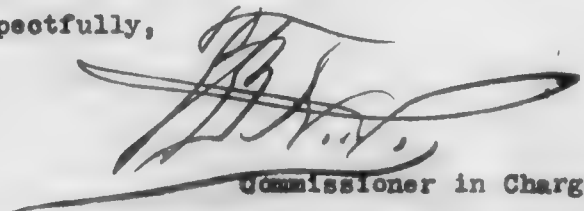
Joseph K. Boyd,

Hermoson, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mollie Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

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

Respectfully,

*James D. Doby.*

Acting Chairman.

Registered.



William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al.,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al.,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

COMMISSIONERS

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

ALLISON L. AYLESWORTH  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3155

Muskogee, Indian Territory, January 23, 1903.

Joseph K. Boyd,  
1003 S. 14th Street,  
Waco, Texas.

*Reinforced. Hermoson Texas March 17, 1903*

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R	2857
Robert E. Lee, et al.,	M C R	1468
Melissa Boyd,	M C R	1485
Ethel Sherrer,	M C R	1486
Fred Lee,	M C R	1491
Vernile Lee,	M C R	1492
Jacob C. Lee, et al.,	M C R	1515
Nannie Wood, et al.,	M C R	1516
Claudia Murray, et al.,	M C R	1517
George W. Lee, et al.,	M C R	1518
Shade Gore,	M C R	1519
Nancy A. Williams, et al.,	M C R	1743
Hiram Blakeley, et al.,	M C R	2541
William Lee, et al.,	M C R	2559
Jacob H. Lee,	M C R	2694
Nancy A. Schmidt, et al.,	M C R	2695
Fred B. Lee,	M C R	2696
Lillian Thomas, et al.,	M C R	2853
Margie Adams, et al.,	M C R	2854
Oral Boyd, et al.,	M C R	2855
William D. Williamson, et al.,	M C R	2856
Arcada DuBose, et al.,	M C R	2858
Albert Edward Boyd,	M C R	2859
Olive Smith, et al.,	M C R	2888
William Cary DuBose,	M C R	2889
J. Dale Adams,	M C R	2898
William L. Blakley,	M C R	2890
Sarah M. Adams, et al.,	M C R	2901
Merlin C. Adams, et al.,	M C R	2902
Thomas B. Ross, et al.,	M C R	2903
Arthur A. Ross, et al.,	M C R	2904
Mattie Forsythe, et al.,	M C R	2997
Maria Gipson, et al.,	M C R	3139
Lawrence L. Boyd, et al.,	M C R	3154
Joseph K. Boyd, et al.,	M C R	3155
Nora B. Hilley,	M C R	3156
William F. Walker,	M C R	3157
John Owens,	M C R	3158

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3155.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 25, 1902.

Joseph K. Boyd,  
Hermoson, Texas.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of the mother, Fronie Boyd, and attending physician, H.W. Gates, to the birth of your infant child, Allene Boyd, May 23, 1902.

The affidavits have been accepted as evidence of the birth of the child, and have been filed with the record in your case.

Yours truly,



Acting Chairman.

#3

- Q You understand that it is material to your case to have evidence to show as to who owned this land and how it was owned? A Yes.
- Q You expect to try to secure that evidence? A Yes.
- Q What was the name of your ancestor who was a recognized Choctaw Indian who lived in Mississippi in the old Choctaw Nation in 1830? A Elizabeth Blakley.
- Q What relation was she to you? A My great grandmother.
- Q You say you claim Choctaw blood through your mother? A Yes.
- Q What was your mother's mother's name? A Mary Williamsson.
- Q What was your mother's father's name? A Joseph Williamsson.
- Q Through which one of your mother's parents did she claim Choctaw blood? A Through her mother.
- Q What was Mary Williamsson's mother's name? A Elizabeth Blakley.
- Q What was Mary Williamsson's father's name? A John Blakley.
- Q Through which one of your grandmother's parents did she claim her Choctaw blood? A It was her mother.
- Q Did Elizabeth Blakley live in Mississippi in 1830? A I have been told she did.
- Q Have you any evidence on that point? A Yes.
- Q Did Elizabeth Blakley come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838 to the present Choctaw Nation? A No I have been told that she died in Mississippi.
- Q You never knew her? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay in Mississippi and take land there and become a citizen of the United States? A I don't know.
- Q You never heard? A No.
- Q You think you can secure evidence on that point? A I think so.
- Q You understand that is also material to your case? A Yes.
- Q Is there any other statement that you wish to make at this time? A No.
- Q Have you any papers that you want to file now? A No.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has brown hair, brown eyes and dark complexion. His features and general appearance are those of a white person.

- Q Do you speak Choctaw? A No.

He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that the ancestor through whom he claims lived and died in Mississippi and was living there at the time of the making of the treaty of eighteen hundred and thirty.

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 2, 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 4th day of October 1901.

*G. Rosenwinkel*  
*Charles H. Sawyer*  
Notary Public.

#2

- Q Were you married by an ordained minister or an official? A By a minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A Yes.

Marriage license and certificate between J. K. Boyd and Freni Doner offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Is your name on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in 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 Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 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 ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the authorities of the United States to have yourself or your children enrolled or admitted as citizens of the Choctaw Nation? A No.
- Q This is the first application you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to be identified as a Mississippi Choctaw.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Under the treaty of eighteen hundred and thirty.
- Q Any particular part of that treaty or the whole treaty? A Article fourteen.
- Q Do you understand the provisions of article fourteen of the treaty of eighteen hundred and thirty? A I think I understand it pretty well.
- Q What do you understand by this fourteenth article of the treaty of eighteen hundred and thirty? A Well that treaty of 1830, article fourteen is where the Indians who wanted to stay in Mississippi and become citizens of the United States went to the Indian Agent and some of them got scrip with which they could get land either in Mississippi, Arkansas or Louisiana.
- Q Yes if they applied to the Indian Agent within six months after the treaty was ratified they would get land for themselves and their children there in Mississippi and if they lived on that land for five years they would get a titled to it in doing this they would not lose the privilege of Choctaw citizens but if they ever removed would not be entitled to any portion of the Choctaw annuity? A Yes.
- Q Did any of your ancestors own any land in Mississippi, Arkansas, Louisiana or Alabama? A I have been told they owned land in Mississippi.
- Q Do you know in what part of Mississippi? A In Newton County I think.
- Q Do you know how they owned that land? A No.
- Q Or from whom that land was bought? A No.
- Q Which one of your ancestors owned it? A I don't know which one it was.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

3155

In the matter of the application of Joseph K. Boyd for identification of himself and his two minor children as Mississippi Choctaws.

Applicant represented by Attorney A. Telle.

Joseph K. Boyd being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Joseph K. Boyd.  
Q What is your age? A Twenty-seven.  
Q What is your post-office address? A Waco, Texas.  
Q Street number? A 1004 South 14th street.  
Q How long have you lived there? A I have lived there six years.  
Q Where did you live before you lived there? A In Dawson Texas.  
Q How long have you lived in Texas? A All of my life.  
Q Were you born in Texas? A Yes.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Robert Boyd.  
Q Is he living? A No.  
Q What is your mother's name? A Tempie McAlister.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother ever been recognized in any way 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 she made application here a couple of weeks ago, that is all.  
Q She made application for identification as a Mississippi Choctaw did she? A Yes.  
Q Are you married? A Yes.  
Q What is your wife's name? A Annie Boyd. ---Why she has got two names, her name is Freni on the license.  
Q Just Freni Boyd? A Yes.  
Q Have you any children for whom you wish to make application at this time? A Yes two.  
Q Give the names and ages of these children? A Freni.  
Q Is that a boy or girl? A Girl.  
Q How old? A Three and one-half years.  
Q Next? A Frances.  
Q Boy or girl? A Girl.  
Q How old? A Two years old.  
Q These are your children? A Yes.  
Q What is the name of their mother? A Freni Boyd.  
Q When and where were you married to Freni Boyd? A Waco, Texas, May 27, 1896.  
Q Did you obtain a license? A Yes.

#2

- Q Where did you know her? A I knew her in Mississippi.
- Q Do you know about what year that was? A The time she died.
- Q The time you knew her? A Well it was in the fifty's. I was born in the forty's and she died somewhere in the fifty's.
- Q When you knew her she was living in Mississippi? A Yes.
- Q She was a half-blood Choctaw Indian was she? A Yes.
- Q Do you remember how she looked? A Some yes.
- Q What was her appearance? A Well, she was rather dark, black eyes and black hair and not very tall about my size's woman and straight black hair.
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty or not? A I suppose so.
- Q Do you know whether she came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A She did not.
- Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to become a citizen of the United States? A I don't know.

Examination by A. Telle.

- Q I believe you are one of the daughters of Mary Blakley Williamson and Joseph Williamson? A Yes.
- Q Did I understand that Joseph Williamson was a white man? A Yes.
- Q What other children did your mother have? A Well Mrs. Mc Allister and Mrs. Mary Adams.
- Q Have they all appeared for identification? A My sisters, Mrs Pete Adams, her children have not.
- Q Well what are the names of these children that have not appeared yet? A Cynthia Hill and J. A. Adams.
- Q Then all of that branch of the family have appeared but these two? A Yes.
- Q Do you remember anything about the property that these people owned, J. J. Williamson and his wife in Mississippi? A I know they owned land but how they got it I don't know.
- Q You don't know just how he came into possession of that land? A No I don't.
- Q Have you ever made any effort to trace that matter? A The records in that County I am satisfied have been burned. They have been burned twice since, once during the war and once since.
- Q Have you any idea where the original records of this land were kept? A At Winchester I think when the Territory was first being settled that was my understanding.
- Q Now with reference to all these that have appeared here, they are all descendants of the original Blakley family? A Yes.
- Q And those that are descendants of Elizabeth Williamson have also applied here? A Yes.
- Q Is Elizabeth Williamson here an applicant for identification? No.

Witness excused.

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 in the above entitled cause on August 2, 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 12th day of October 1901.

*G. Rosenwinkel*  
*Notary Public*

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory August 2, 1901, M.C. 3157.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

A Telle Attorney representing above applicants.

Sarah M. Adams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived in Texas? A Thirty-six years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q You have made application here for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with Maria Gipson, Lawrence L. Boyd, Joseph K. Boyd, Nora B. Hilley, William F. Walker, and John Owens who have applied here for identification as Mississippi Choctaws? A Yes.  
Q Are you related to them in any way? A Yes.  
Q How are you related to them? A To Joseph K. Boyd and Mrs. Hilley I am their aunt and the others are all second cousins of mine.---Well Mrs. Gipson is my own cousin.  
Q Do you know through what ancestor these applicants claim their Choctaw blood? A Yes.  
Q Who is this ancestor? A The first ones John and Elizabeth Blakley beyond that I do not know them only what I have been told. I have been told they were John Smith her father and Elizabeth Smith his wife. That is my great grandparents.  
Q These applicants all claim descent from Elizabeth Blakley and John Blakley? A Yes John Blakley was a white man but Elizabeth Blakley was a one-half Choctaw. That is what I have been told.  
Q Did you know Elizabeth Blakley yourself? A Yes.



- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You knew the whole family ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

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 cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, made at Atoka, Indian Territory, on August 1, 1901.

Subscribed and sworn to before me this 27th day of September 1901.

*Charles H. Sawyer*  
Notary Public

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBose, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was her given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1845? A I don't remember, I just can't recollect any certain time or what date to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen hundred and twenty-seven? A Yes
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commiss oners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commiss oners and tried to get land there in Mississippi? A No I do not know.

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- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of their's? What was their names, please? A Their names of mine?
- Q No their.--Give me the names of your brothers and sisters? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my own name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Hulda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington, H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

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- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820, you can count it.
- Q About how old were you? ( By Attorney; was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- Q Did you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirtythree and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her living anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes: Texas.
- Q What Nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Forsythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah H. Adams, Merlin C. Adams, J. Dale Adams, Tommie McAllister, Albert Howard Boyd, Arcada DuFosse, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gibson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes-- he is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.

In the matter of the application of Arcada DuPree et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of William D. Williamson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3184.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Vera B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3188.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commissioner-

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Blakley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Porgythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1486.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M. C. 2888.

In the matter of the application of Sarah M. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Hale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2905.

In the matter of the application of Tempie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2857.

In the matter of the application of Albert Edward Royd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

Choctaw MCR 3155

Joseph K. Boyd

MCR 3155



Lawrence L. Boyd et al

DECISION RENDERED JAN 23 1903

REF. TO M. C. R. 2857

No. 3154

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Lawrence L. Boyd

Age 24 Blood 1/16

Post Office, Hillsboro, Texas

Father: Thomas H. Boyd

Mother: Amanda Boyd (deceased)

Claims through mother  
wife: Annie Boyd  
(no claim for her)

Children:

Herry Boyd		5
Gussie	F	3
Richard	"	2
Beatrice	"	3 mo

Claims for self and 4 children.

Stenographer

G. Rosenwinkel

MUR 3154

Muskogee, Indian Territory, December 6, 1906.

Lawrence L. Boyd,  
Hillsboro, Texas.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

Acting Commissioner.

K.C.P. 3164.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Lawrence L. Boyd,  
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

*T. B. Noddles.*

Commissioner in Charge.

Miss. Choctaw 2855  
Miss. Choctaw 3154

Muskogee, Indian Territory, June 2, 1902.

Derden & Gypert,  
Attorneys at Law,  
Hillsboro, Texas,

Gentlemen:

Receipt is hereby acknowledged of your letter of May 24, in which you ask what disposition has been made of the claims of O. R. Boyd and L. L. Boyd, and if no action has been taken, about when the same will be reached for consideration.

In reply to your letter you are advised that it appears from our records that Oral Boyd, and Lawrence L. Boyd have made application to this commission for identification for themselves and their minor children as Mississippi Choctaws. No decisions have yet been reached nor opinions rendered relative to their rights as such Mississippi Choctaws. As soon as decisions are reached they will be notified of the action of the Commission. It is impossible to say at this time, when these cases will be taken up for final consideration, but as soon as any action is taken the applicants will be notified thereof.

Yours truly,

- Q Where did you know her? A I knew her in Mississippi.
- Q Do you know about what year that was? A The time she died.
- Q The time you knew her? A Well it was in the fifty's. I was born in the forty's and she died somewhere in the fifty's.
- Q When you knew her she was living in Mississippi? A Yes.
- Q She was a half-blood Choctaw Indian was she? A Yes.
- Q Do you remember how she looked? A Some yes.
- Q What was her appearance? A Well, she was rather dark, black eyes and black hair and not very tall about my size'd woman and straight black hair.
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty or not? A I suppose so.
- Q Do you know whether she came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A She did not.
- Q Do you know whether she went to to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to become a citizen of the United States? A I don't know.

Examination by A. Telle.

- Q I believe you are one of the daughters of Mary Blakley Williamson and Joseph Williamson? A Yes.
- Q Did I understand that Joseph Williamson was a white man? A Yes.
- Q What other children did your mother have? A Well Mrs. Mo Allister, and Mrs. Mary Adams.
- Q Have they all appeared for identification? A My sisters, Mrs Pete Adams, her children have not.
- Q Well what are the names of these children that have not appeared yet? A Cynthia Hill and J. A. Adams.
- Q Then all of that branch of the family have appeared but these two? A Yes.
- Q Do you remember anything about the property that these people owned, J. J. Williamson and his wife in Mississippi? A I know they owned land but how they got it I don't know.
- Q You don't know just how he came into possession of that land? A No I don't.
- Q Have you ever made any effort to trace that matter? A The records in that County I am satisfied have been burned. They have been burned twice since, once during the war and once since.
- Q Have you any idea where the original records of this land were kept? A At Winchester I think when the Territory was first being settled that was my understanding.
- Q Now with reference to all these that have appeared here, they are all descendants of the original Blakley family? A Yes.
- Q And those that are descendants of Elizabeth Williamson have also applied here? A Yes.
- Q Is Elizabeth Williamson here an applicant for identification? No.

Witness excused.

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 2, 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 13th day of October 1901.

*W. W. Telle*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

In the matter of the application of Maria Gipson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of Joseph K. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3135.

In the matter of the application of Nora B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

A. Telle Attorney representing above applicants.

Sarah M. Adams being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sarah M. Adams.  
Q What is your age? A Fifty-two.  
Q What is your post-office address? A Colorado City, Texas.  
Q How long have you lived in Texas? A Thirty-six years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q You have made application here for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with Maria Gipson, Lawrence L. Boyd, Joseph K. Boyd, Nora B. Hilley, William F. Walker, and John Owens who have applied here for identification as Mississippi Choctaws? A Yes.  
Q Are you related to them in any way? A Yes.  
Q How are you related to them? A To Joseph K. Boyd and Mrs. Hilley I am their aunt and the others are all second cousins of mine.--Well Mrs. Gipson is my own cousin.  
Q Do you know through what ancestor these applicants claim their Choctaw blood? A Yes.  
Q Who is this ancestor? A The first ones John and Elizabeth Blakley beyond that I do not know them only what I have been told. I have been told they were John Smith her father and Elizabeth Smith his wife. That is my great grandparents.  
Q These applicants all claim descent from Elizabeth Blakley and John Blakley? A Yes John Blakley was a white man but Elizabeth Blakley was a one-half Choctaw. That is what I have been told.  
Q Did you know Elizabeth Blakley yourself? A Yes.

- Q Did Elizabeth Blakley come West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight to the present Choctaw Nation? A No.
- Q You have evidence to that effect? A Yes.
- Q Did Elizabeth Blakley or did her husband John Blakley go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.
- Q You think you will be able to get evidence as to that matter? I think so.
- Q You understand that is also a material point? A Yes.
- Q You expect to secure such evidence as you can on that matter? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? A No.
- Q Have you any papers that you want to file at this time? A Nothing but my marriage license.

Marriage license and certificate between L. L. Boyd and Annie Savely offered in evidence marked exhibit "A" filed and made a part of the record in this case.

If you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

The applicant in this case has slightly curly brown hair and mustache and brueish gray eyes, moderately fair complexion. His features and general appearance are those of a white person.

- Q Do you speak Choctaw? A No.

He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that the ancestor through whom he claims lived in Mississippi at the time of the making of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oaths 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 2, 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 4th of October 1901.

*Charles H. Sawyer*  
Notary Public.



#3 of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the provision under which you claim at this time? A Yes

Within six months after the treaty of eighteen hundred and thirty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay and become citizens of the United States but when the government sent a man down there to locate the land for the Indians he found that there were a great many Indians, who claimed that they had gone to the Agent and told him that they wanted to take land in Mississippi, whose names did not appear on the list made by the Indian Agent so under different acts of Congress Commissioners were appointed and sent down there to decide which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some were allowed and some refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not been sold it was given to them, if it had been sold scrip was issued and given to them which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A I have been told that my great grandfather owned land in Mississippi.
- Q What part of Mississippi? A Newton County.
- Q Do you know how he owned that land? A No.
- Q You know I suppose that by examination of the land records you could find out how he got that land and what disposition was made of it? A Yes.
- Q You understand that is a material point in your case? A Yes.
- Q What was the name of your ancestor who lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A Elizabeth Blakley.
- Q What relation was she to you? A My great grandmother.
- Q You say you claim your Choctaw blood through your mother? A Yes.
- Q And your mother's name was Amanda Boyd? A Yes.
- Q What was your mother's father's name? A David Williamson.
- Q And what was your mother's mother's name? A Elizabeth Williamson.
- Q Through which one of her parents did your mother get her Choctaw blood? A Through her mother.
- Q Through her mother Elizabeth Williamson? A Yes.
- Q What was Elizabeth Williamson's mother's name? A Elizabeth Blakley.
- Q And what was Elizabeth ~~Williamson~~ Williamson's father's name? A John Blakley.
- Q Through which one of your grandmother's parents did she get her Choctaw blood? A Through her mother.
- Q Then your great grandmother Elizabeth Blakley is the ancestor through whom you claim? A Yes.
- Q Have you evidence to show that your great grandmother was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A Yes.
- Q Do you expect to offer that evidence? A Yes.

- Q Is your name or are the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the 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 Dawes Commission to have yourself or your children enrolled or admitted as members of that tribe? A No.
- Q This is the first application you have ever made of any kind? A Yes.
- Q What kind of an application do you want to make now? A Why I want to be identified as a Mississippi Choctaw.
- Q On what do you base your claim as a Mississippi Choctaw? A On the treaty of eighteen hundred and thirty, article fourteen.
- Q Do you understand the provisions of that article of the treaty? A No I can't understand it.

In eighteen hundred and thirty the State of Mississippi was being filled up with white settlers and the United States found it very hard to protect the Choctaw Indians in their tribal government and thought it would be best to remove them all to a Country West of the Mississippi River where they could have their own government and not be molested by white people but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until some provisions was made for those Choctaws who wanted to remain in Mississippi and article fourteen was made a part of the treaty for the benefit of those Choctaws who did not want to come West to the New Country. After that article was made a part of the treaty the Indians signed it alright and the treaty was ratified by the United States and the Choctaw Indians. This treaty gave the Choctaw Indians land West of the Mississippi River in exchange for their land in Mississippi and Alabama. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"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

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 2, 1901.

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In the matter of the application of Lawrence L. Boyd for identification of himself and his four minor children as Mississippi Choctaws.

Applicant represented by Attorney A. Telle.

Lawrence L. Boyd being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Lawrence L. Boyd.  
Q How do you spell Lawrence? A L-a-w-r-e-n-c-e.  
Q How old are you? A Twenty-four.  
Q What is your post-office address? A Hillboro, Texas.  
Q How long have you lived there? A I was born and raised there and lived there all of my life.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Thomas H. Boyd.  
Q Is he living? A Yes.  
Q What is your mother's name? A Amanda Boyd.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A My Mother.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother 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 Are you married? A Yes.  
Q What is your wife's name? A Annie.  
Q Is she living? A Yes.  
Q Do you make application for her? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A Yes.  
Q Have you any children for whom you wish to make application at this time? A Yes.  
Q How many? A Four.  
Q Give the names and ages of your children? A The eldest is Henry five years old.--Gussie three years old.  
Q Is that a boy or girl? A Girl.  
Q Next? A Richard nearly two years old.  
Q Next? A Beatrice.  
Q B-e-a-t-r-i-c-e? A Yes.  
Q How old? A Three months old.  
Q These are your children? A Yes.  
Q What is the name of their mother? A Annie.  
Q Did you obtain a license to marry? A Yes.  
Q When and where were you married to Annie Boyd? A I married her at Hill County.  
Q When? A The 9th of October '98.  
Q Were you married by an ordained minister or by an official? A By a minister.  
Q Have you your marriage license and certificate and wish to offer same in evidence? A Yes.  
Q Do you expect to file it? A Yes.

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Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a home and called it theirs but how they got it I don't know.

Examination by Attorney A. Telle.

- Q I will ask you Mrs. Barrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You knew the whole family ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

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 cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*  
Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*  
Notary Public

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Moraythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada DeBose, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William P. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was her given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A No I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1838 and 1847? A I don't remember, I just can't recollect any certain time or what date to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen hundred and twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commissarys were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commissarys and tried to get land there in Mississippi? A No I do not know.

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- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You speak Choctaw now can you? A Yes I have not forgot all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of their's? What was their names, please? A Their names of mine?
- Q No their.--Give me the names of your brothers and sisters? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my own name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q Now the next after Rhoda? A Russell Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Rhoda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington, H.J.
- Q What does that H. stand for? A It stands for Rhoda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 30th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1830 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1830, you can count it.
- Q About how old were you? ( By Attorney; was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say you were born in 1830, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Telle.

- Q She had been married a good many years tho? A Yes.

By the Commission.

- Q Did you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirtythree and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her living anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q What is your name? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson.
- Q Texas? A Yes; Texas.
- Q What Nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well, my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Newton County, Mississippi.
- Q Then you are not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Foraythe, Melissa Boyd, Thomas B. Moss, Arthur A. Moss, Olive Smith, Sarah W. Adams, Merlin C. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Arcada Wilcox, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gibson, Joseph K. Boyd, Lawrence L. Boyd, William S. Walker, Nora B. Hilley and John Owens? A Yes.
- Q Are you related to them? A Yes-- He is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q Do all of these people get their Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.



In the matter of the application of Aruade Dulose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2858.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2855.

In the matter of the application of William D. Williamson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3159.

In the matter of the application of Laurence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Sara E. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Elizabeth Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commission-

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Mackley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2870.

In the matter of the application of Mattie Forsythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2897.

In the matter of the application of Malissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1422.

In the matter of the application of Thomas E. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2903.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M. C. 2880.

In the matter of the application of Sarah N. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin G. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2902.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2898.

In the matter of the application of Turpie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2847.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.

Choctaw MCR 3154

Lawrence L. Boyd

MCR 3154

REFUSED

*R. 3153*

*Robert F. Hodge et al.*

DECISION RENDERED **OCT 24 1902**  
NOTICE OF DECISION MAILED APPLICANT  
**OCT 24 1902**

NOTICE OF DECISION  
ATTORNEY GENERAL

**OCT**

NOTICE OF DECISION MAILED AT TOLSON  
FOR CHICKASAW AND CHICKASAW NATIONS

**OCT**

RECORD FORWARDED DEPARTMENT

**NOV 10 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR

**MAY - 1 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORNEYS FOR CHICKASAW  
AND CHICKASAW NATIONS.

**MAY 19 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**MAY 19 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORNEYS FOR CHICKASAW

**MAY 19 1903**

DECISION PREPARED

REFER TO M. C. R. *2642*

#1256

No. 3153

For Identification as a Mississippi Choctaw.

JUL 31 1901

Name <sup>Date</sup> Robert Stordge

Age 31 Blood 1/8

Post Office, Bailey, Miss.

Father: Henry Stordge L

Mother: Peggy " d

Claims through father.

wife Evalina Stordge L.  
(no claim for wife)

Children:

Henry Stordge 8

Retha " 3

John McKinley " 7<sup>mo</sup>

(Claims for self and 3 minor children)

Stenographer

R. S. Street

COPY.

M.C.R. 3153

Muskogee, Indian Territory, May 19, 1903.

Robert Hordge,  
Bailey, Mississippi.

Dear Sir:

You are hereby notified that on the 4th 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 Mary A. Bell, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

(SIGNED)

*Lans Bixby.*  
Chairman.

R. H.-----2

Tims, Evelina Tims, Hugh L. Tims, Robert Hordge, Henry Hordge, Retha Hordge and John McKinley Hordge 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)

*W. Bixby.*

Acting Chairman.

Registered.

COPY.

M.C.R. 3153.

Muskogee, Indian Territory, October 24, 1902.

Robert Hordge,

Bailey, Mississippi.

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 Mary A. Bell, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Bell, et al.,	M.C.R. 2642
Lizzie Witt, et al.,	M.C.R. 2641
Mattie Tims, et al.,	M.C.R. 2322
Robert Hordge, et al.,	M.C.R. 3153

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 A. Bell, Henry Bell, Lizzie Witt, William Witt, Mattie Tims, Janie Tims, Ada Tims, Pearlle Tims, Claude Tims, Rebar



Bill Walker and Mary Bell-----8.

a Commission or rather passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down to Mississippi, and hear the cases of Choctaws who claimed they had complied with the provisions of article fourteen of the treaty but their land had been sold by the government. This Commission was appointed by the President and they came down here and heard a great many cases, but in the time allowed to them they were unable to dispose of but a comparatively small number, and Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up hearing these cases. This second Commission was duly appointed and came down here and heard a great number of Choctaw Cases.

Q Did any of the ancestors of Robert Hodge appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A None of them that I know of.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty and that his land had been sold by the government, he should be entitled to select land elsewhere in Mississippi, or in Louisiana, Alabama or Arkansas, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip under this act of Congress? A I don't know.

Q Have any of Robert Hodge's ancestors as far as you know ever received any benefits whatever from the government of the United States as Choctaw Indians? A No sir.

(Witness Excused).

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 8th day of August 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 17th day of August, 1901.

*[Signature]*  
Notary Public.

Bill Walker and Mary Bell-----7.

that time, a Choctaw Indian if he wanted to stay here must have told or let the agent know that he wanted to do so. After he had done that, he was entitled to a reservation of six hundred and forty acres of land, to be bounded by sectional lines of survey, and if he had a child in his family over ten years of age, that child was entitled to three hundred and twenty acres, and if he had a child in his family under ten years of age, that child was entitled to a quarter section, or one hundred and sixty acres of land. The lands of these children must adjoin the location of the parent, and the reservation must include the improvements of the head of the family as they existed on the 27th day of September, 1830. If that head of a family lived on that land which he selected or had reserved for him for a period of five years from the twenty fourth day of February, 1831, he was entitled to a grant in fee simple from the government to that land. By a grant in fee simple I mean the government would give him a deed or patent conveying the land to him, and thereafter it would be his to do whatever he would with it.

Q Did any of Robert Hodge's ancestors ever receive any benefits under that fourteenth article of the treaty of Dancing Rabbit Creek, or ever comply or attempt to comply with the provisions of that article? A No sir.

Q Were any of his ancestors living here in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty was made? A I do not know sir. Father and mother were living here.

Q Where were they living? A In Alabama.

Q In what county? A Sumter.

Q They were both slaves? A Yes sir.

Q Neither of them were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Neither of them ever got any land from the government under that treaty? A No sir.

Q Did any of Robert Hodge's ancestors ever own any land here in Mississippi or Alabama? A Nothing but public land--some of them owned public land.

Q Where did they get it? A Got it from the public.

Q You mean some of your people homesteaded some land? A Yes sir.

Q None of them ever got any land from the government under this old treaty provision? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of Choctaws who might desire to remain in Mississippi and become citizens of the states under this article. The records of the government show that this agent failed to record the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the states. On this account in a great many instances, the government at its public land sales sold land on which the Choctaws lived and had improvements and which they expected to receive under the provisions of article fourteen of that treaty. This occasioned a great deal of complaint among the Indians, which and the matter was finally brought to the attention of Congress and Congress appointed

Bill Walker and Mary Bell-----6.

Q How did you find out she had Indian blood? A A white man told me he knew her when she was young. A white man named Crowson told me that my grandma had straight hair

Q Is he living now? A No sir, he is dead and gone.

Q What was the name of your mother's father? A I don't know sir what his name was.

Q What was he? A I don't know sir.

Q You never heard his name? A No sir.

Q You don't know whether he was a slave or not? A I just know he was a slave.

Q Have all of your ancestors as far as you know always lived here in Mississippi and Alabama? A Yes sir.

Q And have all been slaves? A Yes sir, born slaves.

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

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and Alabama, and the object of the treaty was to get the Choctaws to move over to a new country west of the Mississippi river. Some of the Choctaws at that time were unwilling to remove out there and insisted that they be permitted to remain here and provision was made in the treaty for those that wanted to stay here, and that provision is found in the fourteenth article of the treaty. That fourteenth article 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 entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek--Do you think you understand that? A No sir.

By the fourteenth article, the Choctaw Indians who were living here in 1830 were given the right to remain here in Mississippi and take land if they chose to do so, but in order to do that they were required by the fourteenth article to signify to the United States Indian Agent here in Mississippi within six months from the time the treaty was ratified, their intention to remain and become citizens of the states. The treaty was ratified on the 24th day of February, 1831, and within six months from

Bill Walker and Mary Bell----5.

- Q June this year? A Yes sir.
- Q Where did you live before that? A Toomsuba, Mississippi.
- Q What county? A In Mississippi.
- Q What county in Mississippi? A I don't know sir.
- Q How long did you live at Toomsuba? A About twenty two years.
- Q Where did you live before that? A Lived in ~~Wanper~~ <sup>Wanper</sup> County, Mississippi.
- Q How long did you live there? A Lived there twenty three years.
- Q Where did you live before that? A In Alabama.
- Q Where were you born? A Born in Alabama.
- Q Where in Alabama? A I don't know, lived near Livingston.
- Q In Sumter county, Alabama? A Yes sir.
- Q You appear before the Commission at this time for the purpose of testifying in the matter of the application of Robert Hordge and his three minor children for identification as Mississippi Choctaws?
- A Yes sir.
- Q Are you any kin to Robert Hordge? A Yes sir, I am his aunt.
- Q On which side of the house? A I am his father's sister.
- Q Are you interested in any way in his claim? A No sir.
- Q How long have you known Robert? A I have ~~xx~~ been knowing him everx since he was a little child.
- Q Where has he lived during his lifetime? A In Lauderdale county, Mississippi. That is where he was bred and born.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A I don't know her name.
- Q How many children has he? A Three living.
- Q What are their names? A I don't know sir.
- Q Have you seen them? A No sir, I have not seen them, but I seen his wife.
- Q Robert claims to have Choctaw blood, and claims to get it from his father--Is that correct? A Yes sir.
- Q How much Choctaw blood do you claim to have? A My mother was one half.
- Q Did your father have any? A No.
- Q What was he? A Kin to African.
- Q Just a plain negro then? A Yes sir.
- Q Was he a slave? A Yes sir.
- Q And Henry was a slave? A Yes sir.
- Q What was your mother's name? A Hannah Walker.
- Q And you claim she was a half blood Choctaw--? A Yes sir.
- Q How long has she been dead? A Two years.
- Q How old was she when she died? A She was seventy odd years old.
- Q She was born in slavery? A Yes sir, but she didn't look like she was slavery.
- Q Did she have the appearance of being an Indian? A Yes sir, she said she was; that's how came me to know it.
- Q Tell us how she looked? A She had Indian color. I know she said she was kin ~~xxx~~ to the Indians and my grandma too.
- Q What kind of hair did your mother have? A Curly hair, and my grandma she had straight hair.
- Q Hannah had curly hair? A Yes sir.
- Q Was that Hannah's mother that had the straight hair? A Yes sir.
- Q What was she? A She was kin to the Indians too.
- Q What was Hannah's mother's name? A Dinah.
- Q Was she a slave? A Yes sir.
- Q Did you ever see her? A No sir.

Bill Walker-----4.

rights under article fourteen of the treaty of Dancing Rabbit Creek?  
A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and his lands had been sold by the government, he should be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas, and should be given a certificate to that effect. These certificates were called scrip.

Q Do you know whether any of the ancestors of this applicant Robert Hodge ever received any scrip from the United States government under this act of Congress? A I don't know.

Q Did Robert's father's mother have a Choctaw name---You know the Indians have an English and a Choctaw name usually---Did she have a Choctaw name? A I don't know only by the old heads that she was part Choctaw.

Q Did she have a Choctaw Indian name? A Didn't call her nothing but Hannah.

Q So far as you know none of the ancestors of this applicant ever received any benefits whatever as Choctaw Indians? A No sir.

Q Did you ever hear of any of the ancestors of this applicant having gone to the Indian Territory? A No sir.

Q They have always lived in Mississippi as far as you know?  
A Yes sir.

Q You have no personal knowledge of his father being possessed of Indian blood, --just what you have heard? A Yes sir, that is all.

Q Can you describe the appearance of Robert's father's mother, Hannah? A As far as I know, she favored the Indians to me.

Q Tell us how she looked? A She was between yellow and white.

Q What else was there about her that led you to believe that she had Indian blood? A Her skin-- as far as I know.

Q Tell us something else that would lead you to believe she had Indian blood? A She had sort of Indian hair and high cheeks and favored like the Indians like I saw.

Q What else was there about her that mad you think she had Indian blood? A I don't know no more than that she favored them.

Q Was her hair straight or kinky? A It was straight.

Q How long was it? A It was long.

Q How long? A It came down to her shoulders.

Q What color was it? A Black.

Q Do you know whether any of Robert's ancestors were recognized members of the Choctaw tribe here in 1850? A No sir, that is too far back for me.

(Witness Excused).

Mary Bell, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

Q What is your name? A Mary Bell.

Q How old are you? A I am fifty eight years old.

Q What is your post office address? A Meridian, Mississippi.

Q How long have you lived here? A I just came here in June.

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 patent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you know whether any of the ancestors of Robert Hodge ever complied or attempted to comply with the provisions of that fourteenth article or ever received any benefits thereunder? A No sir.

Q Do you know whether any of the ancestors of Robert Hodge ever received any land here in Mississippi from the government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article, or under the supplement of that treaty? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government directed an agent here in Mississippi to register the names of Choctaw Indians desiring to remain here and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of money Indians who did in fact signify to him their intention to remain and become citizens of the states. And on this account, the government at its public land sales in many instances sold land upon which Choctaw and Indians had improvements and upon which they lived, and which they supposed they would receive from the government under the provisions of article fourteen of that treaty. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come here and hear cases of Choctaws who claimed they had complied with the provisions of article fourteen of that treaty, but their land had been sold by the government. This Commission was duly appointed by the President and came down here in Mississippi and heard a few of these cases, but in the time allowed them by the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of Choctaw cases. Congress therefore passed another act which was approved on the twenty-third day of August 1842, providing for the appointment of another commission to come down here and finish up the hearing of these Choctaw cases. That second Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these cases.

Q Do you know whether any of the ancestors of Robert Hodge appeared before either of these Commissions and attempted to establish their

Bill Walker-----2.

- Q About how old? A I don't know--he is pretty old.  
Q Older than you are? A Yes sir.  
Q Ten years older than you are? A I expect so, more than that.  
Q What is his name? A Henry Hordge.  
Q Who owned Henry during slavery times? A Hordge is all I know.  
Q How much Choctaw blood did Henry have? A By his ma being all, I don't know, he must have been about a third.  
Q Do you think Henry's mother was a full blood Choctaw? A Yes sir, she wasn't exactly a slave. She didn't work like the rest.  
Q She was a slave just the same? A Yes.  
Q You know there never was a full blood Choctaw that was a slave?  
A No.  
Q Then she couldn't have been a full blood? A No.  
Q Well, how much do you think she had? A One half.  
Q Is she living? A No sir.  
Q Did you ever see her? A She was my granny that is what they say  
Q How old would she be if she were living now? A I don't know sir, I couldn't tell you.  
Q About how old? A I expect she would be, I expect, along in the eighties.  
Q What was her name? A Hannah.  
Q What other name? A Hannah Walker.  
Q According to your statement her father was a full blood Choctaw,  
A Yes sir.  
Q What was his name? A I don't know sir.  
Q Did you ever see him? A No sir.  
Q You don't know that he was a full blood Choctaw? A I am just going by what they said she was.  
Q You didn't know that she was a half blood? A No sir.  
Q But it was generally understood in the community in which she lived that she was a half blood Choctaw? A That is what they said. I am going by what the old heads said.  
Q Do you know the names of either of Hannah's parents? A No sir.  
Q Did she speak or understand the Choctaw language? A I don't know  
Q Does Henry speak or understand the Choctaw language? A No sir.  
Q Did you ever hear of Henry or any of his ancestors getting any land down here in Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.  
Q Did you ever hear of any of Robert Hordge's ancestors owning any land in Mississippi? A No sir.  
Q Do you understand the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States and the Choctaw tribe of Indians. The Choctaws at that time lived here in Mississippi and over in the edge of Alabama, and the object of this treaty was to get the Choctaws to move to a new country west of the Mississippi, part of which is now occupied by the main portion of the Choctaw tribe. At the time this treaty was made, some of the Choctaws were unwilling to move out to the new country, but insisted upon being permitted to remain here in Mississippi. For the benefit of those preferring to remain in Mississippi, the fourteenth article was put into the treaty. The fourteenth article is as follows: "Each Choctaw head of a family beiniges 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

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 6, 1901.

In the matter of the application of Robert Hordge, et al, for identification as Mississippi Choctaws, N.G.R-3153.

Bill Walker, being called as a witness on behalf of applicant, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Bill Walker.  
Q How old are you? A Fifty years old.  
Q What is your post office address? A Bailey, Lauderdale county, Mississippi.  
Q How long have you lived here? A I have been near Meridian here twelve years.  
Q Where did you live before that? A At Lauderdale.  
Q In this county? A Yes.  
Q How long did you live there? A Bred and born there.  
Q What is your occupation? A Farmer.  
Q Have you always been a farmer? A Been a farmer all my life.  
Q You were a slave were you during the slavery times? A Yes sir.  
Q Do you appear here at the present time for the purpose of testifying in the matter of the application of Robert Hordge, et al, for identification as Mississippi Choctaws? A Yes sir.  
Q How long have you known Robert Hordge? A I have been knowing him ever since he was born.  
Q Is he any kin to you? A A little.  
Q How much? A His mother and me were second cousins.  
Q Are you interested in any way in this application? A No sir.  
Q How old is Robert? A I just couldn't tell how old he is.  
Q About how old is he? A He is somewhere along twenty somewhere.  
Q Has he any children? A Yes.  
Q How many? A Three.  
Q Do you know their names? A I know two of them.  
Q What are their names? A Henry and Retha. I don't know the baby's name.  
Q Did you ever hear that he was named John McKinley? A I think that was it.  
Q Robert claims to have Choctaw blood---what do you know about that? A From his old foreparents, he claims it in that way. His grandmother was Choctaw and his pa was considered to be one too.  
Q Then Robert gets his Choctaw blood through his father? A Yes sir.  
Q Robert's mother was a slave? A Yes sir.  
Q Do you know anything about the marriage of Robert's mother and father? A Yes sir, they were married.  
Q Were you at their marriage? A Yes sir.  
Q Where were they married? A Up at Lauderdale.  
Q Who married them? A I diaremember it has been so long.  
Q Was it a preacher? A Yes sir.  
Q Did they have a license to marry? A Yes sir.  
Q Are you sure of that? A Yes sir.  
Q They were married since the surrender then? A Yes sir.  
Q Is Robert's father living? A Yes sir.  
Q How old a man is he? A He is pretty old.



Robert Hordge, et al., 7.

- Q Their father is Henry Hordge? A Yes sir.  
Q Have you had some half brothers and sisters? A Yes sir.  
Q Your mother's or father's children? A My father's children.  
Q Their mother's dead.  
Q What are the names of these half brothers and sisters? A I couldn't tell you.  
Q Are any of your father's brothers living? A No sir.  
Q Are any of his sisters living? A Got two living.  
Q What are their names? A One of them named Mary, and Millie.  
Q What is the surname? A Mary Bell, and the other one is never married.  
Q It would be Millie Hordge then? A Yes sir.  
Q Did your father ever have any other sisters? A No sir.  
Q Did he ever have any brothers? A No sir, he never did have any brothers - any whole brothers. He had some half brothers, and one half sister.  
Q Did those half brothers and sisters have any Indian blood or not? A Yes sir.  
Q What were the names of those half brothers? A Names Jack.  
Q Jack what? A Walker.  
Q And the other? A Fish Walker.  
Q Are they living? A Yes sir.  
Q What is the name of the half sister? A I disremember the name of the sister.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood, and does not speak or understand the Choctaw language.)

H. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in the above entitled cause on the 31st day of July, 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.

*H. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

*[Signature]*

Notary Public.

Robert Hordge, et al., 6.

- Q Has she any Choctaw blood? A Yes sir.  
Q Has she been before the Commission? A Yes sir.  
Q Is she your mother's sister or your father's sister? A My father's sister.  
Q You have no witnesses here to-day? A No sir.  
Q To testify in your behalf? A No sir.  
Q Have you any written evidence of any kind you want to offer?  
A No sir.  
Q Do you know of the existence of any written evidence showing that any of your ancestors ever applied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.  
Q Do you want permission to file written evidence later? A Permission.  
Q Do you want us to allow you to file written evidence later?  
A Yes sir.

You will be allowed a reasonable time in which to file proper writ en evidence in support of your application. We would like for you to file this evidence within thirty days from this date if you can. If you see fit to bring any person before the Commission, if you will bring them within a reasonable time before the Commission at meridian we will hear their testimony.

- Q Have you any brothers living? A Yes sir.  
Q How many? A Got four.  
Q What are their names? A Shepherd.  
Q Same surname as yours? A Yes sir.  
Q Same father? A Yes sir.  
Q The next? A And James and Rentie and Clinton.  
Q Are any of them married? A All of them are married.  
Q What is the name of their wives? A One of them named Lucy.  
Q Who is she? A Rentie's wife.  
Q The next one? A Charity.  
Q Whose wife is she? A James.  
Q The next one? A Clinton.  
Q The next wife? A Rebecca.  
Q Whose wife is she? A Clinton's.  
Q The next? A Shepherd.  
Q Is that the wife's name? A His wife's named Elisabeth.  
Q Have any of these beothers been before the Commission? A No sir.  
Q Have you any disters living? A Yes sir.  
Q How many? A I have got three.  
Q Give us the name of the eldest one? A The eldest one name Bettie.  
Q Is she married? A Yes sir.  
Q What is her husband's name? A Harrison.  
Q Harrison what? A Harrison Tingle.  
Q The next one? A Will grey. That's her husband- Elisabeth.  
Q The next one? A Martha Ann.  
Q Her husband's name? A Well, her husband' and her aint staying together.  
Q What is his name? A Griffin Thomas.  
Q Those are all your brothers and sisters? A Yes sir, almy whole brothers and sisters?

Robert Hordge, et al., 5.

was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these Choctaw cases; that second commission was appointed and came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these commissions and attempt to establish their rights under article 14 of the treaty? A No sir, not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty, that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, Alabama, Louisiana or Arkansas; that he was to be given a certificate to that effect. These certificates were called scrip

Q Did any of your ancestors ever receive any scrip under this Act of Congress? A No sir.  
Q Were you married to Evalina under a license? A Yes sir.  
Q When were you married to her? A I married to her about ten years ago, somewhere near that.  
Q Where were you married to her? A In Lauderdale County.  
Q Have you your license and certificate with you at this time?  
A No sir.  
Q Do you desire permission to offer them at a later date? A I don't didn't get no certificate.  
Q Who married you? A A Preacher.  
Q What is his name? A Name of Brooks.  
Q Is he living? A He is living but now here in Mississippi.

It will be necessary for you to furnish proper evidence of your marriage to Evalina for use in support of the application for your three children. You can send them to us in a reasonable time, either your marriage license and certificate, or a certified copy of it in a reasonable time. We would like for you to send it to us in thirty days if you can.

Q Do you know any one living who would be able to support your testimony as to your ancestry, and you being possessed of Choctaw blood? A Yes sir.  
Q Who? A Got a aunt.  
Q Is she here to-day? A No sir.  
Q Where does she live? A Lives out here in the east end of town.  
Q What is her name? A Her name is Mary.  
Q Mary what? A Bell.

Robert Hodge, et al., 4.

Q Wasn't she a slave? A No sir.

Q She was a black woman, wasn't she? A She was half Indian.

Q And was not a slave, you are sure? A No sir. Atleast, that's what our fore-parents told me.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here in Mississippi and Alabama when the treaty of Dancing Rabbit Creek was made? A I don't know sir.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama, in 1830, when this treaty was made? A No sir.

Q Did any of your 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 greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A No sir, not as I know of.

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 sir, whether they did or not.

Q Did any of your ancestors ever claim or received any land here in Mississippi from the Government of the United States under the provisions of Article 14 of the treaty of Dancing Rabbit Creek?

A No sir.

Q Did any of your ancestors ever claim or receive any land from the Government of the United States under the provisions of any other article of that treaty than the 14th article, or under the supplement to that treaty? A No sir/

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

Robert Hodge, et al., 3.

For fear you might not clearly understand it, I will read it to you. The treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians here in Mississippi on the 27th day of September, 1830, nearly seventy one years ago; the object of that treaty was to procure the removal of the Choctaw tribe of Indians who lived here in Mississippi and Alabama; at that time from this country to a new country west of the Mississippi River, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to go out to the new country, but insisted upon being permitted to remain here in Mississippi, and for the benefit of those who did want to stay here the 14th article was inserted in the treaty. That fourteenth article 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 entitled to any portion of the Choctaw annuity."

Q Do you understand that now? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You are sure about that? A I am sure, as far as I understand it; if they has, I never has ~~xx~~ knowed it.

Q So far as you know, they never did? A No sir.

Q Were any of your ancestors living in the old Choctaw nation here in Mississippi and Alabama in 1830, when this treaty was made; that's over seventy years ago? A No sir, I don't suppose that they was.

Q Where do you think your ancestors were living at that time?

A I don't know.

Q There are some of them that were living at that time? A Oh! yes sir.

Q Where did they live? A They lived in Mississippi.

Q What part of Mississippi? A Back out here, east.

Q So far as you know, they have always been slaves? A All of your ancestors that you ever knew have been slaves, haven't they? A Yes; all except my grand mether.

- Q How, through which one of her parents did she get her Choctaw blood? A That's out of my knowledge.
- Q You don't know any further back than your grand mother? A No sir, but my father's daddy was - I don't know.
- Q Did your father ever go out to the Choctaw Nation, Indian Territory? A No sir.
- Q Have you ever been out there? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Evalina.
- Q Is she living? A Yes sir.
- Q Has she any Choctaw blood? A If she has, I don't know it.
- Q You make no claim for her then? A No sir.
- Q What is she? A Well, I don't know; she is some more whiter than she is any other kind; she is mixed in with negro and white.
- Q Have you any children living? A Yes sir.
- Q All of them living? A All except one.
- Q How many have you living? A Three living and one dead.
- Q What are the names of those who are living? A Henry.
- Q How old? A Eight years old.
- Q The next one? A Retha.
- Q How old is Retha? A She is three.
- Q The next one? A John McKinley.
- Q How old is John McKinley? A He is seven months old.
- Q That's all of your children? A Yes sir, all living
- Q Are you the father of these three children? A Yes sir.
- Q What is the name of their mother? A Evalina.
- Q These children are living with you now are they? A Yes sir.
- Q Is your name or the names of your children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or these children to be admitted or enrolled as members of the tribe? A Yes sir.
- Q When did you make that application? A Which, to come before the Commission?
- Q No, I am speaking about the Choctaw tribal authorities; that is, the Indian officers out in the Indian Territory; did you ever make application to them? A For them to receive a part.
- Q I want to know whether you ever made an application to the offices of the Choctaw government out in Indian Territory to have your name or the names of your children put on the rolls out there and become members of the tribe? Did you ever make such an application? A No sir.
- Q Did you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for your self or oldest child? A No sir.
- Q Is this the first application of any description you have ever made for yourself or these children? A Yes sir.
- Q Do you now desire to make application for the identification of yourself and three minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of Article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand what it is, do you? A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
W Meridian, Mississippi, July 31st, 1901.

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

Robert Hordge, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Robert Hordge.  
Q How old are you? A I am somewhere about 31 or 2; somewhere near that.  
Q What is your post office address? A Bailey, Mississippi.  
Q What county? A Lauderdale County.  
Q How long have you lived in Mississippi? A Born in Mississippi; been living here all my life.  
Q Is your father living? A Yes sir.  
Q What is his name? A Named Henry Hordge.  
Q Is your mother living? A No sir.  
Q What was her name? A Her name was Peggy.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q How much do you claim to have? A About 1/8.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How old a man is your father? A He is about seventy years old.  
Q Has he been before the Commission yet? A No sir.  
Q Where does he live? A He lives in Newton County.  
Q You claim that he has a quarter Choctaw blood? A Yes sir.  
Q What is the other? A Negro.  
Q Was he a slave? A No sir.  
Q Wasn't your father a slave? A Oh! yes sir.  
Q Was your mother a slave? A My mother?  
Q Yes? A Yes sir, she was born a slave.  
Q Were your father and mother married? A Yes sir.  
Q How many children did they raise? A They raised eight.  
Q Now, has your father always lived here in Mississippi too?  
A Yes sir.  
Q Through which one of his parents did he derive his Choctaw blood?  
A From his mother.  
Q What was her name? A Her name was Hannah.  
Q Hannah what? A That's as far as I know.  
Q She was a slave? A No sir.  
Q You are sure she wasn't a slave? A That's what they said.  
Q Did you ever see her? A Oh! yes, I have seen her.  
Q How long has she been dead? A Been dead now about four or five years.  
Q How much Choctaw blood do you claim she had? A She was half.  
Q Did she look like a Choctaw Indian? A Yes sir.  
Q Did she speak or understand the Choctaw language? A That's something I don't know; I never saw her much.  
Q Did she live here in Mississippi all her life? A Yes sir, she lived here.  
Q What was her husband, negro? A Her last husband was a negro, but my father's daddy was - but he was - I don't know.  
Q She associated with the negroes altogether? A Yes sir.

Choctaw MCR 3153

Robert Hardge

MCR 3153



#1255

No. 3152

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name *Mary Ann Donald*

Age ~~20~~ Blood  $\frac{1}{8}$

Post ~~Office~~ *Beale, Miss*

Father: *Ben Wells* d

Mother: *Adaline Merideth* S

Claims through *father*

(Claims for self and 2 minor children)

Children:

*Lee* *Donald* 18

*Jim* " 20

Father *Briester Donald* (S) (L)

Stenographer

*R. J. Street*

R. 3152  
Mary Ann Donald et al

DECISION RENDERED. 11 11 1903

R. 31

21.

ACT OF 1882  
FOR THE  
RECORDING OF DEEDS  
IN  
MICHIGAN

RECORDED IN M. C. R. 3082

(cont. over)  
Bob Wells (1/4?)  
dead

↓

Adaline Meredith  
Adeline Wells

Mary Ann Wells 50- $\frac{1}{8}$

slave

mar

Brister Donald (1/4?)  
slave dead

Lee Donald 18

Jim Donald 20

Henry Wells 47- $\frac{1}{4}$

wife

① Lucy Wells  
(negro + ?) (dead)

② Ella Wells  
(negro + ?)

Jim Wells 19

Josephine Wells 17

John Wells 9

Roy Wells 6

Consolidated Cases  
of  
Mary Ann Donald et al.

REFER TO M. C. R. 3152

Card No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

Age Sex

M.C.R. 3162

COPY.

Muskogee, Indian Territory, July 10, 1903.

Mary Ann Donald,

Osage, Mississippi.

Dear Madam

You are hereby notified that on the 12<sup>th</sup> 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 Mary Ann Donald, et al., of which decision you were advised by registered mail on the 19<sup>th</sup> day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

M.C.R. 3152

COPY.

Muskogee, Indian Territory, July 10, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 21st 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 Mary Ann Donald, et al., of which decision you were advised by mail on the 19th day of January, 1903.

Respectfully,

(SIGNED)

*T. B. Needles*  
Commissioner in Charge.

The records of the Indian Office fail to show that any one by the name of Wells ever complied or attempted to comply with said article or acts.

Reporting March 17, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved in so far as it rejects the applications.

A copy of his letter is inclosed.

The Department has reviewed the record and affirms your decision in so far as it refuses the applications.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

D.C.15706

W.C.F.

ITD.3 028-1903.

RAF.

L.R.S.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

May 21, 1903.

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

Gentlemen:

February 4, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws of Mary Ann Donald and her minor children, Jim and Lee Donald; and of Henry Wells and his minor children, Jim, Josephine, John and Roy Wells.

It appears that the principal applicants and their mother were slaves prior to the Emancipation Proclamation, and you held January 19, 1903, that no freedman is entitled to identification as a Mississippi Choctaw, and refused the applications.

The applicants claim rights to Choctaw lands by reason of being descendants of Ben Wells, father of the principal applicants, it being alleged that he was a one-fourth blood Choctaw Indian. The applicants can furnish no information concerning a Choctaw ancestor more remote. The evidence fails to show that Ben Wells ever complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts of Congress relating thereto.



In giving its decision in this case adversely to the applicants, the Commission states that it is of the opinion that no freedman is entitled to identification as a Mississippi Choctaw.

In so far as the decision of the Commission rejects these applicants, it is recommended that it be approved, for the reason that no valid claim to identification can be based on evidence of such meagre quantity or on evidence of such a quality as that given by these applicants, and for the further reason that a search was made of the records of this office for the name of the ancestor given, Ben Wells, and it is found <sup>not</sup> included 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.

Very respectfully,

A. C. Tonner,  
Acting Commissioner.

E.B.H. H'r.

3 inclosures.

(COPY)

Land.  
9345-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, March 17, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the five Civilized Tribes in the adjudication of the claim to identification as Mississippi Choctaws of Mary Ann Donald, for herself and her two minor children, Jim and Lee Donald; and Henry Wells, for himself and his four minor children, Jim, Josephine, John and Roy Wells, wherein the Commission decided adversely to the applicants on the 19th day of January, 1903.

It is seen from an examination of the evidence in this case that the applicants, while setting up a claim to Choctaw ancestry, are unable to give the name of an ancestor more remote than one Ben Wells, the father of the principal applicant, and it not claimed that he was the head of a Choctaw family in 1830,

It further appears that they are unable to state that a more remote ancestor was a recognized citizen of the Choctaw Nation in Mississippi or Alabama in 1830, or that any ancestor had an improvement, or complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or received benefits thereunder.

COPY.

Muskogee, Indian Territory, February 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary Ann Donald, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 19, 1903.

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

Mary Ann Donald, et al., M.C.R. 3152  
Henry Wells, et al., M.C.R. 3082.

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,

*James Pixby.*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 3152.

M. McM. & C. ---2

provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the applications of Mary Ann Donald, Jim Donald, Lee Donald, Henry Wells, Jim Wells, Josephine Wells, John Wells and Roy Wells as such 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,

*[Signature]*  
Commissioner in Charge.

COPY

Muskogee, Indian Territory, January 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are advised that on the 19th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary Ann Donald, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ann Donald, et al.,	M.C.R. 3152
Henry Wells, et al.,	M.C.R. 3082

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

Said decision concludes as follows:

"It is the opinion of this Commission that under the

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

otions of Mary Ann Donald, Jim Donald, Lee Donald, Henry Wells, Jim Wells, Josephine Wells, John Wells and Roy Wells 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 case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED):

*T. B. Neesles.*

Commissioner in Charge.

Registered.

COPY

Muskogee, Indian Territory, January 19, 1903.

Mary Ann Donald,

Seale, Mississippi.

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 Mary Ann Donald, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary Ann Donald, et al.,	M.C.R. 3152
Henry Wells, et al.,	M.C.R. 3082

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

Said decision 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 appli-

eighteen hundred and thirty, and 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 the principal applicants herein were born of a slave mother, prior to the Emancipation Proclamation, and were themselves slaves, and that the other applicants are their lineal descendants, and it does not appear from the records in the possession of the Commission that any one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 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 applications of Mary Ann Donald, Jim Donald, Lee Donald, Henry Wells, Jim Wells, Josephine Wells, John Wells and Roy Wells as such should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED),

*Tammie Hobbs.*

Acting Chairman.

(SIGNED),

*F. B. ...*

Commissioner.

(SIGNED)

*C. R. Brockbridge.*

Commissioner.

Muskogee, Indian Territory,  
JAN 19 1903



*Handwritten initials and signature*

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

In the matter of the application of Mary Ann Donald, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Mary Ann Donald, et al.,           H. C. R. 3152  
Henry Wells, et al.,           H. C. R. 3062

---: 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 Ann Donald for herself and her two minor children, Jim and Lee Donald; and by Henry Wells for himself and his four minor children, Jim, Josephine, John and Ray Wells, under the following provisions of the act of Congress approved June 29, 1898 (30 Stat., 493):

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

Mary Ann Donald, et al., 7.

(This applicant has the features of an Indian; her hair is black and straight; her complexion is a reddish brown, and her eyes are dark; she has the appearance of having more Indian blood than is claimed by her.)

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 31st day of July, 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 17th day of August, 1901.

*[Signature]*

Notary Public.

Mary Ann Donald, et al., 6.

Q What is your mother's name? A Becky Wells. She lives in the settlement I do.

Q Has your aunt been before the Commission? A No sir, they are all the people that I know that knows anything about my father.

Q Do you think you could get them to testify before the Commission for you? A Down here

Q Yes sir? A I don't know whether my aunt could come or not.

She is a mighty old woman, and I don't know whether she would want to take the trip down here or not. She is very old; I reckon if she could write anything and send it, she would do that; she is very old.

Of course, it would be better for you to bring witnesses before the Commission to testify in your behalf in regard to your Indian blood and your ancestors. If you see fit to get written evidence and submit it in a reasonable time, it will be accepted in the matter of your application and considered. You can send it to the Commission here at Meridian; we would like to have you send it in thirty days if you can.

By witness)

My mother is all the witnesses - my aunt - that I have that knows my parents; all old Indians that knew father are dead too; when I first come back here some of them lived here that knew him, but they are dead now too. The old men who come from Alabama with the Indians then that knew him, and they are dead now too.

Q Have you any written evidence you want to offer at this time in support of your application? A No sir, I never brought any.

Q Have you any brothers living? A One.

Q What is his name? A Henry Wells. He is the only full brother I have got.

Q Has he been before the Commission? A Yes sir, he has been here/

Q What is his wife's name? A Ella.

Q Has he any children? A Yes sir four.

Q What are the names of those children? A Jim and Josephine and Roy and William.

Q Did you ever have any other full ~~brother~~ brother? A No sir, that's all that I know of.

Q Never had a full sister? A One; she is dead.

Q Are any of her children living? A No sir.

Q Do you know any brothers of your father? What are living? A No sir I have never knowed but the two members of them; they are the only people I knowed.

Q Is his brother living? A No, dead.

Q When did this brother die? A His brother died some years after he has; I don't know whether I can tell you exactly; he has been dead a good while.

Q Are his sister's children living? A I don't know sir whether they are or not.

Q Did his brother look like a Choctaw Indian? A I tell you I was so little I can't remember much about how the two men looked, either of them; I have been told by the older people that they did,

and some of the people called them half Choctaws because they run among the Indians, and they called them half Choctaws, but they didn't admit that way.

Mary Ann Donald, et al., 5.

receive the applications of Choctaws who might desire to remain and become citizens of the States under that article. The records of the Government show that that agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account, ~~the~~ in many instances, the Government sold land upon which Choctaws lived and had improvements, and which they supposed they would receive in accordance with the provisions of article 14 of the treaty. This occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission whose duty it was to come here to Mississippi and ~~hear~~ hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 of the treaty, but that their land had been sold by the Government. This commission was duly appointed by the president and the Commissioners came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed them under the Act of Congress under which they were appointed, they were unable to dispose of but a ~~pa~~ comparatively small number of cases, and Congress then passed another Act which was approved on the ~~23rd~~ 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these Choctaw cases; that second commission was duly appointed and they came down here and heard a great many more Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty?  
A No sir.

Q

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

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of this Act of Congress of August 23, 1842? A No sir.

Q So far as you know have any of your Choctaw ancestors ever received benefits whatever as Choctaw Indians? A No sir, I don't know.

Q They never have, so far as you know? A Never have so far as I know.

Q Do you know any one living who would be able to support your testimony as to your ancestry and the amount of Choctaw blood claimed by you? A Nobody but these two people; my mother and my aunt.

Mary Ann Donald, et al., 4.

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 entitled to any portion of the Choctaw annuity."

Q You think now you clearly understand that? A Yes sir, I think I do.

Q Did any of your ancestors ever comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you know about that? What I want to know is, did they ever take advantage of the provisions of that article, and told the agent they wanted to stay in accordance with its provisions? A Well, you see, I don't know.

Q Were any of your Choctaw ancestors living here in Mississippi or Alabama in the old Choctaw Nation at the time that treaty was made?

A Some of the old Indians over here went to Arkansas, but I don't know that any of my father's kin ever went there.

Q You don't know whether any of them were living here at that time, seventy years ago? A No sir, I don't know whether there was any of them - I expect maybe there was.

Q Do you know whether any of your Choctaw ancestors were recognized members of the tribe here at that time? A No sir, I don't know.

Q Do you know whether any of your Choctaw ancestors ever owned an improvement here at the time the treaty of Dancing Rabbit Creek was made, September 27th, 1830? A September 1830, no sir, I don't know, seventy one years ago.

Q While any of your 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 greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A I don't know.

Q Did any of your Choctaw 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 sir.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek that the 14th article of ever receive any land under the supplement to that treaty? A I don't know sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to

Mary Ann Donald, et al., 3.

Q Do you want to claim that he had a quarter then? A Well, as I don't know anything about that, I couldn't bring no proof for that; he is dead, and his people way back in - none of them here - he come from South Carolina to this State.

Q So you couldn't swear that he had Choctaw blood? A No sir, I just heard he was - he had that much Choctaw blood in him - he used to laugh with me about having Choctaw blood, and he said he was kin to them too.

Q You say he came from South Carolina? A Yes sir.

Q Didn't he have Cherokee blood instead of Choctaw? A Well, I don't know now; I thought all Indian blood was the same blood.

Q You see the Cherokees lived over in that country; the Cherokees lived in South Carolina and North Carolina, but the Choctaws never lived there as a tribe? A Yes sir, well that's all the trace I know; my father was from Alabama.

Q Is your name, or the name of either one of these children to be found upon any of the Choctaw trial rolls in Indian Territory?

A No sir, I don't know that they can be.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or either of these children to be enrolled as members of the tribe? A No sir, I never said nothing to them about it.

Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw nation for yourself or either of these children? A No sir.

Q Is this the first application of any description that you have ever made? for yourself or these children? A Yes sir.

Q You now desire to make application for the identification of yourself and these minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I think I do.

Q Pretty sure you do are you? A Yes sir, I think I do.

For fear that you do not clearly understand it I will read it to you. This treaty was made here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians; the Choctaws lived here then, and the Government was desirous of getting them to remove out west of the Mississippi to a new country; some of the Choctaws were unwilling to move out there, and for the benefit of those who preferred to stay here, this 14th article was put in the treaty. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried

Mary Ann Donald, et al.,

in Alabama. My aunt she says she knows him further back than my mother does

Q Do you want to claim an 1/8? A Yes sir. People always said I was a half.

Q Were your father and mother married? A No sir.

Q Did they live together as man and wife? A They lived together, but they wasn't married; I don't know how they call this.

Q How long did they live together, do you know? A No sir, I don't know, how long they was together.

Q Did they ever have any children besides you? A Yes, me and my brother.

Q You don't know whether they ever lived together as man and wife, or how long they lived together? A No sir, I don't know how long they lived together; I can't remember; I was very small when he died and my brother was younger than I was.

Q You don't remember of your father and mother living together at all then according to your statements? A No sir, I can't remember nothing about how they lived; my mother was a slave and my father wasn't.

Q Through which one of his parents did your father get his Choctaw blood? A Ma says that she believes it was on his father's side that his Choctaw blood comes; she says that she knows nothing about the father and mother, but the two brothers, and she thought maybe they might be of some of the white people who was stolen away from among the Indians in the first settlers.

Q How old would your father be if he was living now? A I don't know his age when he died; I don't know how old.

Q Have you any idea about how old a man he was? A I don't know; maybe he might have been about - maybe thirty five or forty years old; maybe he might have been about that age.

Q Do you know the name of your father's father? A No sir, I am trying to tell you that the older people that knows anything about him they says they don't know nothing about his father and his mother no way; just knowed him and two brothers of Choctaw, Alabama.

Q The other blood of your father was white or negro? A White, I reckon; Injun and white folks that's what it was.

Q Are you sure? A Yes sir.

Q Have you any children living under twenty one years of age and unmarried? A I have got two children under twenty one that's not married.

Q Is your husband living? A No sir.

Q This application then is for yourself and two minor children only? A Yes sir.

Q What are the names and ages of these Children? A Lee and Jim.

Q Are they living with you now? A Yes sir.

Q How old is Lee? A 18.

How old is Jim? A 20/

Q You are the mother of these two children? A Yes sir.

Q What is the name of their father? A Brister Donald.

Q Is he living? A No sir.

Q Did he have any Choctaw blood? A Yes sir; he claimed - he has said that his grand mother was a Choctaw.

Q How much Choctaw blood did Brister claim he had? A Well, if his grand mother being a Choctaw, that would make him a half somewhere.

Q His grand mother was a full blood Choctaw you mean? A Yes sir.

Q Was Brister a slave? A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 31, 1901.

In the matter of the application of Mary Ann Donald  
for the identification of her self and two minor children as  
Mississippi Choctaws.

Mary Ann Donald, having been first duly sworn, upon her  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Ann Donald.  
Q How old are you? A Fifty.  
Q What is your post office address? A Seale, Neshoba County,  
Mississippi.  
Q How long have you lived in Neshoba County? A About forty years.  
Q Where did you live before you went there? A Louisiana was my  
native home; I was born there.  
Q What parish? A Desoto Parish.  
Q Is your father living? A No sir.  
Q What was his name? A Wells.  
Q What other name did he have? A Ben Wells.  
Q Is your mother living? A Yes sir.  
Q What is her name? A She goes now by the name of Adaline  
Merideth.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q How much Choctaw blood do you claim to have? A I don't know  
whether I can exactly tell you or not; people have accused me of  
being half, but my mother says it is not half; she says my  
father was not a whole Indian.  
Q You get your Choctaw blood solely through your father? A Yes  
sir.  
Q What is your mother? A My mother is just a black woman.  
Q Was she a slave? A Yes sir.  
Q Were you a slave too? A Yes sir, I was born a slave.  
Q How long has your father been dead? A About forty years.  
Q How much Choctaw blood do you think he had? A My mother said  
that my father claimed that his grand father was a Injun; some of  
the people think that maybe he had more than that in him; but  
that's what he told, and she is the only one living that I knows that  
knows anything about him.  
Q Said his grand father was an Indian? A Yes sir.  
Q And that would make him a quarter blood? A Yes sir, that's what  
I said he told her, but some people think he had more than that,  
and I have an aunt that knows him further back than she knows him,  
and he was among the Indians in Alabama, and he went from Alabama to  
Mexubbee, Mississippi, and from there to Louisiana and died there.  
I can't find any old people that knows anything about him.  
Q According to your statements you would be 1/8? Do you think that  
is about what you are, or do you claim more than that? That would  
make you an eighth, unless there was some Indian blood on the other  
side of the family? A I don't know whether there was any Indian  
blood on my mother's side or not.  
Q Was there any Indian blood on the other side of your father's  
family? A I don't know nobody that knows his people when he was first



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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In the matter of the application of Mary Ann Donald, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Mary Ann Donald, et al.,           M.C.R. 3152  
Henry Wells, et al.,           M.C.R. 3082.

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

	(PAGE)
Original application of Mary Ann Donald, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Original application of Henry Wells, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	8
Decision of the Commission refusing the application of Mary Ann Donald, et al., for identification as Mississippi Choctaws..	13

Choctaw MCR 3152

Mary Ann Donald

MCR 3152

REFUSED

Betty Pollock et al  
R. 3151

DEPT. OF JUSTICE  
APR 11 1903

RECEIVED  
APR 11 1903

U.S. DEPT. OF JUSTICE

APR 11 1903

U.S. DEPT. OF JUSTICE

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APR 11 1903

100

father of Billa Land was  
Frank Land deceased. No  
Choctaw. -

Father of the other 8 children  
is Frank Pollock. No  
Choctaw blood.

#1254

No. 3151

# For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name Betty Pollock

Age 39 Blood 1/2

Post Office, Herbert, Miss.

Father: Alex Hagerly d

Mother: Mahaley White L

Claims through ~~no~~ father  
no claim for husband.

(Claims for self and 9  
minor children)

Children:

Delia	Land	(F) 18
Melvin	Pollock	14
Ella	"	12
Arthur	"	11
George	"	10
Lela	"	7
Roxanna	"	5
Shelley	"	(M) 2
Frank	"	10 mo

Stenographer R.S. Streit

(over)

B P 3

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

B P 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 offered in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In event that such witnesses are unable to make personal appearance on account of

Muskogee, Indian Territory, September 24, 1903.

Betty Pollock,

Herbert, Mississippi.

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 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 H-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 H-man-be, whose age would seem to be about the same as H-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



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.

COPY.

Muskogee, Indian Territory, April 13, 1903.

Betty Pollock,

Herbert, Mississippi.

Dear Madam:

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.2674
Elisa 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 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 Frank Hagerby, Zeb Hagerby, Vada Lee Velma Hagerby, Washington A. Hagerby, George W. Hagerby, Elisa Ramsey, Lula White, Chaney White, Betty Pollock, Della Land, Melvin Pollock, Ella Pollock, Arthur Pollock, George Pollock, Lola Pollock, Roxanna Pollock, Shelley Pollock and Frank Pollock as Choctaw Indians entitled to rights in the Choctaw

M.C.R. 3181.

Muskogee, Indian Territory, March 14, 1907.

Betty Dollock,  
Herbert, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 25, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of April 15, 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 children is a part.

Respectfully,

Commissioner.

Betty Pollock, et al., 8.

You don't know whether Alex or any of his people appeared before either of these commission appointed under the Act of Congress of August 23rd, 1842 or March 3, 1837? A No sir.

Q Did you ever hear of any of them ever getting any land down here in Mississippi from the Government? A No sir.

Q Did you ever hear of any of them getting any scrip from the Government? A No sir.

Q Do you know Alex's father's name? A No sir.

Q Do you know his mother's name? A No sir.

Q Did you ever see either of them? A No sir, not that I know of.

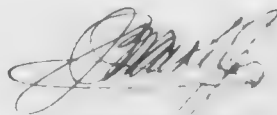
(Witness excused, and Applicant re-called.)

(This applicant has the appearance of being a negro, and shows very slight, if any indication of being possessed of Indian blood. She ~~has~~ has the features of a negro, but her hair is inclined to be straight.)

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 31st day of July, 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 17th day of August, 1901.



Notary Public.

Betty Pollock, et al., 7.

Q What is your name? A L. B. Pollock.

Q What is your age? A Sixty three.

What is your post office address? A Herbert, Kemper County.

Q What is your occupation Mr. Pollock? A Farming.

Q What is your nationality? A American - white man.

Q How long have you lived in Kemper County? A Born and raised there; all my life.

Q Are you acquainted with the Betty Pollock, who just appeared before the Commission? A Yes sir.

Q How long have you known her? A Ever since she was a girl ten or twelve years old.

Q Was she a slave? A She was born a slave.

Q Has she any Choctaw blood? A Her father say's so.

Q Were you acquainted with her father? A Oh! yes.

Q What was his name? A Alex Hagerby.

Q When did he die Mr. Pollock? A I don't remember; its been some eight or ten years, I reckon.

Q How old would he be if he was living now? A I suppose he would be eighty years old.

Q He was considerably older than you? A Yes sir.

Q Were you acquainted with the applicant's mother? A Yes sir.

Q Was she a slave? A Yes sir.

Q Do you know whether Alex and this woman were married? A I don't know.

Q Do you now whether they ever lived together as man and wife?

A I don't know whether they did or not.

Q Was Alex a full blood Choctaw? A Yes sir; he seemed to be; talked the language and lived among them down there.

Q You have lived among the Indians all your life have you? A No, not much; I never had a great deal to do with the Indians; they have lived around me afar off.

Q Well, did he look to you like he was a full blood Indian?

A Oh! yes sir. He was a brother in law to Adam Brokeshoulter; He appeared down here and would be a good witness for her.

Q How do you know Alex was the father of this applicant? A I only know what he told me; said she was his girl - told me several times.

Q He used to go over there to see her and stay around two or three days at a time.

Q He had several other children didn't he? A Yes sir, he had them scattered around.

Q Do you know any of the others? A I know Zeb and Frank.

Q They are each by different women? A Yes sir.

Q All by negro woman? A Yes sir.

Q Do you know any others? A No sir.

Q Do you know where Alex was living in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir.

Q You are familiar with the 14th article of the treaty? A Yes sir.

Q Do you know whether any of the ancestors of this applicant complied with its provisions? A I do not.

Q Do you know whether any of them ever received any benefits under that article? A No sir.

Q You know nothing about that at all? A No sir; I just know that he told me that she was his girl several times.

Q Your object was simply to testify to that particular fact, that he told you this was his girl? A Yes sir. Alex would always say she was my girl.

Betty Pollock, et al., 6.

The Act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty, he should be entitled to select land elsewhere in Mississippi, or in Alabama, or in Louisiana, or in Arkansas, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under the provisions of this Act of Congress? A I don't know sir.

Q Do you know any one living who would be able to support your testimony as to your ancestors, to the amount of Indian blood claimed by you, or as to whether any of your ancestors ever ~~claim~~ ~~sixes~~ complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q You don't know of any one? A No sir.

Q Have you any witnessed here to-day before the Commission that you want to introduce in your case? A Yes sir.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

Q Do you want permission to offer some later? A Yes sir, I reckon.

You are granted permission to file proper written evidence in support of this claim within a reasonable time, but you should file this within thirty days if you can. If you see fit to bring any witnesses before the Commission within a reasonable time, the Commission will examine them in regard to your case.

Q Have you any full brothers living? A No sir.

Q No full brothers living? A No sir.

Q Did you ever have a full sister? A No sir.

Q Are you acquainted with Zeb Hagerby? A Yes sir.

Q Is he any relation to you? A Yes sir.

Q What relation? A We got the same father.

Q Are you acquainted with Frank Hagerby? A Yes sir.

Q Is he any relation to you? A Yes sir, I reckon; me and him has got the same father too.

Q But the mothers of all three of you are different? A Yes sir.

Q Frank and Zeb have been before the Commission haven't they?

A I reckon so; I don't know.

(Applicant excused)

L. B. Pollock, having been first duly sworn as a witness in behalf of the above named applicant, testified as follows:

Examined by the Commission.

Betty Pollock, et al., 5.

Q Did any of your ancestors own an improvement here at that time? in the old Choctaw Nation? A I don't know sir.

Q Did any of your ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, 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 sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States as beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did you ever hear of any of them getting any land from the Government under that article? A No sir.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government directed an agent here in Mississippi to receive the applications of Choctaws who might desire to remain and become citizens of the States under the provisions of that article. The records of the Government show that that agent failed in many instances to record and report to the Government the names of Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government, at its public land sales, in many instances, sold land upon which Choctaws lived and upon which they had improvements, and which they supposed they would receive from the Government under the 14th article of the treaty. This occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March 1837, providing for the appointment of a Commission, whose duty it was to come here and hear the applications of Choctaws who claimed they had complied in all respects with the provisions of article 14 of the treaty, but that their land had been sold by the Government; this commission was duly appointed by the President and came down here to Mississippi and heard a few of these Choctaw cases, but in the time allowed to them by the Act under which they were appointed, they were unable to dispose of all but a few cases, and later Congress passed another Act which was approved on the 23rd day of August, 1842 providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases; this second commission was duly appointed by the President and came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of those commissions and attempt to establish their rights under the 14th article of the treaty? A I don't know sir.

Betty Pollock, et al., 4.

Q Do you think you understand that now? A No sir.

Q You don't understand it? A No sir.

I will try and explain it so you will understand it plainly. As I stated before, this treaty was made for the purpose of getting these Choctaws to move from this country and go out west to the new country west of the Mississippi, and some of them didn't want to go. Now, for the benefit of those who did not want to go, this fourteenth article was put in the treaty. A Choctaw was permitted by this fourteenth article to get land here in Mississippi, but he must do certain things required in the 14th article before he ~~get~~ could get it. First, he must within six months after the treaty was ratified, which was on February 24, 1830, signify to the United States Indian Agent here in Mississippi his intention to remain and become a citizen of the States. He would then be entitled to a reservation of one section of land, or of a piece of land a mile square, and if he had a child under ten years of age, that child was entitled to one half as much as his father, or 320 acres; if he had a child in his family under ten years of age, that child would be entitled to 160 acres, or one quarter section; and they must live on that land for five years from February 24, 1831, the date the treaty was ratified, and at the end of that time they would be entitled to a grant in fee simple to this land; that is, the Government would give them a deed or patents to the land, and they could do whatever they pleased with it. The last clause of the 14th article is: Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity. That meant simply that the mere fact that a person, a Choctaw, stayed here and declared his intention to remain here and become a citizen of the States, would not deprive him of the right to go out to the Nation west of the Mississippi and have rights of citizenship out there equally with the other Choctaws, with the exception that he would not have any share in the Choctaw annuity, the annual payments, that is, payments made every year by the Government to the Choctaws under treaty provisions.

Q Do you think you understand that now? A Yes sir.

Q Did any of your ancestors - you know what ancestors means? A No sir.

Q Fore-fathers, or old folks away back? A Yes sir.

Q Have complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek; that 14th article I have just explained to you?

A I don't know.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made, seventy one years ago nearly? A I don't know sir.

Q Were any of them recognised members of the Choctaw tribe at that time? A I don't know sir.



Betty Pollock, et al., 3.

Q Well, the tribal rolls are lists of the names of Indians that belong to the tribe out there in Indian Territory, made by the Choctaws themselves. Is your name or the names of any of your children on any of those rolls? A Well, I don't know.

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

Q Did 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 of these children? A No sir.

Q Have you ever made any application of any description before to-day? A No sir.

Q You now desire to make application for the identification of yourself and nine minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi and over in the edge of Alabama. The object of the treaty was to secure the removal of these Choctaws from the country occupied by them here in Mississippi and Alabama out west of the Mississippi to the country, a part of which is now occupied by the main part of the Choctaw tribe out there. At the time the treaty was made some of the Choctaws were unwilling to move out to the new country, and insisted that a provision be made in the treaty by which they might stay here, and this fourteenth article was put in that treaty. The fourteenth article of the treaty 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 entitled to any portion of the Choctaw annuity."

Betty Pollock, et al., 2.

- Q Where did he live during his life time, Alex? A In Kemper County, I reckon; I don't know sir.
- Q You don't know anything about him at all, then do you? A No sir, not much; I have seen him.
- Q How do you know he is your father? A That's what my ma said.
- Q Did Alex ever go out to the Choctaw Nation, Indian Territory?
- A No sir, I don't know sir whether he did or not; I don't reckon he did.
- Q Are you married? A Now? Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Indian blood? A No sir.
- Q No Indian blood? A No sir.
- Q Have you ever been married more than once? A Yes sir, been married once before me and he married.
- Q You make no claim for your husband? A No sir.
- Q Have you any children under twenty one years of age and unmarried? A Yes sir.
- Q How many? A Nine of them.
- Q Are they all under twenty one years of age and none of them married? A No sir.
- Q What are the names and ages of these children? A Delia.
- Q How old is Delia? A 18.
- Q A boy? A Girl.
- Q The next? A Melvin.
- Q How old is Melvin? A I don't know sir, how old. I have got it down in this book. 14.
- Q What is the next one? A Ella.
- Q How old is Ella? A 12.
- Q The next one? A Arthur, 11 years old.
- Q The next one? A George; he is 10, years old.
- Q The next one? A Lela.
- Q How old is Lela? A 7.
- Q The next one? A Roxanna. She is 5 years old.
- Q The next one? A Shelley.
- Q A boy? A Yes sir.
- Q How old? A two years old.
- Q The next one? A The baby; yonder it is there.
- Q What is its name? A I aint named it.
- Q You will have to name that baby right now? A Then you can call h him Frank.
- Q How old is Frank? A 10 months .
- Q Are you the mother of all of these nine children? A Yes sir.
- Q Are they all by your present husband? A All but the oldest one.
- Q Who is the father of the oldest one? A Frank Land.
- Q Were you married to him? A No sir, he's dead now.
- Q Were you married to him? A Yes sir.
- Q The eldest child's name is Delia Land? A Yes sir.
- Q Did Frank have any Choctaw blood? A No sir.
- Q What was he? A Nigger.
- Q What is the name of the father of the other eight children?
- A Frank Pollock.
- Q He is the father of all eight of them is he? A Yes sir.
- Q Frank has no Indian blood whatever? A No sir.
- Q This application then is for yourself and nine minor children?
- A Yes sir.
- Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
- A I don't know what you said.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 31, 1901.

In the matter of the application of Betty Pollock for the identification of herself and nine minor children as Mississippi Choctaws.

Betty Pollock, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Betty Pollock.
- Q How old are you? A I don't know sir, exactly.
- Q How old do you think you are? Tell us about how old? A I was three years old at the surrender.
- Q That would make you about thirty nine? A Yes sir.
- Q What is your post office address? A Herbert,
- Q What county? A Kemper
- Q How long have you lived in Mississippi? A All my life.
- Q Is your father living? A No sir.
- Q What was his name? A Alex.
- Q Alex what? A Hagerly.
- Q Is your mother living? A Yes sir.
- Q What is ~~his~~ her name? A Mahaley White.
- Q Do you claim to have Choctaw blood? A Yes sir.
- Q How much Choctaw blood do you claim to have? A My father was an Indian.
- Q Full blood Indian? A Yes sir.
- Q Did your mother have any Indian blood? A No sir.
- Q What was she? A I don't know; she was a nigger.
- Q Then you claim to be a half blood, do you? A Yes sir.
- Q Were you a slave? A No sir.
- Q Wasn't your mother a slave? A Yes sir.
- Q And you were born in slavery then? A Yes sir.
- Q How old would your father be if he was living now? A I don't know sir.
- Q Did you ever see him? A Yes sir.
- Q Did he look like a full blood Indian? A Yes sir.
- Q Did he speak or understand the Choctaw language? A Yes sir.
- Q Were he and your mother married? A No sir.
- Q Did they live together as man and wife? A No sir, I don't know sir; I don't know nothing about that.
- Q How many children did they have? A Who.
- Q Alex Hagerly and Mahaley White; did he ever have any besides you? A Yes sir, she's got five.
- Q Were they all by Alex Hagerly? A No sir.
- Q Were any of the others by Alex Hagerly? A No sir.
- Q You are the only child then of your mother by Alex Hagerly? A Yes sir.
- Q And you don't know whether they were married or lived together as man and wife or not? A No sir, they were not married.
- Q Do you know the name of Alex's father? A No sir.
- Q Or his mother? A No sir.

Choctaw MCR 3151

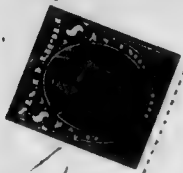
Betty Pollock

MCR 3151



2578

Unclaimed  
Returns to writer



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.


2578

William Green,

~~Meridian, Mississippi.~~

OF THE MEMOR,  
TO THE FIVE CIVILIZED TRIBES.  
**FILED.**

JAN 2 1903



ACTING CHAIRMAN



NOV 6 - 1902

REFUSED

R. 3150

*William Green et al*

DECISION RENDERED. OCT 29 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 29 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 29 1902

RECORD FORWARDED DEPARTMENT.

NOV 11 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

MAR 24 1903



Department of the Interior.

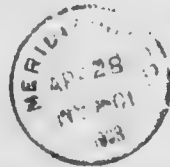
Commission to the Five Civilized Tribes,  
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

William Green,

~~Meridian,~~ Mississippi.





DEPARTMENT OF THE INTERIOR,  
MISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAY 2 1903

*[Handwritten signature]*

Commissioner

INDIAN  
MAY 2 1903  
4-AM

INDIAN  
MAY 2 1903  
4-AM

2918

#1253

No. 3150

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name William Green

Age 64 Blood 1/4

Post Office, Meridian, Miss.

Father: Daniel Green

Mother: Harriet "

Claims through wife Fanny Green (no claim for wife.)

Children:

- Lora Green 13
- Lewis " 12
- Jimmy " 8
- Hattie " 7
- Biddy " 6
- William " 4
- Mary " 3
- Harvey " 2
- Daniel " 5m

(Claims for self and 9 children)

Stenographer

J. S. Miles  
(over)

mother of Dora Lewis  
Green was Parthena Green.  
no cherokee blood.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the 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 Choctaws, of the several persons included in the case of William Green, et al., of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

*Tams Bixby.*

Chairman

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. 3150.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 24, 1903.

William Green,  
Meridian, Mississippi.

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 the application for identification as Mississippi Choctaws, of the several persons included in the case of William Green, et al., of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,



Chairman.

D.C. 7255  
L.R.S.  
ITD.1608-1903.

COPY  
E.A.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

March 12, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 14, 1902 you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of William Green and his minor children, Dora, Lewis, Jimmy, Hattie, Biddie, William Jr., Mary, Harvey and Daniel Green, including your decision of October 29, 1902, denying the application.

The principal applicant, it appears, was born <sup>of</sup> a slave mother prior to the Emancipation Proclamation, and was herself a slave, and you held that no freedman is entitled to identification as a Mississippi Choctaw.

Reporting February 11, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(Signed) F. L. CAMPBELL.

Acting Secretary.

1 inclosure.

pation Proclamation, and was himself a slave, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

As the applicants were unable to give the name of an ancestor who was a resident of the Choctaw Nation in 1830, the office has been unable to make an examination of its records as to whether they had such an ancestor and, therefore, the only examination it was able to make in this case was with reference to the principal applicants father, Daniel Green, who they do not claim was a resident of the Choctaw Nation in 1830, and complied with the provisions of the treaty of that date.

It is, therefore, respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

Commissioner.

G.T.C.

L.

LAND.  
68839-1903.

Copy.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Feb. 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of the Commission to the Five Civilized Tribes in the matter of the application of William Green for himself and his nine minor children, Dora, Lewis, Jimmy, Hattie, Bidy, William (Jr) Mary, Harvey and Daniel Green, for identification as Mississippi Choctaws, claiming rights as such, under the provisions of the 14th Article of the treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application on their descent from Daniel Green, who it is alleged was a Choctaw Indian but who it is not claimed lived in the Choctaw Nation in 1830. The applicants do not know the name of their ancestor who lived in the Choctaw Nation in 1830, nor if any ancestor complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. The Commission rejected the applicants October 29, 1902, because it appears that the principal applicant was born of a slave mother prior to the Emanci-



COPY.

Muskogee, Indian Territory, November 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

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

Respectfully,

(Signed)

*Wm. H. Dinkley*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 3150.

M H & C -2

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)

*Tames Birby.*  
Acting Chairman.

COPY.

M.C.R. 3150

Muskogee, Indian Territory October 29, 1902.

Messrs. Mansfield, McMurray & Corniah,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Green, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is 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 applications of William Green, Dora Green, Lewis Green, Jimmy Green, Hattie Green, Biddy Green, William Green (Jr.), Mary Green, Harvey Green and Daniel Green as such should therefore be refused, and it is so ordered."

You are further advised that the principal 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

W 0 -2

to the Secretary of the Interior through the Commissioner of Indian  
Affairs.

Respectfully,

(SIGNED)

*James Stuby.*  
Acting Chairman.

Registered.

Muskogee, Indian Territory October 29, 1902.

William Green,

Meridian, Mississippi.

Dear Sir:-

You are hereby advised that on the 29th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of William Green, et al., applicants for identification as Mississippi Choctaws:

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

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

Said decision 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 applications of William Green, Dora Green, Lewis Green, Jimmy Green, Hattie Green, Biddy Green, William Green (Jr.), Mary Green, Harvey Green and Daniel Green 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 case, together with such arguments, will be forwarded for review

relled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 381).

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 applications of William Green, Dora Green, Lewis Green, Jimmy Green, Hattie Green, Biddy Green, William Green (Jr.), Mary Green, Harvey Green and Daniel Green as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tams Dixby.*

Acting Chairman.

*T. B. Needles.*

Commissioner.

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

OCT 29 1902

J. W. L.  
Cov. W.

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

-----

In the matter of the application of William Green, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3150.

- - - 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 William Green for himself and his nine minor children, Dora,  
Lewis, Jimmy, Mattie, Biddy, William (Jr.), Mary, Harvey and Daniel  
Green, under the following provision of the act of Congress ap-  
proved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the  
identity of Choctaw Indians claiming rights in the Choctaw  
lands under article fourteen of the treaty 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 from the testimony that the principal ap-  
plicant was born of a slave mother, prior to the Emancipation Procla-  
mation, and was himself a slave, and the minor children herein are  
his legal descendants, and it does not appear from the records in  
the possession of the Commission that any of them has ever been en-

William Green et al---5

Q Have you any witnesses before the Commission at this time whom you want to introduce in support of your application? A No sir, haven't them here today.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

Q Do you want permission to file some later? A Yes sir.

You will be given a reasonable time within which to file proper written evidence in support of your application. The Commission will be glad to have you furnish this within thirty days if you can. If you should see fit to bring any witnesses in person before the Commission you may bring them here to Meridian within a reasonable time and we will hear their testimony in support of your application.

Q Do you know of any written evidence that would show that any of your ancestors ever complied with the provisions of article 14 of the treaty or ever received any benefits under that article? A No sir, I don't know of any.

Q Have you any children over 21 years of age? A Yes sir, two daughters.

Q What are their names? A Harriet and Mandy.

Q What is Harriet's surname? A I couldn't tell you. I don't know whether they are living or not.

Q Where do they live? A Near the Mississippi River.

Q Do you know what their husbands names are? A No sir.

Q Have you any brothers or sisters living? A No sir, all dead.

Q Are any of the children of your brothers living? A No sir, my brothers all died when they were young men. Two died in the war.

Q Are any children of your sisters living? A I don't know that. I don't know whether my sisters are living.

This applicant has the appearance of being a negro. Shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

-----

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, July 31, 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 23rd day of August, 1901, at Meridian, Mississippi,

  
Notary Public.



their intention to remain and become citizens of the States. on this account the Government, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive in accordance with the provisions of the 14th article. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of the 14th article of this treaty but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here and heard some of these Choctaw cases, but in the time allowed them by the act of Congress under which they were appointed they were unable to hear but a small percent of the cases. Congress passed another act which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up the work of hearing these Choctaw cases. This second Commission was appointed by the President and came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.

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

Q Did any of your ancestors ever receive any scrip from the United States Government under that Act of Congress? A No sir.

Q So far as you know have any of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir, I couldn't tell you that.

Q Did you ever hear of any of them ever receiving any benefits? A No sir.

Q You derive your Choctaw blood through your father? A Yes sir.

Q Do you know whether your mother and father were married? A Yes sir, they were married.

Q Weren't they slaves? A Yes sir.

Q How were they married then? A Master married them.

Q How many children did they have? A They had nine children.

Q By the same man, your father? A Yes sir.

Q Your father in the year 1830 lived in Tennessee, didn't he?

A Yes sir.

Q He was a slave? A Yes sir.

Q And he wasn't a recognized member of the Choctaw Tribe? A No sir

to leave this country and for the benefit of those who preferred to stay here the 14th article was inserted in the treaty. That 14th article is as follows:-

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

- Q Do you understand that now? A Yes sir.
- Q Did any of your ancestors ever take advantage of the provisions of the 14th article? A No sir.
- Q Were any of your ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830, that is nearly 71 years ago, when this treaty was made? A I don't think they were.
- Q Were any of them recognized members of the Choctaw Tribe of Indians at that time? A No sir.
- Q None of them owned an improvement here in Mississippi at that time, did they? A No sir.
- Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir; I don't think they did.
- Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified 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, sir.
- Q Did any of your Choctaw ancestors ever receive or claim any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14, or under the supplement to that treaty? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of Choctaws who might desire to remain and become citizens of the States. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaws, who did in fact signify to him

- Q What are their names and ages? A Dora Green.  
Q How old is she? A Thirteen.  
Q Next one? A Twelve, Lewis Green.  
Q Next one? A Jimmy.  
Q How old? A Eight.  
Q Next? A Hattie.  
Q Girl? A Yes sir.  
Q How old? A Seven.  
Q Next? A Biddy.  
Q How old is she? A Six.  
Q Next one? A William.  
Q How old? A Four.  
Q Next one? A Mary.  
Q How old? A Three.  
Q Next one? A Harvey.  
Q How old is he? A Two.  
Q Next one? A Daniel.  
Q How old? A Five months old.  
Q Are you the father of all these children? A Yes sir.  
Q Are these children all by your present wife? A All but two.  
Q Which children are by another wife? A Dora and Lewis.  
Q What was the name of their mother? A Parthenia.  
Q Is she living? A No sir.  
Q Did she have any Choctaw blood? A No sir.  
Q These children are all living with you at this time, are they?  
A Yes sir.  
Q This application is for yourself and nine minor children? A Yes sir.  
Q Is your name or the name of anyone of these minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I reckon not.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.  
Q Did 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 of these children? A No sir.  
Q Have you ever made any application of any kind before this morning? A No sir.  
Q Do you now desire to make application for the identification of yourself and nine minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaw Indians lived in Mississippi and in a portion of the State of Alabama. The object of the treaty was to bring about the removal of the Choctaws from this country occupied by them in Mississippi and Alabama to the new country out west of the Mississippi, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At that time some of the Choctaws were unwilling

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 31st, 1901.

In the matter of the application of William Green for the identification of himself and nine minor children as Mississippi Choctaws.

Said William Green, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A William Green.  
Q What is your age? A Sixty-four.  
Q What is your postoffice address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A Been living here since sixty-one.  
Q Where did you live before that? A In Alabama.  
Q What part? A In Maringe County.  
Q How long did you live there? A Eight or nine years.  
Q Where did you come from to that County? A Tennessee.  
Q What part? A Near Memphis.  
Q How long did you live there? A I was born in Tennessee.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q When did you find that out? A My father was a Choctaw. He talked Choctaw.  
Q You were a slave were you not? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Daniel Green.  
Q Was he a slave too? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Harriet Green.  
Q How much Choctaw blood do you claim to have? A One fourth.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q Your mother had none? A She was a mulatto.  
Q Was she a slave? A Yes sir.  
Q How long has your father been dead? A About forty years.  
Q Did he ever live in Mississippi? A No sir.  
Q Where did he live? A In Tennessee.  
Q Always lived in Tennessee, did he? A Yes sir.  
Q Are you sure it was Choctaw blood your father had? A Yes sir.  
Q It wasn't Chickasaw? A No sir.  
Q You never heard of any Choctaws living in Tennessee, did you?  
A No sir. My father wasn't raised in Tennessee; he came from Virginia.  
Q Did you ever hear him say he had Cherokee blood? A No sir.  
Q Are you sure it was Choctaw? A Yes sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q What is her name? A Fanny Green.  
Q Has she any Choctaw blood? A No sir.  
Q What is she? A African.  
Q You don't make any claim for her? A No sir.  
Q Have you been married more than once? A Yes sir, three times.  
Q Have you any children under 21 years of age and unmarried?  
A Yes sir, nine children.  
Q Living with you at this time? A Yes sir.

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

In the matter of the application of William Green, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3150.

List of papers forwarded to the Secretary of the Interior,  
comprising the record in the case of William Green, et al., M.C.R.  
3150.

	page
Original application of William Green, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	1
Ex parte affidavit of Dan Green.....	5
Ex parte affidavit of Tom Bell.....	6
Marriage record between Mr. William Green and Fannie Lang.....	7
Decision of the Commission refusing the appli- cation of William Green, et al., for identification as Mississippi Choctaws.....	8

Choctaw MCR 3150

William Green

MCR 3150

R. 3149  
Fanny Casame, et al  
**REFUSED**

DECISION BY THE BOARD. OCT 28 1902

NOTICE OF DECISION MAILED APPLICANT

OCT 28 1902

FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED DEPARTMENT.

NOV 1 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 20 1903

DEPARTMENTAL ACTION  
FOR MAILED APPLICANT.

MAR 1903

DEPARTMENTAL ACTION  
FOR WOMEN ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

#1252

No. 3149

For Identification as a Mississippi Choctaw.

Name <sup>Date</sup> Fanny Casame

Age 21 Blood 1/2

Post Office, Amite La.

Father: Jarvis Casame d

Mother: Susanne " d

Claims through mother

Children:

George Casame 5

Father George Dyson  
no Choctaw blood.

(Claims for herself and  
one child)

Stenographer

J. S. Miles



Mrs. R P B 2

scendants of a Choctaw ancestor who resided in the Old Choctaw Nation and who complied with the provisions of the 14th article of the treaty of 1830, or whose claims thereunder were subsequently adjudicated by the Commissions appointed under acts of Congress of March 3, 1837 and August 23, 1842, the Commission was without authority to identify the applicants as Mississippi Choctaws and on November 13, 1902 its decision was rendered refusing the application, and on February 20, 1903, the decision of the Commission was affirmed by the Secretary of the Interior. The Commission therefore considers this case closed.

Respectfully,

Commissioner in Charge.

M.C.R. 3149  
M.C.R. 2667

Muskogee, Indian Territory, August 20, 1903.

Mrs. R. P. Barlow,  
Amite, Louisiana.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 15, asking if it will be possible to secure a re-hearing in the case of Fanny Casame, whose application for identification as a Mississippi Choctaw has been refused by this Commission, and state that the claim of her uncle, George Isaacs, has been granted.

In reply to your letter you are informed that it appears from our records that George Isaacs about fifty-three years of age, son of William and Betsie Isaacs, and his wife, Mary Isaacs, have been identified by the Commission as full-blood Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress of July 1, 1902, which was ratified by the Choctaw and Chickasaw Nations September 25, 1902.

It further appears from our records that Fanny Casame was an applicant to this Commission for the identification of herself and her minor son, George Casame, as Mississippi Choctaws, it not appearing from the testimony and evidence offered in support of this claim that Fanny Casame and her son, George Casame, were full-blood Choctaw Indians, and it further not appearing that they are the de-

COPY.

Muskogee, Indian Territory, March 5, 1903.

Fanny Casame,

Amite, Louisiana.

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 application for identification as Mississippi Choctaws of the several persons included in the case of Fanny Casame, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

*James Bixby*  
Chairman.

M.C.R. 3149

COPY.

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 application for identification as Mississippi Choctaws of the several persons included in the case of Fanny Casano, et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

RECORDED

*Thomas Babo.*  
Chairman.

Muskogee, Indian Territory, February 27, 1903.

R. P. Barlow,  
Amite, Louisiana.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 23rd instant, relative to the decision of the Commission refusing the application made by Fanny Casame for the identification of herself and minor child as Mississippi Choctaws.

In reply to your letter you are informed that the fifteen days from October 28, <sup>1902</sup> heretofore granted the applicant in this case within which to offer arguments in support of her claim to be forwarded to the Secretary of the Interior, expired on November 12, 1902. On November 13, 1902, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The applicant will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

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lish their claims.

Reporting in the matter January 20, 1903, the Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

D.C. 5465

(COPY)  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

J.W.H.

FHE.

I.T.D. 994-1903.

February 20, 1903.

L R S

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

Gentlemen:

November 13, 1902, you transmitted the record in the matter of the application of Fanny Casame (M.C.R. 3149), for identification of herself and her minor child, George Casame, as Mississippi Choctaws, including your decision of October 28, 1902, refusing to identify them as such.

The applicant Fanny Casame is a 1/2 blood Choctaw. Her father, Davis Casame, was a slave; her mother Susanne Zachary, was a full blood Choctaw, who was born in Mississippi and died in Louisiana. She is unable to furnish any further information relative to her ancestors.

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 estab-

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not live in the Choctaw Nation in Mississippi or Alabama in 1830,  
and that he or she did not comply or attempt to comply with the pro-  
visions of the 14th article, makes it very evident that the decision  
of the Commission was correct and I recommend that that decision be  
approved.

Very respectfully,

W.A. JONES.

Commissioner.

E.B.H. (H).



Land.  
68341--1902.

(COPY)  
Department of the Interior,  
Office of Indian Affairs,  
Washington, January 20, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:-

I have the honor to submit herewith for the Department's consideration, record of the Commission to the Five Civilized Tribes, in the matter of the application of Fanny Casame, for herself and her minor child, George Casame, for identification as Mississippi Choctaws, which was rejected by the Commission on the 28th day of October, 1902.

The record in this case shows that the applicants base their claims to identification on their descent from ~~from~~ Choctaw Indian or Indians whose names they are unable to give, but who were the ancestors of their ancestor Suzanne Zachary. Fanny Casame who gives testimony in the case, says she knows nothing of the compliance of Choctaw ancestors with the provisions of the 14th article of the Choctaw treaty, and says none of her ancestors were living in the old Choctaw Nation in Mississippi or Alabama in the year 1830.

The Commission reject the applicants on the ground that the name of Suzanne Zachary, the only ancestor whose name is given, is not found among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, so far as its records show.

It being impossible for the applicants to give the name of the ancestor who was alive in 1830, and stating that that ancestor did

COPY.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Fanny Casame, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 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 argument filed this date by the attorneys for the applicants herein.

Respectfully,

RECEIVED

*Tamm Dickey*

Acting Chairman.

Through the  
Commissioner of Indian Affairs,

Enc. M.C.R. 3149.

Miss. Choctaw R3149

Muskogee, Indian Territory, November 13, 1902.

W. W. McClendon,

Attorney at Law,

Anite City, Louisiana,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 8, inclosing argument for the consideration of the Secretary of the Interior in the matter of the application of Fanny Casane for identification as a Mississippi Choctaw, and you are advised that the same has been transmitted to the Secretary of the Interior on this date, together with the original record in the case of Fanny Casane, applicant for identification as a Mississippi Choctaw.

Respectfully,

Acting Chairman.

F.C. 2

the submission of argument in your case for the consideration of the Secretary of the Interior through the Commissioner of Indian Affairs was allowed under specific instructions from the Department, and began to run from the date of the letter of notification. No extension of time can, therefore, be granted in this case. At the expiration of the fifteen days heretofore granted for the introduction of argument, the record in the case, with such papers as may be filed by you will be forwarded to the Secretary of the Interior for review. You will be notified in due time of the action of the Secretary in your case.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 7, 1902.

Fanny Casane,

Care W. H. McClendon,

Amite City, Louisiana,

Dear Madam:

Receipt is hereby acknowledged of your letter of November 3, stating that you have received notice of the rejection of your claim and of the fifteen days granted for the submission of argument in your case. You ask if the testimony of Osear Russell, Wm. Spring, M. F. Edwards, Mrs. Alice Edwards, George Isaac and S. D. Ellis and Sally Spring were received and considered by the Commission in the determination of your claim, and if they were not received you wish additional time granted for the introduction of this testimony, and also for the filing of arguments in your case. You also ask if the fifteen days granted you began to run from October 28, or from November 3, 1902, the date of the receipt of the letter.

In reply to your letter you are advised that it appears from the record in this case that the ex parte affidavit of George Isaac and the joint ex parte affidavit of H. R. Spring, M. Young, O. S. Burrell, Sally Spring, Alice Edwards and M. T. Edwards were received and filed with the record therein.

You are further advised that the fifteen days granted for

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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)

*C. R. Breckinridge*  
Commissioner in Charge.

COPY.

M.C.R. 3149.

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Fanny Casame, 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 Fanny Casame and George Casame 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 principal 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

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

Respectfully,

Registered:

(SIGNED)

*C. R. Irskinnick*  
Commissioner in Charge.



COPY.

M.C.R. 3149

Muskogee, Indian Territory, October 28, 1902.

Fanny Casame,  
Amite, Louisiana.

Dear Madam:

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

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fanny Casame and George Casame 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 case,

( C O P Y ).

Amite, La., Aug. 5, 1901.

Mr. Tans Bixby,  
Chairman Dawes Com.  
Meridian, Miss.

Dear Sir:

Inclosed please find testimony in favor of Fanny Casame that registered before you on the 31 day of July ult. The people that have sygned this affidavit are farmers except M.F.Edwards, tho this Mr. Stephen D. Ellis w s survayor of the port of N.O. under Mr.Clevelands adm.

Respectfully,

Roger P.Barlow.

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 Dixey.

Acting Chairman.

(SIGNED)

T. D. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 28 1902

Indian.

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

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susanna Zachary signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fanny Casame and George Casame as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of

J. W. L.  
C. W.

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

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In the matter of the application of Fanny Casame, et al.,  
for identification as Mississippi Choctaws, M. C. R. 3149.

- - - 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 Fanny Casame for herself and her minor child, George Casame, 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 Suzanne Mashary, who is alleged to have been a full-blood Choctaw

Fanny Casame et al---7


Q Do you know as to whether any of her ancestors ever complied with any of the provisions of article 14 of the treaty? A No sir.

Q Is there any further statement you think you would like to make in regard to this case? A No sir, I don't think there is anything else.

This witness is a white man and a man of above the average intelligence.

Witness excused.

-----  
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, July 31st, 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 23rd day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

Her hair is black and comparatively straight. She shows no indications of being possessed of white blood. She has none of the features of an Indian unless it be the high cheek bones.

Roger P. Barlow, being called as a witness to testify in behalf of this applicant, and being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Roger P. Barlow.  
Q What is your age? A Forty-four.  
Q What is your postoffice address? A Amite, Louisiana.  
Q What is your occupation? A Farmer.  
Q Are you acquainted with this applicant, Fanny Casame? Yes sir.  
Q Are you interested in any way in her application? A No sir, only to help her out. I have raised her from a little child and I just came here to see that she was registered. She has served me faithfully and I thought it right to see the thing carried through.  
Q How long did you say you had known her? A Well, I guess since about 1886 or 1887. She was quite small. I took her in 1888 and she has been at my house ever since.  
Q Has she any Indian blood? A Well, to the best of my knowledge she is half Choctaw.  
Q Were you acquainted with her mother? A No sir, not personally, but I knew her when I saw her.  
Q Was she a full blood? A Yes sir.  
Q Do you remember her name? A No sir, I don't remember now.  
Q You know this full blood Choctaw woman was the mother of this child? A Yes sir.  
Q Do you know who the father of this child was? A No sir.  
Q How is it you came to take the child into your family? A Well, there was an Indian camp about two miles south of Amite. These Indians, there was one man and three women; this woman's mother, her aunt and a sister to her mother and also a boy-a half breed boy, half white. They lived at that camp for several years. That was looked on as their camp. They would go off and make trips occasionally but could come back. Her mother died, I don't know exactly what time, but sometime about 1886 or 1887. She says after her mother died those Indians were cruel to her and she got to running away from the camp and nobody would take her and she came to my house, I suppose to get something to eat, and my wife took charge of her and she stayed there and has been there ever since. The Indians made no inquiry about her then at all. A short time ago her uncle, the uncle of George Isaacs came out there to see something about her. That is the first time that I knew that this Commission was in session and I wrote you right after that. That is about all I know in the case.  
Q You know nothing whatever as to where her mother living before she came there to that camp? A Only from the statements of this old Indian, George Isaacs, he told me that they came from Mississippi and belonged to the Mississippi Choctaws.  
Q Do you know what part of Mississippi they lived in? A No sir, I don't know.  
Q You have heard the 14th article of the treaty of 1830 and subsequent transactions thereunder explained here in the room this morning? A Yes sir.

and he was to be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any scrip from the Government under this Act of Congress? A I don't know, sir.
- Q Do you know anyone living, any old person, who would be able to support your testimony as to your being possessed of Choctaw blood and the names of your ancestors? A No sir.
- Q Do you know of anyone living who would likely know whether any of your ancestors complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q Have you any written evidence of any description that you want to offer at this time? A Yes sir.

The affidavit of George Isaac is offered in evidence, identified as "Exhibit-A", filed and made a part of the records in this case.

- Q Is this all the written evidence you have? A Yes sir.
- Q Do you want permission to file further written evidence at a later date? A Yes sir.

You will be allowed a reasonable time in which to file further written evidence in support of your application. The Commission would be glad to have you file this within 30 days, however, if you can do so. If you should see fit to bring before the Commission witnesses to testify in your behalf, you can bring them here to Meridian within a reasonable time and they will be examined by the Commission in support of your application. You had better find some reliable person who can testify as to your parentage and as to the place of residence of your parents and the amount of Choctaw blood possessed by your ancestors.

- Q Have you any brothers living? A No sir.
- Q Any sisters? A Had one and she died.
- Q Did she have any children? A No sir.
- Q Did you ever have any brothers? A No sir.
- Q Are any of your mother's brothers living? A No sir.
- Q Any of your mother's sisters? A No sir.
- Q Did she ever have any brothers or sisters? A Not that I know of.
- Q Your father was a slave? A Yes sir.
- Q Were there any other Indians around where your mother lived in Louisiana? A Yes sir.
- Q She was married to this negro? A Yes sir.
- Q Did she have any other relatives around there at all? A Yes sir.
- Q Are any of them living? A No sir, all that is living is George Isaac and his wife. He is my cousin.
- Q Do you speak or understand the Choctaw language? A I used to speak it. I was raised by the white people.
- Q Until you were a girl six or seven years old did you live with the Indians? A I don't know how old I was when I lived there.
- Q Did you live with the Indians when you were a little child? A Yes sir.

This applicant has the features of a negro. Her color would indicate that she might be possessed of Indian blood.



Fanny Casame et al---4

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 for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A No sir, I don't know anything about it.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of Choctaws who desired to remain here and become citizens of the States. The records of the Government show that that Agent failed in many instances to record and report to the Government the names of Choctaw Indians who did in fact signify to him their intention to remain here and take advantage of the provisions of article 14 of the treaty. On this account, the Government, in many instances, sold land upon which Choctaws lived and had improvements, thinking they would get the land under the provisions of the 14th article of the treaty if they complied with its provisions. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act, which was approved March 3, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the applications of Choctaws who claimed that they had complied with all the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard some of these Choctaw cases, but in the time allowed them under the Act of Congress under which they were appointed they were unable to dispose of but a small percent of these cases and Congress passed another act, which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases. That second Commission was duly appointed by the President and came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty? A I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek and that his land had been sold by the Government, he should be entitled to select land elsewhere, in Mississippi, Alabama, Arkansas or Louisiana, from vacant Government land,

tract of land here in Mississippi which they were to own after they had complied with the provisions of the 14th article. Some of the Choctaws at that time, over 70 years ago, did not want to go out to the new country and insisted that they be permitted to stay here and so the Government decided that it was best to put article 14 in this treaty and under this article if a Choctaw Indian wanted to stay here and get land, he might do so, but if he did want to ~~not~~ stay, he must let the Government know of the fact within six months from the time the treaty was ~~made~~ ratified, that is within six months from February 24th, 1831. After he had done that he was entitled to a reservation of one section of land for himself and if he had a child in his family over ten years of age and unmarried that child was entitled to a reservation of 320 acres of land and if he had a child under 10 years of age that child was entitled to 160 acres of land. All these pieces of land must adjoin the location of the parent and must include all or a portion of the improvement that was on the land. The Government said further in that 14th article that those Choctaws must live on that land for five years after February 24, 1831, then a deed or patent would be given them to the land. The last clause of the 14th article is -"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." Which meant, that if a Choctaw chose to stay here and take land and become a citizen of the States, that did not deprive him of the right to go to the Choctaw Nation in Indian Territory, if he wished to go there at any time, and become a citizen out there, but he would not have the right to any part of the Choctaw annuity.

Q Now, do you think you understand the 14th article clearly? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty? A I don't know.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A No sir.

Q Are you sure about that? A Yes sir.

Q Where were they living at that time? A In Mississippi.

Q What one of your ancestors was living in Mississippi at that time? A I don't know.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Tribe here in 1830? A No sir, I don't know.

Q Are you sure about that? A I don't know.

Q Did any of your ancestors own an improvement in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A I don't know.

Q Did any of your 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 greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A I don't know.

Fanny Casame et al---2

in Indian Territory to be admitted or enrolled as a member of the Tribe? A No sir.

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

Q Did anyone else ever make such an application for you? A No sir.

Q Have you ever made any application of any description prior to this time? A No sir.

Q Has anyone else ever made any application for you? A No sir.

Q Do you now desire to make application for the identification of yourself and minor child as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. The Choctaws, at the time this treaty was made, lived here in Mississippi and occupied a portion of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi River part of which is now occupied by the main portion of the Choctaw Tribe. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country and insisted upon provisions being made whereby they might remain here and this 14th article was put into the treaty for the benefit of those who wanted to stay here. That 14th article 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 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 to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A No sir.

As I have stated to you, the treaty was made with the Choctaws by the Government for the purpose of moving them out West to the new country. By that treaty, they got a big

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 31st, 1901.

In the matter of the application of Fanny Casame for the identification of herself and one minor child as Mississippi Choctaws.

Said Fanny Casame, being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Fanny Casame.  
Q What is your age? A Twenty-one.  
Q What is your postoffice address? A Amite, Louisiana.  
Q What County? A Tangipaha Parish.  
Q How long have you lived in Louisiana? A I was born in Louisiana.  
Q Have you lived there all your life? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Davis Casame.  
Q Is your mother living? A No sir.  
Q What was her name? A Susanne.  
Q Do you claim to have Choctaw blood? A Yes sir, my mother was full blood Choctaw.  
Q How much Choctaw blood do you claim to have? A Half.  
Q Your father had no Choctaw blood at all? A No sir.  
Q What was he? A Colored man.  
Q Was he a slave? A Yes sir.  
Q How old would your mother be if she were living now? A I don't know. She died when I was two years old.  
Q Did she always live in Louisiana? A She was born in Mississippi.  
Q She was an old woman when she died? A No sir, a young woman.  
Q Do you know the name of her father? A No sir.  
Q Do you know the name of her mother? A No sir.  
Q Did your mother have a Choctaw name? A Yes sir.  
Q What was it? A Susanne Zachary.  
Q Was that the only name she had? A Yes sir.  
Q You don't know anything about your mother's ancestors then?  
A No sir.  
Q Don't know who any of them were? A No sir.  
Q Did your mother ever live in the Indian Territory? A I don't know, sir. She come from Mississippi.  
Q She never was out in Indian Territory, do you think? A No sir.  
Q Are you married? A No sir.  
Q Have you any children? A One boy.  
Q How old is that child? A Five.  
Q What is his name? A George Casame.  
Q Is that child living with you now? A Yes sir.  
Q What is his father's name? (No answer).  
Q Do you know his father's name? A Yes sir.  
Q What is his name? A George Dyson.  
Q Is he living? A Yes sir.  
Q Has he any Choctaw blood? A No sir.  
Q This boy then gets his Choctaw blood solely through you? A Yes sir.  
Q This application is for yourself and one minor child? A Yes sir.  
Q Is your name or the name of this child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw Tribal authorities

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

In the matter of the application of Fanny Casano, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3149.

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 Fanny Casano, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	2
Ex parte affidavit of George Isaac.....	3
Joint ex parte affidavit of H. R. Spring, M. Young, G. H. Burrell, Sally Spring, Alice Edwards, M. T. Edwards....	9
Decision of the Commission refusing the applica- tion of Fanny Casano, et al., for identification as Mississippi Choctaws.....	10

Choctaw MCR 3149

Fanny Casame

MCR 3149

Mattie P. Young

REFUSED

DECISION RENDERED. OCT 15 1902

NOTICE OF DECISION MAILED APPLICANT.

P. 3/48

OCT 15 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 15 1902

RECORD FORWARDED DEPARTMENT.

OCT 31 1902

ACTION APPROVED SECRETARY OF INTERIOR.

JAN 21 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

JAN 31 1903

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

JAN 31 1903

REFER TO 3280

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

2837  

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1769



Matthie P. Young  
Pletcher's

Alabama

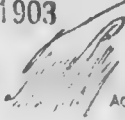
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COMMISSION TO THE PUBLIC UTILIZED TRUSTS.

**FILED**

JAN 20 1903



ACTING CHAIRMAN

REGISTRY  
JAN 18 1903  
MUSKOGEE IND. TRUST

and now I will appreciate  
it very much if you will  
let me know at an early  
date whether my application  
is likely to meet with  
success or not. I would  
also like to know when  
I will get a hearing from  
any application.

Thanking you for any  
information or advice which  
you may give me. I am  
very resptly. Mattie P. Young

Monthly Statement

Flooring, Ceiling, Siding,  
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M

To E. PLETCHER, Dr.

WHOLESALE DEALER AND MANUFACTURER OF  
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To The Commissioners To the  
five Civilized Tribes  
Gentlemen

inclosed I send you  
the statement I spoke of  
while there. since I was  
there I went to see a party  
that knew my Great Grandfather  
and his wife. but when I got  
to where he used to live I  
found he was dead. I have  
written several parties that  
knew my Great Parents but have  
received no reply and I suppose  
they must be dead or moved  
away. now the statement I  
send you I would like for it to be  
used in my Grandmothers  
application as well as my own

OK  
Filed in case of  
Mattie P Young.  
R 3148 — 7/31/01.

Grandmother's name  
Eliza Weeks &  
appd 8/19/01.

#1251

No. 3148

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name *Mattie P. Young*

Age *29* Blood *1/16*

Post Office, *Pletcher, Ala.*

Father: *Baylor P. Jones* L

Mother: *Martha* " d

Claims through *mother*

*(Claims for self only.)*

Children:

Stenographer

*J. S. Miles*

M.C.R. 3148

Muskogee, Indian Territory, January 31, 1903.

Mattie P. Young,  
Fletcher, Alabama.

Dear Madam:

You are hereby notified that on the 21st day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elise Weeks, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

SIGNED,

*Tamie Dixby.*

Acting Chairman.

Mattie F. Young 2

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

Respectfully,

SIGNED

*T. B. Needles*

Commissioner in Charge.

Registered.

COPY.

M.C.R.3148

Muskogee, Indian Territory, October 15, 1902.

Mattie P. Young,  
Fletcher, Alabama.

Dear Madam:

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

Kliza Weeks,  
Mattie P. Young,

M.C.R.3280  
M.C.R.3148

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Kliza Weeks and Mattie P. Young, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred



Mattie P. Young---5

that his land had been sold by the Government, he should be entitled to select land elsewhere either in Mississippi Alabama, Arkansas or Louisiana, from vacant Government lands, and he should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government of the United States under the provisions of that act of Congress? A Not to my knowledge.

Q Have you any written evidence or do you know of any written evidence that would show that any of your ancestors ever complied with the provisions of article 14 or ever received any benefits under that article? A No sir.

Q You never heard of any one of your ancestors ever having gotten any land here in Mississippi from the Government? A No sir.

Q Do you think it probable that you would have learned of it if they had? A Yes sir, I should think I would have heard of it.

Q Your grandmother would probably make an important witness in your case and as you see fit to bring her to Meridian, we will hear her testimony if she comes here within a reasonable time.

A I have an affidavit from her.

The affidavit of Eliza Weeks is offered in evidence, identified as "Exhibit-A", filed and made a part of the records in this case. The affidavit of Sarah McCumber is also offered in evidence, identified as "Exhibit-B", filed and made a part of the records in this case.

Q Is that all the written evidence you have to offer at this time?

A Yes sir.

Q Do you want permission to offer further written evidence at a later date? A I don't know whether I could get up any other evidence or not.

If you see fit to offer any further written evidence in support of your application and you will do so within a reasonable time, it will be received by the Commission.

This applicant has the appearance of being a white woman. She has no indications of being possessed of Indian blood. She does not speak or understand the Choctaw Language.

-----  
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, July 31, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

Mattie P. Young---4

Choctaw Tribe of Indians between the years 1833 and 1838? A I think not.

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 here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know whether they did or not.

Q Did any of your ancestors ever claim or receive any land here in Mississippi or Alabama from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your ancestors ever receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A Not that I know of.

Under the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to receive the applications of Choctaws who might desire to remain and become citizens of the States under that article. The records of the Government show that this Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and take advantage of the provisions of this 14th article. On this account the Government, at its public land sales, in many instances disposed of land upon which Choctaws were living and had improvements and which they expected to receive in accordance with the provisions of article 14 of the treaty. This occasioned a great deal of complaint among the Choctaw Indians and the matter was finally brought to the attention of Congress. Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the cases of Choctaws who claimed that they had complied with the provisions of article 14 but that their land had been sold by the Government. This Commission was duly appointed by the President and came down to Mississippi and heard some of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were able to hear but a small percent of these cases, and Congress passed another act which was approved August 23, 1842, providing for the appointment of another Commission, whose duty it was to come to Mississippi and finish up the hearing of these Choctaw cases. This second Commission was duly appointed by the President and came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty? A I don't know, sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek and

Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the new Country and insisted that provision be made whereby they might remain in the old country. For the benefit of those desiring to stay here the 14th article was inserted in the treaty. That 14th article 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 ~~an~~ annuity."

- Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that thoroughly? A Yes sir.
- Q Did any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not to my knowledge.
- Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I think that my great-grandparents were living here then.
- Q That is the younger John Terry and his wife? A Yes sir.
- Q Do you have any idea where they were living? A In Yazoo City to the best of my knowledge.
- Q He was a half blood Choctaw? A Yes sir.
- Q His wife was a white woman? A Yes sir.
- Q What other children did they have beside your grandmother? A Martha, a sister to my grandmother and one of the boys was named John; that is all I know.
- Q Were any of your ancestors recognized members of the Choctaw Tribe here at that time? 70 years ago and over? A Yes sir, I think so.
- Q What makes you think they were? A Well, I heard my grandmother speak about her father meeting with the Indians and their being together.
- Q Did he associate with the Indians or with white people? A With the white people.
- Q Did you ever hear your grandmother speak of this treaty of 1830? A No sir.
- Q Did any of your ancestors own an improvement on land in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A Not that I know of.
- Q Did any of your 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 greater portion of the

Mattie P. Young---2

Q About how old would John Terry be if he were living now, your great-grandfather? A I couldn't tell you. My grandfather on my mother's side was John Terry too. I couldn't tell anything about any further than my grandfather. I don't know anything about my great-great-grandfather.

Q Through which one of his parents did John Terry get his Indian blood? A Through his father.

Q What was his name? A John Terry too.

Q Was he a full blood Choctaw? A Yes sir.

Q Did he have ~~any~~ Choctaw name? A I don't know. I have heard my grandmother speak of the Shivers.

Q Did these two John Terrys always live here in Mississippi? A Yes sir, to ~~the~~ the best of my knowledge.

Q Do you know whether John Terry and your grandmother's mother were lawfully married or not? A Well, I suppose they was.

Q How many children did they have? A My great-grandfather, I think, had six children.

Q Do you know anything about your great-great-grandfather John Terry? A No sir.

Q You don't know how many children he had? A No sir.

Q Did your mother ever go out to the Choctaw Nation in Indian Territory? A No sir.

Q Are you married? A No sir, I am a widow.

Q Have you any children? A No sir.

Q This application then is for yourself alone, is 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 Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A Never did.

Q Did you or did anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q You never have been admitted to citizenship in the Choctaw Nation either by the Choctaw Tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory, have you? A No sir.

Q Did you ever make any application of any description prior to this time either to the Choctaw Tribal authorities or to the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q This is your first application of any description? A Yes sir.

Q Do you now desire to make application for identification as a Mississippi Choctaw, entitled to rights in the Choctaw lands in Indian Territory under article 14 of the treaty of Dancing Rabbit Creek? A Yes sir, I think that is the one that I am entitled to.

Q Do you understand that 14th article? A Not exactly.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw Tribe of Indians. At the time this treaty was made, the Choctaws occupied part of the State of Mississippi and a part of the State of Alabama, along the west line of the State of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama out to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 31st, 1901.

In the matter of the application of Mattie P. Young for the identification of herself as a Mississippi Choctaw.

Said Mattie P. Young, being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Mattie P. Young.  
Q What is your age? A Twenty-nine.  
Q What is your post~~office~~ office address? A Pletcher, Alabama.  
Q What County, Chilton County.  
Q Is your father living? A Yes sir.  
Q How long have you lived in Alabama? A Been living in Alabama six years.  
Q Where did you live before that? A I was born and raised in Alabama. I moved to Arkansas and came back there six years ago last January and have been living there ever since.  
Q What is your father's name? A Baylor P. Jones.  
Q Is your mother living? A No sir.  
Q What was her name? A Martha Jones.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q What proportion of Choctaw blood do you claim to have? A My ~~great~~ great-great-grandfather was full blood. My great-grandfather was half on my mother's side.  
Q Your mother was one-eighth? A Yes sir.  
Q And you would be one-sixteenth, is that right? A Yes sir, I guess so.  
Q You get your Choctaw blood solely through your mother then? A Yes sir.  
Q How old would your mother be if she were living now? A About fifty-five.  
Q Through which one of her parents did she derive her Choctaw blood? Through her mother.  
Q Is her mother living? A Yes sir.  
Q What is her name? A Eliza Weeks.  
Q Where does she live? A Randolph, Alabama.  
Q How old is she? A Seventy-one, I believe.  
Q Has she been before the Commission? A No sir.  
Q How long has she lived in Alabama? A She has lived there ever since the war. She moved from Alabama to Mississippi at war times.  
Q What part of Mississippi did she live in? A Vazoo City was her postoffice.  
Q How long did she live there? A I don't know, sir.  
Q Was she born in Mississippi? A To the best of my knowledge she was.  
Q Through which one of her parents did she derive her Choctaw blood? A Her father.  
Q What was his name? A John Terry.  
Q Did you ever see him? A No sir.  
Q He was, according to your testimony, a half blood? A Yes sir.  
Q Did John Terry have an Indian name? A I don't know, sir.  
Q Do you know whether he understood the Choctaw language? A Yes sir.  
Q He did? A Yes sir, I have heard of my grandmother speak of him talking with the tribe of Indians.

M.C.R.-5148----- (5)

treaty of dancing Rabbit creek but that his land had been sold by the government he should be entitled to select land elsewhere in Mississippi, or in Louisiana, Alabama or Arkansas from vacant government land, and he was to be given a certificate to that effect. These certificates were called scrip.

Q Do you know whether any of your ancestors ever received any scrip from the government under this act of Congress? A No sir, I don't.

Q Did you ever hear of any such thing? A No, I don't recollect now anything about it.

Q So far as you know, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.

Q Did any of your people ever go out to the Indian Territory?

A Two of my nephews went out there.

Q What were their names? A Joel Burrows--he was a brother in law of mine---Rube and Jim Burrows, my nephews.

Q When did they go out there? A About fifteen or sixteen years ago may be more.

Q Do you know whether they were recognized members of the tribe out there? A No sir, I don't know.

(Witness Excused)

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 19th day of August 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 24th day of August, 1901.

*[Signature]*  
Notary Public.

Q Did they get any land from the government under this treaty?

A No sir.

Q Did they ever get any land under any provision of any article of that treaty or under the supplement of the treaty? A No sir. Not that I know of.

Q You would likely have known about if they had? A Yes sir.

Q You think that your father never attempted to take advantage of the provisions of this treaty? A No sir, when I was a small child, my father owned quite a tract of land in Holmes County, Mississippi, and it was taken away from him. I don't know who took it from him, but only know he never got anything for the land. I do not know how he became in possession of the land, except that I have heard my father say that he did own the land and was deprived of it.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here in Mississippi and become citizens of the states in accordance with the fourteenth article. The records of the government show that this agent failed to record the name of many Indians who did in fact signify to him their intention to remain and become citizens of the states, and on this account, the government at its public land sales sold land upon which the Choctaw Indians lived and had improvements and which they expected to receive under this treaty provision. The fact that the government sold this land, occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an act approved on the 23rd day of March, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the cases of Choctaws who might claim they had complied with the provisions of this fourteenth article but their land had been taken away from them, and they never received any benefits under that article. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these Choctaw cases. Their sessions were held in 1837 and 1838. But in the time allowed to them they were unable to dispose of but a comparatively small number of cases, and Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these cases. This other Commission was duly appointed by the President and the Commissions came down here and heard a great many more of these cases.

Q Did your father or any one of your Choctaw ancestors appear before either of these Commissions and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I think they did.

Q Who of your ancestors did appear before either one of these Commissions? A I don't know whether they appeared before them or not that is too far back for me to recollect.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of article fourteen of the

issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek---Do you understand that thoroughly? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or receive any benefits thereunder?

A No sir, they never tried.

Q Your father at that time was living here in Mississippi?

A Yes sir.

Q He didn't move out to the new country west of the Mississippi?

A No sir.

Q Did he spend the remainder of his life here in Mississippi? A No sir, he died in Marion county, Alabama.

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

Q By recognized, I do not mean that in the community in which he lived he was said to have Indian blood?--But did the Indians recognize him as a member of the tribe? A Yes, when they were passing through, they would have some kind of sign to know each other by, where they had been and everything.

Q That is not what I mean by being recognized---Did the officers of the Choctaw tribe recognize him as belonging to the Choctaw tribe and being one of them? A Yes sir.

Q Are you sure of that? A I am not exactly sure of it, but I am pretty certain of it. It has been so long ago, and I have been sick a good deal and I have not got as good memory like I ought to have. But he sure was half Indian. They never learned us nothing, the people didn't like the generation, and wouldn't allow us to talk about it.

Q Did he own any improvements here in the old Choctaw Nation here at that time? A Yes sir. Q Where did he own the improvements? A Down about Yasco city somewhere.

Q What did he own---what kind of land? A I don't know what kind of land. Just owned land there like the balance of them I reckon.

Q Where did he get that land? A He was settled there when I knew anything about it.

Q That was not in the Indian country at that time? A It was just about the breaking up of it when he lived there. That was before I was born. I had older brothers and sisters and they were living then.

Q That was when the Indians left that section? A Yes.

Q And when they left that section they did not move out west, but came up to this section of the states, and then later went out to the new country after you were born? A Yes sir.

Q Did any of your ancestors within six months from the time the treaty was ratified signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain and become citizens of the states? A No sir.

Q Did any of your ancestors ever claim or received any land here in Mississippi under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir, they had owned land but went off and left it.



- Q Did you ever see your grandfather? A No sir.
- Q Did you ever see any one that had seen him? A No, nowhere about in this country.
- Q Did you ever see any one that had seen him? A Yes sir.
- Q Did they say he was a full blood Indian? A Yes sir.
- Q Did he have an Indian name? A It has been so long, I couldn't recollect it.
- Q Did your father have any Indian name? A Yes sir.
- Q What was his Indian name? A I don't believe I know it.
- Q Did he speak or understand the Choctaw language? A Yes sir, he did.
- Q Did your father associate with the Indians mostly or with the white people? A There were no Indians there to associate with when I could recollect.
- Q How many brothers and sisters did your father have? A I don't know sir, only one.
- Q Was that a brother or sister? A She was a sister.
- Q Was she a full sister? A Yes sir, she lived and died in Mississippi.
- Q Did you ever hear of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Are you familiar with it? A Yes sir.
- Q Do you understand the reason it was made? A No, not much, I don't. I have heard my father speak about it and other folks a great deal, but didn't keep up with it.
- Q Do you know when it was made? A No sir.

This treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. The object of this treaty was to secure the removal of the Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi River. At the time the treaty was made some of the Indians were unwilling to leave this country and move out there, and they insisted that a provision be made in the treaty which would enable them to stay here, so what was known as the fourteenth article was inserted for their benefit.

- Q Are you familiar with this fourteenth article? A No sir, I am not familiar with it.

This is the fourteenth article: "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

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 19, 1901.

In the matter of the application of Mattie P. Young for identification as a Mississippi Choctaw, M.C.R.-3148.

Eliza Weeks, called as a witness on behalf of applicant, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Eliza Weeks.
- Q How old are you? A I am seventy four the first day of last January.
- Q What is your post office address? A Randolph, Bibb County, Alabama.
- Q How long have you lived in Bibb County, Alabama? A Ever since a little while before the surrender.
- Q Where did you live before that? A Sanford, Marion county.
- Q Were you born there? A I lived most of the time in Marion County
- Q Where were you born? A In Mississippi.
- Q What county? A Yazoo City.
- Q How long did you live in Mississippi before you moved from here?
- A About thirteen years.
- Q And then you went to Alabama? A Yes sir.
- Q You have lived all your life in these two states? A Yes sir.
- Q Are you acquainted with the applicant Mattie P. Young? A Yes sir she is my granddaughter.
- Q You have known her all her life? A Yes.
- Q Where does she live? A Fletcher, Alabama.
- Q Is her mother living? A No sir.
- Q What was her mother's name? A Mattie Jones.
- Q Is her father living? A Yes sir.
- Q What is his name? A Bailey Jones.
- Q Has Mattie P. Young any Choctaw Indian blood? A I guess she has if I have got any in me. My father they said he was one half Indian I was small and don't recollect much about it. He died about fifty three or fifty four years ago.
- Q You say he was one half Choctaw Indian? A Yes sir.
- Q What was his name? A John Terry.
- Q What was your mother's name? A Sallie.
- Q Do you know where your father lived prior to your birth for a number of years? A He lived in Yazoo City.
- Q So far as you know did he always live in Mississippi? A From the first time I ever knew him. Just a while before he died, he moved over in Marion County.
- Q Did you have any full brothers and sisters? A Four brothers and four sisters.
- Q Same father and same mother? A Yes sir, my brothers some of them you can see it plain in them; they are very dark; I don't know where they are living now? A No
- Q Do you know the name of your father's father? A His name was John Terry, too.
- Q Was he a full blood Choctaw? A Yes, said to be.

Choctaw MCR 3148

Mattie P. Young

MCR 3148

For Identification as a Mississippi Choctaw.

Name <sup>Date</sup> Susan Ann Moore

Age 70 Blood 1/16

Post Office, Pletcher, Ala.

Father: James Moore (d)

Mother: Lucinda " (d)

Claims through ~~the~~ father

(Claims for self only.)

Children:

Stenographer

J. S. Niles

Joe Moore 1/4  
wife  
Patty Moore

\* James Moore 1/8  
wife

Lucinda Moore

\* P.M. apt. in mar 1728  
gives the name of her  
grand father as Hurst  
Moore

<sup>mar 31/27</sup>  
Susan Ann Moore 70

\* Barrow Murs "

\* Father of 1721

\* William Hurst, w.

\* Father of 1728

Sylvia Moore 1/4 or 3/4  
mar dead

Bess Kemp

Mary Moore 1/4  
mar 3/4 w. her

Joe Chandler, w.

<sup>mar 17/24</sup>  
James Henry Moore  
wife  
Lavonia Moore, a.

<sup>mar 17/24</sup>  
Sarah Jane Moore  
mar

J.B. Munn, w.

<sup>mar 17/24</sup>  
Julia Ann Kemp 1/4  
mar

Rebecy

<sup>mar 17/31</sup>  
Mary Frances Chandler  
mar 1/4

Marion Faints Chandler  
w.

<sup>mar 17/26</sup>  
Robert Moore 12  
James C. Moore 11  
Honnie S. Moore 6  
Bertha J. Moore 4

<sup>mar 17/24</sup>  
Nicholas Alexander Munn  
Kosa Lucinda Munn  
Ada May Munn 5

<sup>mar 17/31</sup>  
Marion La F. Chandler  
Thomas Sidney Chandler  
Jesse Robert Chandler  
Alouys Lee Chandler 1  
Marcha Rebecca Chandler  
Mary Ann Chandler 7  
Sarah Elizabeth Chandler  
Evelyn Louise Chandler

CARD No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE

SEX

REFER TO M. C. R. 3147

*Susan Ann Moore*

*Consolidated Case*

M C R 3147.

COPY:

Muskogee, Indian Territory, April 6, 1903.

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

Gentlemen:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Ann Moore, et al., of which decision you were advised by mail on the 9th day of February, 1903.

Respectfully,

(SIGNED)

*C. R. Breckinridge*  
Commissioner in charge.

M.C.R. 5147

COPY.

Muskogee, Indian Territory, April 6, 1903.

Susan Ann Moore,  
Fletcher, Alabama.

Dear Madam:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan Ann Moore, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*  
Commissioner in Charge.



died at Plantersville, Dallas county, Alabama. He was the son of a quarter blood Choctaw named Joe Moore.

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 March 13, 1905, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

J.W.H.

D C 9001-1903.

DEPARTMENT OF THE INTERIOR

THE

I.T.D. 2814-1903.

Washington.

March 27, 1903.

L.R.S.

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

Gentlemen:

February 25, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Susan Anna Moore (M C R 3147), for herself; of James Henry Moore for himself and his four minor children, Robert, James C., Florence S. and Bertha J. Moore; or Sarah Jane Minor for herself and her three minor children, Nicholas Alexander, Rosa Lucinda and Ada May Minor; of Julia Ann Kelley for herself and of Mary Frances Chandler for herself and her eight minor children, Marion L.F., Thomas Sidney, Jesse Robert, Alonzo Lee, Martha Rebecca, Mary Ann, Sarah Elizabeth and Ethel Luthine Chandler, including your decision of February 9, 1903, refusing to identify them as such.

The principal applicant, Susan Ann Moore, through whom the others claim, and whose quantum of Choctaw blood is one-sixteenth, was born about the year 1830. It seems that she has lived in Chilton county, Alabama all her life. She obtained her Choctaw blood from her father, James (or Henry) Moore, who, it is claimed, lived and

under the 14th article of the Choctaw treaty of 1830. It is alleged, however, that their ancestor was a citizen of the Choctaw Nation and a resident of Mississippi in 1830.

The Commission states in its decision rejecting these applicants, that the name of Joe Moore or of an ancestor less remote, is not found in the list in its records of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

Notwithstanding the fact that the applicants are unable to testify that their common ancestor complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, the office has caused a search to be made of its records of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, for the name of Joe, James and Henry Moore, and it not being so found, I have to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed). A. C. Tanner,

Acting Commissioner.

E.B.H.  
H'r.

3 enclosures.

(COPY)

Land  
13873-1903.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

March 13, 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 the following persons, wherein a decision adverse to the applicants was rendered by the Commission on February 9th, 1903.

Susan Ann Moore; James Henry Moore, for himself and his three minor children, Robert, James C., Florence S. and Bertha J. Moore; Sarah Jane Minor, for herself and her three minor children, Nicholas Alexander, Rosa Lucinda and Ada May Minor; Julia Ann Kelley, for herself; and Mary Frances Chandler, for herself and her eight minor children, Marion L.F., Thomas Sidney, Jesse Robert, Alense Lee, Martha Rebecca, Mary Ann, Sarah Elizabeth and Ethel Luthise Chandler.

An examination of the evidence in this case shows that the witnesses give the common ancestor as Joe, James and Henry Moore, but they are unable to state that their ancestor was a beneficiary

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 Susan Ann Moore, 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:

- |                                |              |
|--------------------------------|--------------|
| Susan Ann Moore,               | M.C.R. 3147  |
| James Henry Moore, et al.,     | M.C.R. 1726  |
| Sarah Jane Minor, et al.,      | M.C.R. 1728  |
| Julia Ann Kelley,              | M.C.R. 1729  |
| Mary Frances Chandler, et al., | M.C.R. 1731. |

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.  
2 inclosures: M.C.R. 3147

*Tamm Birby*  
Chairman.

S. A. M. No. 2.

Thomas Sidney Chandler, Jesse Robert Chandler, Alonzo Lee Chandler, Martha Rebecca Chandler, Mary Ann Chandler, Sarah Elizabeth Chandler, and Ethel Luthise Chandler 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,

(SIGNED)

*Tams Bixby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, February 9, 1903.

Susan Ann Moore,  
Pletcher, Alabama,

Dear Madam:

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 Susan Ann Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Ann Moore,	M.C.R. 3147
James Henry Moore, et al.,	M.C.R. 1726
Sarah Jane Minor, et al.,	M.C.R. 1728
Julia Ann Kelley,	M.C.R. 1729
Mary Frances Chandler, et al.,	M.C.R. 1731

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 Susan Ann Moore, James Henry Moore, Robert Moore, James C. Moore, Florence B. Moore, Bertha J. Moore, Sarah Jane Minor, Nicholas Alexander Minor, Rosa Lucinda Minor, Ada May Minor, Julia Ann Kelley, Mary Frances Chandler, Marlen LaF. Chandler,

M. McM. & C, No. 2.

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,

RESIGNED

*James Bixby.*  
Acting Chairman.



COPY.

Muskogee, Indian Territory, February 9, 1903.

Manfield, McKurray & Cornish,

Attorneys for the 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 Susan Ann Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Susan Ann Moore,	M.C.R. 3147
James Henry Moore, et al.,	M.C.R. 1726
Sarah Jane Minor, et al.,	M.C.R. 1728
Julia Ann Kelley,	M.C.R. 1729
Mary Frances Chandler, et al.,	M.C.R. 1731

These applications were made under the provision of the act of Congress of June 23, 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 Ann Moore, James Henry Moore, Robert Moore, James C. Moore, Florence S. Moore, Bertha J. Moore, Sarah Jane Minor, Nicholas Alexander Minor, Rosa Lucinda Minor, Ada May Minor, Julia Ann Kelley, Mary Frances Chandler, Marion LaF. Chandler, Thomas Sidney Chandler, Jesse Robert Chandler, Alonzo Lee Chandler, Martha Rebecca Chandler, Mary Ann Chandler, Sarah Elizabeth Chandler and Ethel Luthise Chandler 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."

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, 280) 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 Ann Moore, James Henry Moore, Robert Moore, James C. Moore, Florence B. Moore, Bertha J. Moore, Sarah Jane Minor, Nicholas Alexander Minor, Rosa Lucinda Minor, Ada May Minor, Julia Ann Kelley, Mary Frances Chandler, Marion LaF. Chandler, Thomas Sidney Chandler, Jesse Robert Chandler, Alonzo Lee Chandler, Martha Rebecca Chandler, Mary Ann Chandler, Sarah Elizabeth Chandler and Ethel Luthias Chandler 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.

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 9 1903

Luthise Chandler, 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 Joe Moore, who is alleged to have been possessed of some Choctaw blood, degree thereof not positively 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, 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 Joe Moore, or ancestors less remote, signified ( in person or by proxy) to Colonel Wm. Ward,

J.W.L.  
C.W.W.

COPY.

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

In the matter of the application of Susan Ann Moore, et al., for identification as Mississippi Choctaws, consolidating the applications of:

Susan Ann Moore,	N.C.R.	2107
James Henry Moore, et al.,	"	1726
Sarah Jane Minor, et al.,	"	1728
Julia Ann Kelley,	"	1729
Mary Frances Chandler, et al.,	"	1731.

- - - 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 Susan Ann Moore for herself; by James Henry Moore for himself and his four minor children, Robert, James G., Florence S. and Martha J. Moore; by Sarah Jane Minor for herself and her three minor children, Nicholas Alexander, Rebecca Lucinda and Ida May Minor; by Julia Ann Kelley for herself and by Mary Frances Chandler for herself and her eight minor children, Marion LaF., Thomas Sidney, Jesse Robert, Alonzo Lee, Martha Rebecca, Mary Ann, Sarah Elizabeth and Ethel

Susan Ann Moore --- 6.

- Q Next one? A Ada May.  
Q Is that all? A Yes sir.  
Q Those are the only two children you have living? A Yes sir.  
Q How have you any children who are dead? A No sir, I have got one boy off but I don't know where he is.  
Q What is his name? A John M.  
Q Have you any brothers living? A The last I knowed my oldest brother he was living, but he was in Texas.  
Q What is his name? A Henry Moore.  
Q Is he the only one living? A The only one I know of.  
Q Have you any sisters living? A Mary Moore.  
Q Has she been before the Commission? A No sir.  
Q Is she married? A Yes sir.  
Q What is her husband's name? A Wiley Van Sant.  
Q Is he living? A No sir.  
Q Then his name is Mary Van Sant? A Yes sir.  
Q Is that all the members of your family that are living? A yes sir.

This applicant has the appearance of being a white woman; she shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.

-----  
Ira E. 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 July 31st, 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 at Meridian, Mississippi, on this 22nd day of August, 1901.

  
Notary Public.

of these Choctaw cases, but in the time allowed then by the Act of Congress under which they were appointed, they were unable to hear but a small percent of the Choctaw cases. Congress, accordingly, passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission, whose duty it was to come here and finish up hearing these Choctaw cases. That Commission was duly appointed by the President and the Commissioners came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know nothing about them.

The Act of Congress approved August 23, 1842, , that is nearly 60 years ago, provided that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article 14 of the treaty and that his land had been sold by the Government, he should be entitled to select land elsewhere, in Mississippi, Alabama Arkansas and Louisiana, vacant Government land, and he was to be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government under this act of Congress? A I don't know, sir.

Q Have you any witnesses here today that you want to introduce in support of your application? A No sir.

Q Have you any written evidence of any description that you want to offer? A No sir, I haven't any with me.

Q Do you want permission to file written evidence at a later date? A Yes sir.

You will be given a reasonable time in which to file proper written evidence in support of your application, but the Commission would be glad to have you file this within thirty days if you can do so conveniently. If you have any witnesses that you want to bring before the Commission you can bring them here to Meridian within a reasonable time and their testimony will be taken.

Q Do you know anyone living who would be apt to be more fully informed on the questions which I have asked you than you are? A Not that I know of.

Q Have you any children over 21 years of age living? A I have two.

Q What are their names? James Moore, and Sarah Jane Miner.

Q Have these children, either one of them, been before the Commission? A Yes sir.

Q When? A In May.

Q Has James any children? A Yes sir.

Q How many? A Four.

Q What are their names? A Bob, Jimmie, Florence Susan, and Bertha Jane.

Q Has your daughter any children? A Three.

Q Name them. A Nicholas Alexander.

Q What is the name of the next one? A Rosa Lucinda.

Susan Ann Moore---4

Q Did any of your ancestors ever comply with its provisions? A None that I ever heard of.

Q Do you know of anyone living who would likely be informed on this subject? A I have got a sister that is living.

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

Q Were any of them recognized members of the Choctaw Tribe at that time? A 70 years ago, when this treaty was made, were any of your ancestors recognized members of the Choctaw Tribe of Indians? A I don't know.

Q You don't know whether any of them owned an improvement here at that time, do you? A No sir.

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 greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838?

A Not that I know of.

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 for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A None that I know of.

Q Did any of your ancestors ever claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14, or under the supplement of that treaty? A None that I know of.

Q You never heard of any of your ancestors having gotten any land from the Government at any time? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of Choctaw Indians who desired to remain and become citizens of the States and take advantage of the provisions of the 14th article of that treaty. The records of the Government show that this Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government, at its public land sales, disposed of land which in many instances belonged to Choctaw Indians and upon which these Choctaws loved and had improvements and supposed that they would receive under article 14 of the treaty. This action of the Government occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act, which was approved March 3, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of such Choctaws as claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard some

married child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of Dancing Rabbit Creek.  
Q Do you think you understand that 14th article? A I don't know whether I do, or not.

I will try to explain it to you. As I stated, this treaty was made here over 90 years ago and one part of that treaty is the 14th article. The 14th article was made for the benefit of Choctaws who wanted to stay here. It gave them the privilege of staying here and getting land. In the first place the head of a family must, within six months after the treaty of Dancing Rabbit Creek was ratified, have signified his intention to the Agent, the Government Agent here, that they desired to remain in Mississippi and become citizens of the States under the 14th article.

That treaty was ratified on the 24th day of February, 1831. Now after he had so signified his intention to the Agent, that he intended to stay here and become a citizen of the States, he was entitled to a reservation of 640 acres of land and if he had a child in his family over ten years of age, that child was entitled to a reservation of 320 acres of land or one-half as much as the parent; if he had a child in his family under ten years of age, that child was entitled to 160 acres. The reservations for such children must adjoin the location of the parent. The 14th article further provided that if they lived on that land for five years from the ratification of the treaty, which was as I have told you on the 24th of February, 1831, a grant in fee simple would be issued to them; that is, they would get a deed or patent from the Government to this land and after that they could dispose of it at their pleasure. The last clause of the 14th article is that persons who claimed under this article should not lose the privilege of a Choctaw citizen, but if they ever removed are not to be entitled to any portion of the Choctaw annuity. It simply meant that those Choctaws who preferred to stay here at that time and select land and live on it for five years and become citizens of the States should not, by doing so, forfeit their rights to citizenship in the Choctaw Nation in the Indian Territory, but if they ever removed out there they would not be entitled to any portion of the Choctaw annuity.

Q Do you think you understand that 14th article now? A I reckon so.



Susan Ann Moore---2

- Q So far as you know, have all of your ancestors always lived in Alabama? A Yes sir.
- Q Were your father and mother lawfully married? A Yes sir.
- Q You haven't their marriage license and certificate with you here, have you? A No sir.
- Q How many children did they raise? A Seven.
- Q Were your grandfather Joe Moore and your grandmother lawfully married? A I reckon so.
- Q How many children did they raise? A I don't know.
- Q Did your father have any brothers and sisters? A Yes sir, he had two sisters.
- Q Did he have any brothers? A Yes sir.
- Q They were full brothers and sisters of his? A Yes sir.
- Q How many brothers did he have? A Four or five.
- Q Are you married? A No sir.
- Q Have you any children under 21 years of age and unmarried? A No sir.
- Q This application then is for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? By tribal rolls I mean lists of the names of Indians that belong to the Choctaw Tribe in Indian Territory, prepared by the Tribal authorities there? A I don't know whether it is, or not.
- Q You never made any effort to have it placed there, have you? A No sir.
- Q This is the first application of any description that you have ever made that anyone has ever made for you, is it? A Yes sir, the first one.
- Q You now desire to make application for identification as a Mississippi Choctaw claiming rights to the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek, do you? A Yes sir.
- Q Do you understand the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't understand it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly 71 years ago, between the United States Government and the Choctaw Tribe of Indians. The Choctaws, at the time the treaty was made, lived here in Mississippi and also occupied a small portion of the State of Alabama. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi River. At the time the treaty was made some of the Choctaws were unwilling to move to the new country and desired to remain here in Mississippi and Alabama and for the benefit of those who desired to stay here article 14 was inserted in the treaty. That 14th article 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 un-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 31st, 1901.

In the matter of the application of Susan Ann Moore for the identification of herself as a Mississippi Choctaw.

Said Susan Ann Moore, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Susan Ann Moore.  
Q What is your age? A I don't know how old I am. I think I am seventy, or perhaps over that.  
Q What is your postoffice address? A Pletcher, Alabama.  
Q What County? A Chilton County.  
Q How long have you lived in Alabama? A Ever since I can recollect anything.  
Q Lived there all your life, so far as you know? A Yes sir, so far as I know.  
Q Is your father living? A No sir, dead.  
Q What was his name? A James Moore.  
Q Is your mother living? A No sir, dead.  
Q What was your mother's name? A Lucinda Moore.  
Q You claim to have Choctaw blood, do you? A Yes sir.  
Q How much Choctaw blood do you claim to have? A My grandfather was a quarter and I don't know what my part would be.  
Q Your grandfather? A Yes sir, my grandfather, Joe Moore.  
Q Your father's father? A Yes sir.  
Q Did your father's mother have any Choctaw blood? A Not that I know of.  
Q Then your father would have one-half that amount, or one-eighth? A Yes sir.  
Q Did your mother have any Choctaw blood? A Not that I know of.  
Q That would make you one-sixteenth, wouldn't it? A Yes sir, I think so.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q I believe you stated that your mother had no Choctaw blood? A None that I ever heard of.  
Q Did your father always live in Mississippi? A Yes sir.  
Q How old would he be if he were living now? A I don't know; he would be very old.  
Q About how old would he be? How old was he when you were born? A I don't know.  
Q Did your father speak or understand the Choctaw language? A I don't know.  
Q He got his Indian blood through his father? A Yes sir.  
Q What was his father's name? A Joe Moore.  
Q He is the man you stated was a quarter blood Choctaw? A Yes sir that is what they say. My grandfather got killed before his children were grown.  
Q You never saw him then? A No sir, I never saw him but I saw my grandmother.  
Q Through which one of his parents did your grandfather, Joe Moore, get his Indian blood? A I don't know.  
Q You don't know anything of your family further back than that? A No sir, I don't.

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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 Susan Ann Moore, et al., for identification as Mississippi Choctaws, consolidating the applications of -

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Sarah Jane Minor, et al.,	•	1788
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Choctaw MCR 3147

Susan Ann Moore

See MCR 1726, 1728, 1729, 1731

MCR 3147

Harriet Bearfield et al

REFUSED

DECISION RENDERED

JUL 26 1902

NOTICE OF APPEAL

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NOTICE OF APPEAL

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DEC 1 1902

NOTICE OF APPEAL

NOTICE OF APPEAL

REFER TO C. R. 2307

#1249

No. 8146

# For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name *Harriet Bearfield*

Age *41* Blood *1/16*

Post Office, *Butler, Ala.*

Father: *Allen Buckalew* d

Mother: *Nancy* " L

Claims through *mother*  
~~husband~~ *Franca Bearfield*  
 (No claim for husband.)  
 (Claim for self and <sup>10</sup>A minor children)

Children:

- |                 |                  |     |           |
|-----------------|------------------|-----|-----------|
| <i>Lutha</i>    | <i>Bearfield</i> | (M) | <i>18</i> |
| <i>Andrew</i>   | "                | "   | <i>16</i> |
| <i>Albert</i>   | "                | "   | <i>14</i> |
| <i>Sudie</i>    | "                | "   | <i>13</i> |
| <i>Allen J.</i> | "                | "   | <i>12</i> |
| <i>Vivvy L.</i> | "                | (F) | <i>11</i> |
| <i>John</i>     | "                | "   | <i>10</i> |
| <i>Charley</i>  | "                | "   | <i>7</i>  |
| <i>Eva</i>      | "                | F   | <i>8</i>  |
| <i>Grady</i>    | "                | "   | <i>3</i>  |

Stenographer

*J. S. Niles*

M C R 3146

Muskogee, Indian Territory, December 5, 1902.

Harriet Bearfield,  
Butler, Alabama.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(Signed)

Acting Chairman.



Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oclo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

SIGNED

I 2

Registered.

These applications were made under the provisions of the act of Congress of June 28, 1893, (30 Stats., 495,) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

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COMMISSIONERS:

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337  
M. C. R. 3146

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Harriet Bearfield,  
Butler, Alabama.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
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Ransom B. Buckalew, et al.,	" 3226
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Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Harriet Bearfield, Nancy Buckalew & Thomas B. Griffin, et al., v.

Tribes, he reported in full all proceedings had in the above entitled cause on the 14th day of August, 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. J. Street*

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

*[Signature]*

Notary Public.

Harriet Bearfield, Nancy Buckalew & Thomas B. Griffin, 8.

Q Are you related in any way to the applicant, Harriet Bearfield?  
A No sir.

Q Has her mother, Nancy Buckalew any brothers living? A Yes sir, I guess so. She had two brothers, James was the oldest one and Thomas B. Griffin was the second, and John Griffin; the oldest and youngest of the three boys are dead; Thomas B. Griffin is still living so I am told. He is in this county.

Q How many children did Harriet Griffin have? A She had three boys, and then there was Nancy and Lucy and Margaret, and one who married Ivey. She had four daughters, and she married and moved to Texas, the others was Nancy and Lucy and Margaret.

Q Is Lucy living? A No sir, she's dead.

Q Who did she marry? A Married R.W. Davis.

Q Was she married more than once? A No sir.

Q How many children did she have? A Well, she has - let me see - she had Sim and Charley, and then she had Mrs. McLendon.

Q What is her first name? A They call her Boann McLendon. And one more, ~~Nancy~~ married Mr. Gavin.

Q What was her name? A They called her Mug; I think her name was Jennie. I am not sure.

Q What other daughter? A Then there was one Harriet.

Q Who did she marry? A Deawilder. That's all I remember.

Q What was the name of the other daughter? A Margaret.

Q Who did she marry? A H. S. Gunn.

Q Did she ever marry more than once? A No sir.

Q Has she any children living? A Yes sir.

Q What are the names of those children? A One they call William; he's in Texas, and one they call H.S.; he is in this State now; and his daughters, I am not acquainted with them much, but the one in Texas, - Billy Gunn, and H.S. Gunn, he is here in Meridian now.

Q You don't remember the names of Margaret's daughters then? A No sir, I don't know; if I could hear them, I might call to memory -- that's been so long.

Q Nancy Buckalew had three brothers, you say, James, John and Thomas B. A I don't know whether John - he was the youngest of the three.

Q Did he have any children at the time of his death? A I think so.

Q Do you know how many? A I do not.

Q Do you know the names of his children? A No sir, I don't know of any; I never saw his family after he married.

Q Did James have any children at the time of his death? A Yes sir.

Q Do you know their names? A No sir, they were all girls and moved from this county to Mobile county to Chuckchula and his widow, - he died there about two years, and his widow she is living there yet. Now, all of her children, as far as I have understood, were daughters; I don't think that he ever raised a son; that was James B. Griffin. I don't know the names of all the parties the girls married.

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R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized

Harriet Bearfield, Nancy Buskalew & Thomas B. Griffin, 7.

Mississippi, or in Alabama, or in Louisiana, or in Arkansas, to be taken from vacant public land, and he should be given a certificate to that effect. These certificates were called scrip.

Q Do you know whether Harriet Connor, or Griffin, or any of her ancestors or any of her children, ever received any scrip from the United States Government under this Act of Congress? A No sir.

Q Did you ever hear, Mr. Evans, of Harriet Connor, or Griffin, during her life time ever attempting to establish any rights as a Choctaw Indian? A I don't recollect that she did; I don't recollect. There wasn't but one incident of the kind that happened. Joel Nail - It was a sister of Joel Nail; she married a man by the name of Yates from Tennessee, and she proved up or got - she got the donation of land, I think, in Noxubee County; I think she got a section of land here, now, this is Mrs. Yates.

Q What was her first name? A Emily Yates. And after the land was located, she sold the land to a gentleman by the name of Grant. I think it is in Noxubee County; it was in some of the northern counties.

Q But you are sure that neither Harriet Connor, or Griffin, or any of her people ever did establish their claims, to land here? A I have no idea that they ever did; if they did, I never heard anything of it; I have no recollection of them ever ever establishing any claims or ever receiving any donations of land.

Q Do you know of anything else you would like to say, Mr. Evans, in this matter? A Well, I don't know that I do. Now, about this removal of the Choctaw Indians; I was quite a boy; that took place along in '33, somewhere's long there; I was quite a boy when this took place. Now, my father when he came to the Choctaw Nation, he was the first white man that ever fell a tree in the Choctaw Nation, that was in February 1832; I was born in 34, which brought me to about 7 years old. I recollect they had a school going on, and a man by the name of Jewell lived at the place where Joel Nail afterwards lived. After this Dancing Rabbit Creek was closed, Jewell moved back to New York. Jewell and Gage were sent down here to teach the Indians domestic habits. Gage was a school teacher, and he sold books up here. That was just above the Choctaw boundary, and he traveled down amongst the white people and sold books, and the Indians went to school to Miss Skinner. Jewell he moved back after this treaty was completed, he moved back, and in '32, the school went on by Miss Skinner alone, and she taught a mixed school. I never saw Jewell, he was off before we went up there, but Miss Skinner continued the school, and that was the first school I ever went to, a mixed school of Indians and white. I was a boy; I went to school to Miss Skinner, and I suppose there was a dozen or fifteen white children, some from below the Choctaw boundary - some three or four miles. I don't know how many Indians; the house was nearly full of Indian children; she taught there the balance of '32 and in '33; in 1832 the first survey was made, and the report of townships was made by Augusta, and my father bought in sections 18 and 19, Township 1 and Range 18, on the east side of Buckatunga Creek. He remained there until after the war, and his remains lies there now; he was buried in fifty steps of where he shaped his first track in '32.

Q Are you interested in any way in this claim, Mr. Evans? A Not in any way.

14. On account of his failure to so register their names and report them to the Government, the Government of the United States, at its public land sales here in Mississippi, which you will probably remember in the early days, in many instances, sold land upon which Choctaw Indians lived and had improvements, and which they supposed they would receive from the Government under this 14th article of the treaty. This occasioned a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come to Mississippi, and to hear the cases of Choctaws who claimed they had complied with all the requisites of article 14 of the treaty of Dancing Rabbit Creek, but that their land been sold by the Government, as I have told you. This commission was duly appointed by the President and the commissioners came down here in Mississippi and held sessions at which they heard evidence in these Choctaw cases, but in the time allowed them to finish this work, they were able to hear but a comparatively small number of cases, and they made their report. Later, on the 23rd day of August, 1842, another Act of Congress was approved, providing for the appointment of another commission to come down here and finish up this work of hearing Choctaw cases. This second commission was duly appointed and the Commissioners came down here and heard a great many more of these cases. You remember of having heard of these commissioners when they were here.

A I might have heard of the last one, but I don't recollect the first/ I am not positive that I recollect anything in regard to that.

Well, they held some sessions in Leake County, and some in Neshoba County; whether they heard any in Clark County, I do not know.

A I don't recollect; I don't think they held them in Clark County.

As I have explained to you, these commissioners were down here to hear the claims of Indians who claimed that they were entitled to land here in Mississippi under that 14th article.

Q Do you know whether Harriet Connor, or Griffin, or any of her ancestors, or children, ever appeared before either of these commissions and attempted to establish their rights under article 14 of the treaty? A No sir, I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select land elsewhere in



Harriet Bearfield, Nancy Buckalew & Thomas B. Griffin, 5.

provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Well, as to that, I couldn't say; now let me talk a little in regard to this movement. I think it was in '31, Joel Nail, after the treaty was made - Joel Nail was a part Indian; he went and he took his family. He lived in a half mile or three quarters of where we lived. He took his family to the Choctaw Nation, and he come back in the latter part of '31, Joel Nail did. I think it was a year, and he then commenced getting up the Indians, and he moved them from that locality to Muggalusha old town. My father sent two wagons to help carry them to this rendezvous; after they got there - after they were moved to Muggalusha, some of the wagons were sent back, amongst them, my fathers, and the Indians were turned over to Bud Kelley and Sam Dale; I forget the other man, and they were then moved from Muggalusha old town across the Mississippi to their new home. Joel Nail he had been there and moved his family there and come back and got up the first bunch of Indians that were moved from the neighborhood where I lived then; I forget whether he went on with the first bunch or not, but then there were agents passing through the country, picking up all that would go for some number of years; I don't recollect how long.

Q Now, did any of these people go out there at that time - any of this family? A No sir, there was none of the family that ever went out there. Now, there is six; the oldest girl - I forget her name - she married a man by the name of Page Ivey; he lived beyond us for about five years; he married and went to Texas, and I have never heard anything from him since; he married the oldest girl.

Q That is Nancy Buckalew's oldest sister? A Yes sir, I reckon so; it was one of the girls; she was the first one of the girls that married; I forgotten her name.

Q Did Harriet Connor or any of her children or any of her ancestors ever claim or receive any land here in Mississippi from the Government of the United States as beneficiaries under the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A Not to my knowledge; I never heard of any donations of any land that they ever received from the United States Government.

Q You never heard then of their having ever received any benefits whatever from the Government of the United States under this treaty of 1830? A No sir.

Q Do you know whether any of the ancestors of Harriet Griffin, or Connor, were recognized members of the Choctaw tribe of Indians? A I do not, not in this County, they may have been where they came from.

Q You don't know anything about that? A No sir, nothing back of their moving to this County.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of Choctaw Indians who desired to remain here and become citizens of the States, and take land under that 14th article. The records of the Government show that that agent failed to register the names of many Indians, who did, in fact, signify to him their intention to remain and ~~mean~~ take advantage of article

Harriet Bearfield, Nancy Buckalew & Thomas B. Griffin 4.

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

Q What is the 14th article of the treaty of Dancing Rabbit Creek, made here in 1830. Do you understand that clearly, the provisions of that 14th article? A I think I understand it, but I don't know whether they ever got the donations reserved there for them- the section of land; I don't know as to that.

Q I will ask you several questions about it, possibly you may remember something about it. First, do you know whether Harriet Connor was a recognized member of the Choctaw tribe of Indians here at that time? A Harriet Griffin.

Q That is, was she recognized by the Indians as a member of their tribe, did she associate with them, and was she thrown with them? A She was the wife of John Griffin, and of course, she associated with the white people, but it was understood that she had this Indian blood in her - it was understood.

Q That was merely general neighborhood talk, and claimed by her that she had Indian blood? A Yes sir, she never denied it, but now to associate and go visit with the Indians; I don't know as to that; I know that she did associate and visit and go among the white people, just like a white woman would; I don't know whether she ever visited the Indians as being one of their tribe.

Q Did you ever hear of her having drawn any money from the Government of the United States as a Choctaw Indian? A Never did.

Q You never heard of her being recognized in any manner by the Government as a Choctaw Indian then? A No sir.

Q When this treaty was made, on the 27th day of September 1830, do you know where Harriet Connor was living, or Harriet Griffin? A I do not.

Q That was before she moved to Clark County? A Yes sir, I never knew anything of her until after they moved up here in Clark County.

Q Did she or any of her children remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A No sir, not to my knowledge; I think her family all remained here; I am satisfied they did.

Q Did she or any of her ancestors, within six months from February 24, 1831, the date this treaty was ratified, signify to the United States Indian Agent here in Mississippi, their intention to remain here and become citizens of the States and take advantage of the

Harriet Bearfield, Nancy Buckalew & Thomas B. Griffin, 3.

Q In Clark County, Mississippi? A Yes sir.

Q Do you know the names of her father and mother? A No sir, I don't know; she was a Connor; I don't know the names of her father and mother.

Q You don't know through which one she got her Indian blood, do you? A No sir, I don't know.

Q Did you ever see either of her parents? A No sir, I have no recollection of ever seeing them.

Q You know nothing whatever concerning them, or where they lived?

A No sir, they lived south in some of those lower counties; they came from somewhere below, perhaps, Jackson or Green, or some of those counties; I don't recollect; I never saw her father or mother.

Q Are you familiar with the Treaty of Dancing Rabbit Creek, Mr. Evans? A Well, from history; Dancing Rabbit Creek was closed, I think, in September 1830; it was up here in Noxubee County, from all the information I can get.

Q Well, you are familiar with it, are you? A Well, only from history; I was quite a boy; that was before my father moved to the Choctaw Nation; we moved here in 1833, in February.

Q Where did your father live before that? A My father - first, I was born in Wayne County in 24. In 26, he moved to Louisiana, in Baton Rouge Parish, and stayed there in 28 - 29 - 30 and 31. In 31, or 32, he moved from where we lived and settled in the Choctaw Nation on Buckatunna Creek.

Q Now, I want to examine you as to whether any of the ancestors of Harriet Bearfield ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, and in order that you may have a clear understanding of it, I will try to explain the circumstances of the treaty, and quote to you the 14th article.

The treaty of Dancing Rabbit Creek was made here in Mississippi at Dancing Rabbit Creek, on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, as you well know, the Indians lived around here in Mississippi and over in the edge of Alabama - the Choctaws, and the treaty was made for the purpose of securing the removal of these Indians to a new country west of the Mississippi, a part of which is now occupied by the main body of the Choctaw tribe. The treaty was ratified on the 24th day of February, 1831. At the time of the making of this treaty there was a division among the Indians as to the question of removal, some of them preferring to remain here in the old Choctaw Nation, in Mississippi and Alabama; the 14th article was inserted for the benefit of those desiring to remain here. That 14th article 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

Harriet Bearfield, Nancy Buckalew & Thomas B. Griffin, 2.

Allen Buckalew, and I think they moved into Choctaw County, Alabama; that is my understanding; that's been many years ago.

Q Now, has Nancy Buckalew any Indian blood? A Nancy Buckalew, yes sir; she is the daughter of Harriet Griffin, and Harriet Griffin was the wife of John Griffin, and Harriet Griffin must have had at least one quarter, if not more of Indian blood, from her appearance; that is Nancy Buckalew's mother.

Q What was Harriet Griffin's maiden name? A She was a Connor; she was Harriet Connor and married John Griffin.

Q You think she was a quarter blood Choctaw? A Yes sir, I think she was fully that, if not more.

Q How do you get that idea, Mr. Evans? A From her general appearance; her general complexion.

Q Give a description of her as you remember her? A She was a small woman with dark swarthy skin, looked very much like a Choctaw, and high cheek bones, and I don't know that there is any other indication. She was small in stature; I suppose she would weigh a hundred, or a rise; I don't know exactly her weight; she was a small woman. She resembled the Choctaw tribe.

Q Did she speak or understand the Choctaw language? A Well, now as to that - In olden times, when the Choctaws were here, every person nearly could speak or understand the Choctaw language. Now they lived up above where the main body of Indians -- I lived down right amongst the main body of Indians, a little north. She no doubt could speak the Choctaw language some when the Choctaws would come around you know, but the white people never spoke the Choctaw language to each other. When an Indian would come around, they would speak the Choctaw language to them. I don't know that she understood the Choctaw language as well as a Choctaw; I don't know as to that, but I am satisfied that she could talk it some; all the white people in the country that day and time could use the language more or less.

Q When did Harriet Connor die? A I don't know; she died before the war; sometime in fifty. I don't know sir.

Q About how old a woman was she when she died? A I couldn't tell exactly; she was - she had five or six children; I don't recollect that she had any children after that - after I got acquainted with her. She must have been between sixty five and seventy years of age, I reckon, I couldn't say though.

Q How long did she live in Clark County, Mississippi? A Well, sir, the best information I can have is back according to the history of the county, in that history, he puts it down that John Griffin was one of the commissioners to organize something that pertains to the organization of Clark County. Clark County was organized in 1833 - I was here at that time of the organization of the County, and John Griffin and John Gunn and Coleman Martin were three commissioners, but I have known the Griffin family from the time they first moved in the Territory of Clark County; I think they moved up perhaps some time in 1833; the county was formed in 1833, and he was one of the commissioners.

Q Do you know where he and his wife, Harriet, came from to Clark County? A I don't know; they came from some of the counties below, Green or Jackson; I don't recollect as to that.

Q You don't know how long they lived in these counties below there? A No sir, I don't know, but she lived, from the time they moved into Clark County - she lived there all the time and died and was buried at the family grave yard there.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 14, 1901.

In the matter of the application of Harriet Bearfield,  
M.C.R. 3146;

In the matter of the application of Nancy Buckalew,  
M.C.R. 3043;

In the matter of the application of Thomas B. Griffin,  
M.C.R. 2337 :

John H. Evans, having been first duly sworn as a witness  
in behalf of the above named applicants, upon his oath testified  
as follows:

Examination by the Commission.

Q What is your name? A John H. Evans.

Q How old are you Mr. Evans? A I will be seventy seven in November  
next.

Q What is your post office address? A Desoto, Miss. sissippi.

Q What county? A Clark County.

Q How long have you lived in Clark County, Mississippi? A I have  
lived in Clark County, Mississippi, since February 31, 1872, that is -  
well, in 1847, I moved just across the line; I married and settled  
there and stayed there two or three years, and moved back about  
two miles from there; I always considered Mississippi my home.

Q What is your occupation? A I have been a farmer all my life.

For the past - over twenty years I have been county surveyor for  
Clark County, and then for the past twelve or fourteen years, I was  
local agent for the Alabama Land and Cultivating Company, but during  
this time, I carried on a farm; I farmed all the time.

Q Are you acquainted with Harriet Bearfield? A Have you got the  
name right? I don't know that I am personally acquainted with  
her; I knew her mother, Nancy Buckalew; I don't recollect --

Q You don't know that Harriet Bearfield is the daughter of Nancy  
Buckalew, do you? A No sir, I don't know it from my own knowledge  
and information.

Q You have understood that Nancy Buckalew has a daughter by the  
name of Harriet Bearfield? A Yes sir, that's my understanding, and  
she married Mr. Bearfield.

Q You are acquainted with her father's husband are you? A Well, not  
angreat deal; I know his father, and I am well acquainted with his  
father. This is Mr. Frank Bearfield, the son of Abraham Bearfield;  
I know Abraham Bearfield and his father.

Q How old is Nancy Buckalew now? A Well, Nancy Buckalew, let me see -  
she is between sixty and seventy, if not the rise of seventy, some-  
where along there.

Q Where does she live at this time? A I don't know exactly where she  
does live; I have lost sight of them for a good many years. I have  
seen Nancy Buckalew; when she married, she moved off into Alabama ye  
years ago, and I have not seen her in a good many years; I haven't  
seen her since the war; I have n't seen her since the war that I  
have any recollection of.

Q Prior to the war, she lived in Clark County, Mississippi, did  
she? A Well, she was raised in Mississippi, and later on she married

Harriet Dearfield et al---s

notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 22nd day of August, 1901,  
at Meridian, Mississippi.

  
Notary Public.

1001  
U.S.A.  
MISS.  
1001

Harriet Bearfield et al---5

You will be allowed a reasonable time in which to file proper written evidence in support of your application. The Commission would be glad to have you file this within thirty days from the date hereof if you can do so conveniently and if you have any witnesses that you want to bring in person before the Commission, you can bring them here to Meridian within a reasonable time and their testimony will be taken in support of your application.

- Q Have you any brothers living? A Yes sir, I have two.  
Q What are their names? A Beauregard and Griffin Buckalew.  
Q They are both married? A Yes sir.  
Q Have they any children? A Yes sir.  
Q Have either of them been before the Commission? A I don't think they have.  
Q Have you any sisters living? A Yes sir, two sisters.  
Q What are their names? A Emma Bony and Lucy Allen.  
Q Have they been before the Commission? A One of them has.  
Q Which one? A Lucy Allen, she was here day before yesterday.

This applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

Nancy Buckalew, being called to testify on behalf of the applicant and being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Nancy Buckalew.  
Q What is your age? A Seventy-two.  
Q What is your postoffice address? A Burgamet, Alabama.  
Q What County? A Choctaw County.  
Q Are you acquainted with the applicant who was just on the stand?  
A Yes sir.  
Q What is her name? A Harriet C. Bearfield.  
Q Is she any relation to you? A My daughter.  
Q You have been before the Commission, have you not? A Yes sir.  
Q When were you before the Commission? A Day before yesterday.  
Q You appeared for yourself about two weeks ago, did you not?  
A Yes sir.  
Q Did you appear before the Commission here on the 29th instant and testify on behalf of James C. Griffin? A Yes sir.  
Q James C. Griffin is what relation to you? A My nephew.  
Q His father is your brother? A Yes sir.

Witness excused.

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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, July 31st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic.

receive the applications of Choctaw Indians who desired to remain and take advantage of the provisions of that article. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain here in Mississippi and take advantage of the provisions of article 14 of the treaty. On this account, the Government, at its public land sales, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under the 14th article of the treaty, as they had complied with the provisions of the 14th article. This action of the Government caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved March 3, 1837, which provided for the appointment of a Commission whose duty it was to come down here to Mississippi and hear the applications of Choctaws who claimed that they had complied in all respects with article 14 of the treaty of Dancing Rabbit Creek but that their land had been sold by the Government. This Commission was duly appointed by the President and came here to Mississippi and heard some of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were unable to dispose of but a small percent of the Choctaw cases and Congress, later, passed an act which was approved August 23, 1842, providing for the appointment of another Commission to come here to Mississippi and finish this work of hearing Choctaw cases. This second Commission was appointed by the President and came here and disposed of a great many more cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty? A No sir, if they did I didn't hear anything about it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had fully complied with the provisions of article 14 of the treaty and that his land had been sold by the Government, he was entitled to select vacant Government land elsewhere, in the State of Mississippi, Alabama, Arkansas or Louisiana, and he was to be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the Government under this Act of Congress? A No sir, not that I know of.

Q Do you know anyone living who would likely be informed on this subject? A My mother is living.

Q She is here today and you desire to introduce her as a witness in your case? A Yes sir.

Q Have you any other witnesses here that you want to introduce in support of your application? A No sir.

Q Have you any written evidence of any kind that you want to offer in support of your application? A No sir.

Q Do you want permission to file written evidence later? A Yes sir



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

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that now? A Yes sir, I reckon so.

Q Did any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe at that time? A No sir, I guess not.

Q Did any of your ancestors own an improvement here at that time here in the old Choctaw Nation in Mississippi and Alabama? A Yes sir.

Q You just stated a minute ago that you didn't know whether they were living here at that time; do you know whether they owned an improvement here at that time? A I don't know, sir.

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 greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

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 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 ever claim or receive any land here in Mississippi as beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A I can't tell you that.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement of that treaty? A I don't know, sir.

Q Do you know anyone living who would likely be informed on this subject? A My mother, she can tell more about it than I can.

Q Did you ever hear of any of your ancestors getting any land from the Government here in Mississippi? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to

Harriet Bearfield et al---

- Q Next one? A Albert.  
Q How old is he? A Fourteen.  
Q Next? A Budie.  
Q A girl? A Yes sir.  
Q How old? A Thirteen.  
Q Next? A Allen T.  
Q How old is he? A Twelve.  
Q Next? A Vivy L.  
Q How old is she? A Eleven.  
Q Next? A John.  
Q How old? A Ten.  
Q Next? A Charley.  
Q How old is he? A Seven.  
Q Next? A Eva.  
Q Girl? A Yes sir.  
Q How old? A Eight.  
Q Next? A Grady.  
Q How old is Grady? A Three.  
Q Is that all your children? A Yes sir.  
Q Do these children all live with you at this time? A Yes sir.  
Q Are you the mother of all of these children? A Yes sir.  
Q What is the name of their father? A Franklin Bearfield.  
Q Is your name or the name of any one of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.  
Q Did 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 of these children? A No sir.  
Q Did you ever make any application of any description prior to this time for yourself or any of these children? A No sir.  
Q Do you now desire to make application for the identification of yourself and ten minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama. The object of the treaty was to bring about the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi, part of which is now occupied by the main portion of the Choctaw Tribe. At the time the treaty was made, some of the Choctaws were unwilling to remove to the new country and insisted upon being permitted to remain here. For the benefit of those who desired to remain here the 14th article was put into the treaty. That 14th article is as follows:-

" Each Choctaw head of a family being desirous to

2146

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 31, 1901.

In the matter of the application of Harriet Bearfield for the identification of herself and her ten minor children as Mississippi Choctaws.

Said Harriet Bearfield, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Harriet Bearfield.
- Q How old are you? A Forty-one.
- Q What is your postoffice address? A Butler, Alabama.
- Q How long have you lived in Alabama? A Nearly all my life.
- Q Did you ever live in the State of Mississippi? A No sir.
- Q What County is Butler in? A I don't know, sir.
- Q Is your father living? A No sir.
- Q What was his name? A Allen Buckalew.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Nancy Buckalew.
- Q Do you claim to have Choctaw blood? A Yes sir.
- Q How much Choctaw blood do you claim to have? A I don't know.
- Q Haven't you any idea of what proportion of Choctaw blood you have?
- A My mother claims one-eighth and I guess I have one-sixteenth.
- Q You claim one-sixteenth then? A Yes sir.
- Q Through which one of your parents do you derive your Choctaw blood? A My mother.
- Q Where does your mother live at this time? A In Alabama.
- Q How long has she lived there? A All her life.
- Q How old is your mother? A Seventy-two years old.
- Q Through which one of her parents did she derive her Choctaw blood? A Her mother.
- Q Is her mother living now? A No sir.
- Q What was her mother's name? A Harriet Conner Griffin.
- Q Where did Harriet Conner Griffin live during her life time?
- A I don't know, sir.
- Q Through which one of her parents did Harriet Conner Griffin derive her Choctaw blood? A Through her mother.
- Q What was her name? A I don't know.
- Q Has your mother ever been out to the Choctaw Nation in Indian Territory? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Frank Bearfield.
- Q Has he any Indian blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children under 21 years of age and unmarried? A Yes sir, all my children are under age.
- Q None of them married? A No sir.
- Q How many children have you? A Ten.
- Q What are their names and ages? A My eldest one's name is Lutha.
- Q How old? A Eighteen.
- Q Boy or girl? A Boy.
- Q Next? A Andrew.
- Q Boy? A Yes sir.
- Q How old? A Sixteen.

Choctaw MCR 3146

Harriet Bearfield

MCR 3146

#1248

No. 3145

For Identification as a Mississippi Choctaw.

JUL 30 1901

Name Ella Kelso

Age 37 Blood 1/4

Post Office, Bozeman, Miss.

Father: Wiley Gaines d

Mother: Jennie " d

Claims through both parents

Husband: Matt Kelso  
(no claim for husband)

Children:

Wiley	Kelso	12
Essie	"	8
Liza	"	5
Albert	"	3

(Claims for self and 4 children)

Stenographer

R. J. Struis

REFUSED

*Ella Kelso et al.*

DECISION RENDERED. DEC 4 1902

NOTICE OF DECISION MAILED APPLICANT.

*R. 3145* DEC 4 - 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 1 - 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

M. C. R. 3145

COPY.

Muskogee, Indian Territory, March 21, 1903.

Ella Kelso,  
Bozeman, 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 Ella Kelso, et al., of which decision you were advised by registered mail on the 4th day of November, 1902.

Respectfully,

SIGNED

*Tams Bixby.*  
Chairman.

M. C. R. 3145

COPY.

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 Ella Kalso, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

(SIGNED)

*Tama Bixby.*  
Chairman.



(COPY)

D.C.No.6988-1903.

DEPARTMENT OF THE INTERIOR. EAF.  
WASHINGTON.

ITD. 1692-1903.  
L.R.S.

March 10, 1903.

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

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ella Kelso and her minor children, Wiley, Essie, Liza and Albert Kelso, including your decision of December 4, 1902, denying the application.

The applicants claim to be descendants of one Ed Hill, who is said to have been a full blood Choctaw Indian, and of Jennie Gaines, alleged to have been a one-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 said Ed Hill or Jennie Gaines, 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.

The Department affirms your decision.

Respectfully,  
(Signed)

F. L. Campbell  
Acting Secretary.

1 inclosure.

Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of Ed Hill and Jennie Gaines are not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is, therefore, recommended that the decision of the Commission rejecting these parties be approved.

Very respectfully,

A. C. Tonner

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

C O P Y

Land  
76173-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington,

February 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Ella Kelso, for herself and four children, Wiley, Essie, Liza and Albert Kelso, wherein a decision adverse to the applicants was rendered by the Commission on December 4, 1902.

It appears from the evidence in this case that the applicants claim identification by reason of their descent from Ed Hill and Jennie Gaines, who, it is claimed, were residents of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Ed. Hill or Jennie Gaines ever complied or attempted to comply with the provisions of the 14th article of the

COPY

Muskogee, Indian Territory, December 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ella Kelse, 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,

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 2145.

Ella Kelso--#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 Pixby*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, December 4, 1902.

Ella Kelso,

Bozeman, 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 Ella Kelso, 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., 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 Ella Kelso, Wiley Kelso, Beate Kelso, Lisa Kelso and Albert Kelso 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

COPY.

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for 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 Ella Kelso, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Kelso, Wiley Kelso, Essie Kelso, Liza Kelso and Albert Kelso 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)

*Tame Bixby.*

Acting Chairman.

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)

T. W. Bixby.

Acting Chairman.

(SIGNED)

I. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

McAlester, Indian Territory,

DEC 4 1902



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 Ed Hill, or Jennie Gaines, 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, 1857( 5 Stats. 160) and August 23, 1842( 5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ella Kalso, Wiley Kalso, Jessie Kalso, Liza Kalso and Albert Kalso

11  
17  
COPY.  
H. A. L.  
L. J. D.  
C. W.

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

-----  
In the matter of the application of Ella Kelso, et al.,  
for identification as Mississippi Choctaws, M. C. R. 1145.

-----  
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 Ella Kelso for herself and her four minor children, Wiley, Essie, Lisa and Albert Kelso, under the following provisions 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 M. Hill, who is alleged to have been a full blood Choctaw Indian, and Jennie Gaines, who is alleged to have been an one-half blood Choctaw Indian.

Ella Kelso, et al., 7.

- Q Did your father ever have any sisters? A Yes sir, two.  
Q Are they living? A No sir.  
Q Are any of the children of either of those sisters living? A Yes sir, the children are living.  
Q Do you know their names? A One named Sammy Tucker. I think that is the only one that is living. And Walter Tucker.  
Q Are they brothers? A Yes sir; she had two girls, Nannie and Emma.  
Q What is the name of their mother? A Edna Tucker.  
Q Are any of your mother's brothers living? A No sir.  
Q Did she ever have any brothers? A She said she had, but I never saw them.  
Q Are any of their children living? A Not as I know of.  
Q Are any of your brothers living? A No sir.

(This applicant has the appearance of a negro, and ~~she~~ does not speak or understand the Choctaw language. Her hair is black and inclined to be straight; her complexion would indicate that she might be possessed of white and negro blood.)

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 30th day of July, 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 17th day of August, 1901.

*[Signature]*  
Notary Public.

Ellis Kelso, et al., 8.

The Act of Congress approved August 23, 1842, provided in case it should be finally determined that a Choctaw had complied with article 14 of the treaty of 1830, and his land had been sold by the Government, he should be entitled to land elsewhere in Mississippi, or Alabama, Louisiana or Arkansas, and he was to be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under that Act of Congress? A No sir.

Q Do you know anyone living who would likely be informed on that subject? A No sir.

Q Have you any witnesses before the Commission to-day that you want to have testify in support of your case? A No sir.

Q Do you want permission to bring witnesses before the Commission in your case? A Yes sir.

Well, if you bring witnesses here within a reasonable time, we will hear their testimony in support of your case.

Q Have you any written evidence of any kind you want to offer in support of your application? A No sir.

The Commission will allow you a reasonable time in which to offer any written evidence in support of this application. We would like to have you, however, submit this evidence within thirty days, if you can do so.

Q Do you know of the existence of any written evidence of any kind that would show that any of your ancestors ever complied with article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know of any.

Q Are there any further statements you want to make? A No sir, not anything further.

Q Have you any brothers living? A Yes sir, I have got three brothers.

Q Full brothers? A Yes sir.

Q What are their names? A One named Albert Gaines and Will Gaines.

Q What is the other? A Theodore Gaines, but I don't know where he is.

Q Have you any sisters living? A Two.

Q Have sisters? A Yes sir.

Q What are their names? A Callie, Calvin Della.

Q Have any of your brothers or sisters been before the Commission yet? A No sir.

Q Are any of your father's brothers living? A No sir, he never had but one brother and he is dead.

Q What was his name? A Sam Hill.

Q Did that brother ever have any children? A Yes sir.

Q Are they living? A I don't know they are all Hills, but I don't know the other names.

Ella Kelso, et al., 5.

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 Not as I know of.

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

Q Do you know anyone living who would likely know about this matter? A No sir, I don't know anyone living.

Q Did any of your ancestors ever claim or receive any land from the Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article? A No sir.

Q You never have heard of any of your ancestors having gotten any land here in Mississippi from the Government? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent here in Mississippi to receive the applications of Choctaws who desired to remain in Mississippi and take advantage of the provisions of that article; the records of the Government show that this agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain in Mississippi and become citizens of the States in accordance with this 14th article; On this ~~taxation~~ account the Government at its public land sales, sold, in many instances, land upon which Choctaws had improvements, and upon which they lived and expected would be given to them under article 14 of the treaty. This occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here and hear the cases of Choctaws who claimed they had complied in all respects with the 14th article of the treaty, but that their land had been sold by the Government. This commission came down here and heard some of these Choctaw cases, but in the time allowed them by the Act of Congress under which they were appointed, they were unable to dispose of but a small per cent of these cases of Choctaws who claimed they had complied with the provisions of the 14th article of the treaty, but that their land was sold by the Government. And Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these Choctaw cases; the second commission came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty? A Not as I know of. If they did, I don't know it.

Ella Kelso, et al., 3.

I will try and explain it to you. That 14th article required that in case a Choctaw Indian who was the head of a family desired to stay here in Mississippi and become a citizen of the States and not go out west to the new country with the tribe, he might do so, but he was required in case he did stay and become a citizen of the States and get land, to signify to the agent within six months from the ratification of the treaty, his intention to remain here; that is, he must let the agent know he wanted to stay and take land and become a citizen of the States within six months from the time the treaty was ratified; the treaty was ratified on the 24th day of February, 1831; that's over seventy years ago. Now, if he did signify to the agent his intention to remain here and become a citizen of the States, he was to have a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; if he had a child in his family over ten years of age that child was entitled to 320 acres of land; if he had a child under ten years of age, that child was entitled to 160 acres of land; but the land these children were to get must adjoin the location of the parent; if they resided upon that land; that is, lived on that land, for five years after February 24, 1831, were entitled to a deed for the land; after they got that land from the Government, they could sell that land and dispose of it in any way they wanted to.

Q Do you understand that thoroughly? A Yes sir; that's what you speak now has passed? A

Q That was seventy years ago I am talking about now? A No sir, I don't know anything about that, seventy years ago; that's father back that I have any remembrance.

Q Do you know whether any of your ancestors ever took advantage of this 14th article of the treaty? A Not as I knows of.

Q Do you know anyone living he would likely know about that? A No sir, I don't know that any body knows.

Q Were any of your ancestors living here in the old Choctaw nation in Mississippi and Alabama at that time? A I don't know sir.

Q Were any of your ancestors recognized members of the Choctaw tribe here at that time, seventy years ago, when the treaty was made? A I guess they was.

Q What makes you think so? A Because that's out of my remembrance, for my father lived up until he was sixty years old, and grand father - I don't know how old he was.

Q Your folks were all slaves? A My pa was and ma, but my grand father wasn't.

Q Did any of your ancestors own an improvement here in the old Choctaw nation in Mississippi and Alabama at the time that treaty was made? A Not as I knows of.

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 greater portion of the Choctaw tribe of Indians between the years 1833 and 1837? A Not as I knows of, no sir.

Willa Kelse, et al., 3.

Q Is Watt Kelse the father of all? A Yes sir.

Q Are these children all living with you at this time? A Yes sir, all living with me; of course, the eldest one is only 12 years old and the rest are under him.

Q Is your name or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not as I know of.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of the tribe? A No sir, never have before.

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

Q Do you now desire to make application for the identification of yourself and minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't reckon I understand it.

The treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in Mississippi and over in the edge of Alabama. The object of the treaty was to secure the removal of these Choctaws from the country occupied by them here out west ~~in~~ of the Mississippi River to a new country, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to move out west to the new country, but insisted that they remain here. For the benefit of those remaining here the 14th article was inserted in the treaty; that 14th article 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 entitled to any portion of the Choctaw annuity."

Q Do you understand that? A I don't really understand it.

Mila Kelson et al., 2.

Q How much Choctaw blood do you claim your father had? A His father was Indian; I couldn't -- I don't know -- that would make him about half.

Q Did his mother have any Indian blood? A No sir.

Q Your father was a slave wasn't he? A Yes sir.

Q And his father - wasn't he a slave? A Yes sir,

Q And wasn't his mother? A No sir, my father's mother wasn't a slave.

Q How did he become a slave? A He married a woman, grand pa did, but he was free born.

Q I am speaking of your father's mother; was she a slave? A Yes sir grand ma was a slave.

Q What was the name of your father's mother? A Phillis Hill.

Q What was the name of your father's father? A Ed Hill.

Q You claim Ed Hill was a full blood Choctaw? A Yes sir.

Q Did he have any Indian name? A He just called - went by Ed Hill; he could talk Indian.

Q He could talk Indian? A Yes sir, he could talk English language as we do.

Q Did he always live in the State of Mississippi? A I don't know sir, whether he did or no.

Q Was he married to your father's mother? A Yes sir.

Q Are you sure about that? A Yes sir, because they was married; they had - I don't know how many - children.

Q How many did they have do you think? A I could'nt tell you hardly; I know three sons and two daughters, and then there was another one, Uncle Henry; I never did see him.

Q They were all children of your father's father and mother? A Yes sir.

Q All full sisters and brothers? A Yes sir.

Q Did you ever see your father's father? A Yes sir, many and many times -- grand pa.

Q Did he look like an Indian? A Yes sir, just like all the Indians I have seen.

Q Would you think from his appearance that he was a full blood?

A He says he was; that's as far as I can go.

Q I asked you if you would think from his appearance that he was a full blood? A Yes sir from what I know about him he was a full blood; he had hair like an Indian.

Q You are sure he wasn't a slave? A No sir, he wasn't no slave.

Q Are you married? A Yes sir, got a husband and four children.

Q Is your husband living? A Yes sir.

Q What is his name? A Watt Kelson.

Q Has he any Choctaw blood? A No sir. He don't claim to have.

Q You make no claim for him then? A No sir.

Q How many children have you? A Four.

Q What are their names and ages? A My oldest boy named Wiley.

Q How old is Wiley? A 12 years old.

Q The next one? A Essie. She is 8 years old.

Q The next one? A Lisa. She is 6 years old.

Q The next? A Albert, a boy, 3 years old.

Q The next one? A Tere aint but four.

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



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 30, 1901.

In the matter of the application of Ella Kelse for the identification of herself and four minor children as Mississippi Choctaws.

Ella Kelse, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Ella Kelse.  
Q What is your age? A I am about thirty seven.  
Q What is your post office address? A Boseman, Mississippi.  
Q What county? A Lauderdale.  
Q How long have you lived in the State of Mississippi? A I was born there.  
Q Is your father living? A No sir.  
Q What was his name? A Wiley Gaines.  
Q ~~Is your mother living?~~  
Q Is your mother living? A No sir, my mother and father are both dead.  
Q What was her name? A Jennie Gaines.  
Q You claim to have Choctaw blood? A Yes sir.  
Q How much do you claim to have? A Mother mother was half and my grand father was whole.  
Q I am talking about you? A 1/4 I guess.  
Q Through which one of your parents do you derive your Choctaw blood? A Both of them.  
Q Did your father have Choctaw blood, did he? A Yes sir, ma too.  
Q How much Choctaw blood did you say your mother had? A I guess she is about half. I knew nothing about her father's parents, but heard they was Indian.  
Q You are just guessing at it? A I never seen her father, you know; I took her word; mother's father, I don't know anything about; I only took her word; I don't know my mother's parents.  
Q You don't know the name of your mother's mother? A No sir.  
Q You don't know the name of her father? A Well, mother was named Emily, you know; they was dead before we were born.  
Q Your mother's mother have any Choctaw blood? A I don't know sir. I never heard her say.  
Q Your mother was a slave? A Yes sir.  
Q Weren't her parents slaves? A I don't know sir.  
Q Didn't you ever hear about that? A No sir, I was too small.  
Q Did your father and mother, both of them, always live here in Mississippi? A Yes sir.  
Q Neither of them went out to the Territory? A No sir.  
Q Have you ever been out there? A No sir.  
Q How old would your mother be if she were living now? A My mother has been dead now - she claimed to be sixty years old just before she died; has been dead about eight years now.  
Q How old would your father be if he was living? A My father has been dead seventeen years - my father has been dead eighteen years, and he claimed to be sixty when he died.

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

-----

In the matter of the application of Ella Kelso, et al.,  
for identification as Mississippi Choctaws, M O R 3145.

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

	Page.
Original application of Ella Kelso, et al., to the Dawes Commission for identification as Mississippi Choctaws .....	1
Affidavit of Jesse Gordon .....	8
Decision of the Commission refusing the application of Ella Kelso, et al., for identification as Mississippi Choctaws ...	9

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Choctaw MCR 3145

Ella Kelso

MCR 3145

1047

No. 3114

For Identification as a Mississippi Choctaw.

JUL 20 1901

Name Martha Snowden

Age 31 Blood 1/8

Post Office, Fort Stephens, Miss.

Father: Bill Williams S.

Mother: Malisia " S.

Claims through mother  
husband John Snowden  
(no claim for husband)

Children:

- Emma Snowden 7
- Ophelia " 6
- Lawrence " 5
- Jayborne " 2
- Lustarou " 10m

(Claims for self and 5 minor children)

Stenographer

J. Niles

REFUSED

Martha Snowden, et al

R. 3144

DECISION PREPARED

OCTOBER 1907

NOTICE OF DEPARTMENTAL ACTION

OCTOBER 1907

NOTICE OF DEPARTMENTAL ACTION

OCTOBER 1907

NOTICE OF DEPARTMENTAL ACTION

OCTOBER 1907

RECORD FORWARDED TO DEPARTMENT.

NOV 1

ACTION APPROVED BY SECRETARY OF INTERIOR. FEB 14 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. MAR 7 1907

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKABAW NATIONS. MAR 7 1907

REFER TO M. C. R. 2968.

DECISION PREPARED

MCB-3144

Muskogee, Indian Territory, March 7, 1907.

Martha Snowden,  
Fort Stephens, Mississippi.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 14, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of October 28, 1902, refusing to identify, as Mississippi Choctaws, the applicants named in the consolidated case of Melissa Williams et al.

Respectfully,

Commissioner.

N.S.-----2

Williams, Cornelius Williams, Emma Williams, Moses Williams, Martha Snowden, Emma Snowden, Ophelia Snowden, Lawrence Snowden, Clayborne Snowden, Gustavus Snowden, Cera Anderson, George Anderson, Jr., Sidney Wooden, Shafter Wooden and Otis Wooden, 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 case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*  
Commissioner in Charge.

Registered.

COPY.

K. C. R. 3144

Muskogee, Indian Territory, October 28, 1902.

Martha Snowden,

Fort Stephens, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Melissa Williams, et al., embracing the following applications for identification as Mississippi Choctaws:

Melissa Williams, et al.,	K. C. R. 2968
Martha Snowden, et al.,	K. C. R. 3144
Cora Anderson, et al.,	K. C. R. 3735
Sidney Wooden, et al.,	K. C. R. 3736

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 the opinion of this Commission that under the provision of law above quoted no freedom is entitled to identification as a Mississippi Choctaw and that the applications of Melissa Williams, Andrew Williams, Alonzo Williams, John Williams, Ollie



Martha Snowden et al---6

- Q Are there any further statements you want to make at this time?  
A No sir.  
Q Have you any written evidence of any kind that you want to offer in support of your application? A No sir.  
Q Do you want permission to offer some written evidence later?  
A Yes sir.

You will be given a reasonable time in which to offer proper written evidence in support of your application. The Commission would like, if you possibly could, that you submit your written evidence within thirty days from this date. If you have any witnesses that you care to bring before the Commission, you may bring them before the Commission at Meridian within a reasonable time and they will be examined in support of your application.

- Q Have you any full sisters living? A Yes sir.  
Q Are they over 21 years of age? A Three of them are.  
Q What are the names of those over 21 years of age? A Margaret Shumate, Cora Anderson and Sydney Wooton.  
Q Have they been before the Commission, any of them? A No sir.  
Q Have you any brothers over 21 years of age? A Yes sir, one.  
Q What is his name? A Andrew Williams.  
Q Has he been before the Commission? A No sir.  
Q Is he married? A No sir.  
Q Has your mother any full brothers living? A No sir.  
Q Did she have any full sisters? A No sir, only one sister.  
Q She has one sister living? A Yes sir.  
Q Full sister? A Yes sir.  
Q What is her name? A Emma Davis.  
Q Has she any children? A Yes sir.  
Q How many? A One.  
Q What is that child's name? A Johnnie Harris.  
Q Is he married? A Yes sir.  
Q What is his wife's name? A Virginia Harris.  
Q Is that the only sister your mother ever had? A Yes sir, to my knowledge.

This applicant has dark, straight hair. Her complexion is that of a mulatto and it is impossible to determine from her appearance whether she has any Indian blood. Her features are those of a white person.

-----

Ira S. Nile's, 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, July 30th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

Martha Snowden et al---5

Q Do you know anyone living who would know about that? A I don't know, sir, my mother had some witnesses here.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to receive the applications of Choctaws who might desire to remain here in Mississippi and take advantage of the provisions of that article. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government, at its public land sales, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved March 3, 1837, providing for the appointment of a Commission to come to Mississippi and hear the applications of Choctaws who claimed that they had complied with all the provisions of article 14 of the treaty but whose land had been sold by the Government and those who had never received any benefits thereunder. This Commission was duly appointed and came down here to Mississippi but on account of the short time allowed them by the act of Congress under which they were appointed, they were unable to hear but a very small percent of the Choctaw cases. Congress later passed another act, which was approved August 23, 1842, providing for the appointment of another Commission whose duty it was to come to Mississippi and hear these Choctaw cases. That Commission was duly appointed by the President and came to Mississippi in the early forties and heard a great many Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty? A I don't know, sir.

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

scrip.

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of the Act of Congress of August 23, 1842? A I don't know, sir.

Q Do you know anyone living who would likely be informed on these questions? A Yes sir, my mother's witnesses would know.

Q She has already introduced her witnesses, hasn't she? A Yes sir.

- Q Do you know the name of his mother? A No sir.
- Q Do you know the name of his father? A No sir.
- Q Was he a recognized member of the Tribe here at the time the treaty was made? A I don't know, sir.
- Q Did he own an improvement here in the Choctaw Nation at the time the Treaty was made? A I don't know.
- Q Did he 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 portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors own an improvement here in Mississippi at the time the treaty was made? A I don't know, sir.
- Q Were any of them recognized members of the Tribe here at that time? A Yes sir, I reckon he was.
- Q You have no evidence of that fact, have you? A No sir.
- Q Did any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified 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 Yes sir, I suppose my grandfather did. I think he lived here until he died.
- Q What grandfather? A My great-grandfather.
- Q You think he did signify to the Agent his intention to stay here, do you? A I suppose he did. I think he lived here until he died.
- Q You don't know anything about it, do you? A To my recollection he did.
- Q What evidence have you that he signified his intention to the Agent to remain and become a citizen of the States? Have you any evidence at all? A Only what my mother said.
- Q Your mother never told you he did that, did she? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States Government under the provisions of the 14th article of the treaty? A No sir, not as I know of.
- Q Was George Biggs and your mother's mother married? A They were married by the slavery law.
- Q Married according to the custom among slaves? A Yes sir.
- Q Do you know how long they lived together as man and wife? A I don't know.
- Q How many children did they have? A I don't know.
- Q Did they have any beside your mother? A Yes sir, one more.
- Q A full sister of your mother? A Yes sir.
- Q Was Tonubbee married to the mother of George Biggs? A I don't know, sir.
- Q Do you know whether they ever lived together as man and wife? A I don't know.
- Q She was a negro, wasn't she, and a slave? A Yes sir.
- Q You don't know whether they ever lived together as man and wife? A No sir.
- Q Do you know anyone living who would know? A Yes sir, I guess my mother would know.
- Q Your mother has been before the Commission here at Meridian has she not? A Yes sir.
- Q When did she come before the Commission? A About two weeks ago.
- Q Did any of your ancestors ever receive any land from the Government here in Mississippi under the provisions of any other article of the treaty of 1830 than article 14 or under the supplement of that treaty? A I don't know.

That 14th article 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 date of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that clearly now? A Yes sir, I understand part of it.

Q What part of it don't you understand? A The last part.

Q About "if they ever remove"? A Yes sir.

That clause is as follows:- 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." That meant that persons who were living here at the time that treaty was made and who owned an improvement here and chose to remain here and take advantage of that provision of the 14th article and become citizens of the States, should not lose the privilege of a Choctaw citizen-that is, should not lose the right to citizenship out there but if they ever removed and went out there they should not be entitled to any portion of the Choctaw annuity. Annuity means an annual payment made to the Choctaws under treaty stipulations.

Q Do you think you understand that clearly now? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of article 14 of the treaty? A Not as I knew of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made?

A I suppose they were.

Q What one of your ancestors was living here then? A My great-grandfather.

Q What was his name? A Tu-nubbee.

Q Was he George Biggs' father? A Yes sir, that is what my mother says.

Q You claim then that Tu-nubbee was a full blood Choctaw, do you?

A Yes sir.

Q You never saw him? A No sir.

Q Do you know where he lived in 1830? A No sir, I suppose he lived in this country.

Q Did Tenubbee have any brothers or sisters? A I don't know.

Martha Snowden et al---2

- Q Have any of your ancestors ever been out to the Choctaw Nation in Indian Territory? A Not as I know of.
- Q You understand what I mean by ancestors, don't you? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A John Snowden.
- Q Has he any Choctaw blood? A Not as I know of.
- Q What is he? A White and colored.
- Q You make no claim for him then? A No sir.
- Q Have you any children? A Yes sir.
- Q What are their names and ages? A Emma Snowden, seven; Ophelia Snowden, six.
- Q Next? A Lawrence.
- Q How old is he? A Five.
- Q Next? A Clayborne.
- Q How old is he? A Two.
- Q Next? A Gustavus.
- Q How old is he? A Ten months.
- Q Is that all your children? A Yes sir.
- Q You are the mother of all of these children, are you? A Yes sir.
- Q What is the name of their father? A John Snowden.
- Q Are these children all living with you now? A Yes sir.
- Q Is your name or the name of anyone of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as a member of the Tribe? 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 for yourself or any of these children? A No sir.
- Q Then, neither you nor any of your children have 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 for Indian Territory, have you? A No sir.
- Q Have you ever made any application of any description prior to this time for yourself or any of these children? A No sir.
- Q Do you now desire to make application for the identification of yourself and five minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand that article 14 of the treaty of Dancing Rabbit Creek? A No sir, not exactly.

The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September, 1830, nearly 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaw Indians lived here in Mississippi and over on the edge of Alabama. The object of the treaty was to bring about the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi River, part of which is now occupied by the main body of the Choctaw Tribe. At the time the treaty was made some of the Choctaws were unwilling to leave the old country here and for the benefit of those who desired to remain here, the 14th article was put in that treaty.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 30th, 1901.

In the matter of the application of Martha Snowden for the identification of herself and her five minor children as Mississippi Choctaws.

Said Martha Snowden, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Martha Snowden.  
Q How old are you? A Thirty-one.  
Q What is your present address? A Fort Stephens.  
Q What County? A I live in Lauderdale.  
Q How long have you lived in the State of Mississippi? A All my life.  
Q Is your father living? A Yes sir.  
Q What is his name? A Bill Williams.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Malissa Williams.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q How much Choctaw blood do you claim to have? A One-eighth, I think.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q Your father has none? A No sir.  
Q What is your father? A Negro and white mixed.  
Q What is the balance of your mother's blood? A White and colored.  
Q Has your mother always lived in the State of Mississippi? A Yes sir.  
Q How old is she? A About fifty.  
Q Was she a slave? A Yes sir.  
Q Was your father a slave? A Yes sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her father.  
Q Is he living? A No sir.  
Q What was his name? A George Biggs.  
Q Did he have Choctaw blood? A Yes sir.  
Q How much Choctaw blood did George Biggs have? A One-half I reckon.  
Q You don't know that he was half, do you? A I know by what my mother says.  
Q Did you ever see him? A No sir.  
Q How long has he been dead? A I don't know, sir.  
Q Where did he live during his life time? A He lived in Noxubee County. That was where my mother was raised.  
Q Did he speak or understand the Choctaw language? A I don't know.  
Q Does your mother speak or understand the Choctaw language? A No sir.  
Q How old a man would George Biggs be if he were living now? A I don't know, sir.  
Q Your mother's mother was a slave, was she? A Yes sir.  
Q Wasn't George Biggs a slave too? A I don't know.  
Q Do you know the name of George Biggs' father? A No sir.  
Q Do you know the name of George Biggs' mother? A No sir.

Choctaw MCR 3144

Martha Snowden

MCR 3144

17,3143

Armadine Holton, et al

DECISION RENDERED.

1907

3029-3026

DECISION PREPARED



#1246

No. 3143

For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Ariadne Holton

Age 37 Blood 1/4

Post Office, DeKalb, Miss.

Father: Jim Broady &

Mother: Cilla McBlanchard

Claims through mother  
husband Tom Holton  
no claim for husband.

(Claims for self and seven  
minor children)

Children:

Walter	Holton	16
Johnny	"	14
Birdie Lee	"	12
Frank	"	10
Calvin	"	8
Willie	" (M)	6
<del>Lucius</del>	<del>(M)</del>	
Lucius	"	2

Stenographer

J. J. Miles

AGE SEX

POST OFFICE

RESIDENCE  
DISTRICT

NAME

CARD No.

REFER TO M.C.R. 314 3

*Ariadne Holton*  
*et al*

*Consolidated Case*

Aueda Jones  
full blood

Siera  
Cella M Clannahan 1/2  
mar 1/2 neg + slave

x Jim Broady neg  
x Father of 3143

x John Parke, neg slave  
x Father of 3029 + 3026

mer  
3143

Viradue McClannahan  
mar 37 1/4  
Tom Hobton, neg.

mer  
3026

Lillar M Clannahan 25 1/4  
mar

x Owen Whitsett, ind + neg.  
x Principal appt in mer 2876

mer  
3026

Mudine M Clannahan 23 1/4

mer  
3143

Walter Hobton 11  
Johnny Hobton 11  
Birdie Lee Hobton 12  
Frank Hobton 10  
Calvin Hobton 8  
Niece Hobton 6  
Lucius Hobton 2

COPY. M.C.R. 3143

Muskogee, Indian Territory, August 27, 1903.

Ariadne Holton,

De Kalb, Mississippi.

Dear Madam:

You are hereby notified that on the 15th day of August, 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 Ariadne Holton, et al., of which decision you were advised by registered mail on the 27th day of April, 1903.

Respectfully,

(SIGNATURE)

*Lewis D. ...*

Chairman.

COPY.

M.C.R. 3143

Muskogee, Indian Territory, August 27, 1903.

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

Gentlemen:

You are hereby notified that on the 15th day of August, 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 Ariadne Holton, et al., of which decision you were advised by mail on the 27th day of April, 1903.

Respectfully,

(SIGNED)

*James Dancy*

Chairman.

witnesses are residents of Mississippi, having always lived there, but are unable to give any definite information relative to the exact residence of the Choctaw ancestor named or any other Choctaw ancestors in 1830; neither have they any knowledge as to Hulda Jones or any other Choctaw ancestor having had a reservation in the Choctaw Nation in Mississippi in 1830, or whether she or they complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty. The name of a daughter of Hulda Jones is given as Silla or Cilla McClannahan.

The applicants were rejected by the Commission for the reason that an examination of its records failed to show that Hulda Jones or an ancestor less remote either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Hulda Jones and Silla or Cilla McClannahan, and it is ascertained that these names do not appear among the names of those Choctaw Indians, who were residents of the Choctaw Nation East in 1830, and, as such, complied or attempted to comply with the provisions of the 14th article of the treaty of that year. This being the case, it is evident that the decision of the Commission rejecting the applicants was correct, and I recommend therefore that it be approved.

Very respectfully,

W. A. JONES,  
Commissioner.

EBH-CGC

Land  
31586-1903

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, July 14, 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 application of Ariadne Holton for herself and her seven minor children, Walter, Johnny, Birdie Lee, Frank, Calvin, Willie and Lucius Holton; by Tillar Whitsett for herself, and by Undine McClannahan for herself for identification as Mississippi Choctaws, wherein a decision of rejection was entered by the Commission on April 27, 1903.

It appears from the testimony in the application of Tillar Whitsett that she is the mother of two children, Bessie E. and Pearlle L. Whitsett, for whom she did not apply in this application, stating that their father, Owen Whitsett, applied for them in his application before the Commission, and the Commission finding that they also claimed Choctaw blood through their mother, such rights as they derived from her are adjudicated in this case.

The record in this case shows that the applicants base their claims to a right to identification on their descent from Hulda Jones whom, it is claimed, was a full-blood Choctaw Indian. The

Jones was a full blood Choctaw Indian.

Neither the evidence herein nor the records of the Indian Office show that any one of the alleged ancestors of the applicants complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting July 14, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Upon a careful review of the whole case, the Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed) H. W. MILLER,

Acting Secretary.

1 inclosure.



D.C. 23140-1903.  
ITD. 5614-1903.  
LRS.

(Copy)

W C F  
EAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, August 15, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 13, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Ariadne Holton and her minor children, Walter, Johnny, Birdie Lee, Frank, Calvin, Willie and Lucius Holton; of Tillar Whitsett, and of Undine McClannahan. You refused the applications April 27, 1903.

It appears from the testimony in the application of Tillar Whitsett, that she is the mother of two children, Bessie N. and Pearlle L. Whitsett, for whom she does not apply, stating that their father, Owen Whitsett, applied for them in a previous application. The rights of these children as Mississippi Choctaws, which they derive from their father, were adjudicated in his application, but as they claim Choctaw blood through their mother also, the rights they derive from her as Mississippi Choctaws are adjudicated in her application.

The applicants base their claim to a right to identification as Mississippi Choctaw Indians on their descent from Hulda (or Huldy) Jones, through her daughter, Cilla (or Silla) McClannahan, mother of the principal applicants, it being alleged that said Hulda (or Huldy)

CONF.

Muskogee, Indian Territory, May 13, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Ariadne Holten, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 27, 1903.

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

Ariadne Holten, et al.	M.C.R. 3143
Tillar Whitsett	M.C.R. 3029
Undine McClannahan	M.C.R. 3026

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)

*I. B. Needles.*

COMMISSIONER IN CHARGE

Through the  
Commissioner of Indian Affairs.

2 Encls. M.C.R. 3143

A. H., S.

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 Bixby.*  
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 27, 1903.

Ariadne Holton,  
Do Kalb, 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 consolidated case of Ariadne Holton, et al., embracing the following applications for identification as Mississippi Choctaws:

Ariadne Holton, et al.,	M.C.R. 3143;
Tillar Whitesett,	M.C.R. 3029;
Undine McClannahan,	M.C.R. 3026.

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 Ariadne Holton, Walter Holton, Johnny Holton, Birdie Lea Holton, Frank Holton, Calvin Holton, Willie Holton, Lucius Holton, Tillar Whitesett, Bessie N. Whitesett, Pearlle L. Whitesett and Undine McClannahan 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

H. H. McKe & Co., E.

to the Secretary of the Interior through the Commissioner of Indian  
Affairs.

Respectfully,

(SIGNED)

*Tame Bixby.*

Chairman.

COPY.

Muskogee, Indian Territory, April 27, 1903.

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

Gentlemen:

You are hereby advised that on the 27th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ariadne Holton, et al., embracing the following applications for identification as Mississippi Choctaws:

Ariadne Holton, et al.,	M.C.R.3143;
Tillar Whitsett,	M.C.R.3029;
Undine McClannahan,	M.C.R.3026.

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 is insufficient to determine the identity of Ariadne Holton, Walter Holton, Johnny Holton, Birdie Lee Holton, Frank Holton, Calvin Holton, Willie Holton, Insius Holton, Tillar Whitsett, Bessie E. Whitsett, Pearlle L. Whitsett and Undine McClannahan 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

Hulday) Jones, 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 (9 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ariadne Holton, Walter Holton, Johnny Holton, Birdie Lee Holton, Frank Holton, Calvin Holton, Willie Holton, Lucius Holton, Tillar Whitsett, Bessie M. Whitsett, Pearlie L. Whitsett and Undine McClannahan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED),

Tams Bixby.  
Acting Chairman

(SIGNED),

T. B. Needles.  
Commissioner

(SIGNED)

C. R. Breckinridge.  
Commissioner

Muskogee, Indian Territory

APR 27 1903

Bessie N. and Pearlie L. Whitsett, for whom she does not apply, stating that their father, Owen Whitsett, applied for them in his application numbered M.C.R. 2876. The rights of these children as Mississippi Choctaws which they derive from their father have been adjudicated in his application, but as they also claim Choctaw blood from their mother, such rights as Mississippi Choctaws which they derive from her will be adjudicated in her application.

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 Hulda (or Huldy) Jones, an alleged 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 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 Hulda (or



*Cow*

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

Ariadne Holton, et al.,	M.C.R. 3143
Tillar Whitsett,	M.C.R. 3029
Undine McClannahan,	M.C.R. 3026

-----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 Ariadne Holton for herself and her seven minor children, Walter, Johnny, Birdie Lee, Frank, Calvin, Willie and Lucius Holton; by Tillar Whitsett for herself and by Undine McClannahan for herself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats. 495):

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

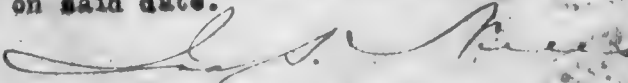
It appears from the testimony in the application of Tillar Whitsett, M.C.R. 3029, that she is the mother of two children,

Ariadne Holton et al--?

- Q Did you ever have any full sisters? A No sir.  
Q Have you any children that are over 21 years of age? A No sir.  
Q My oldest one is sixteen years old.  
Q Has your mother any sisters or brothers living? A No sir.  
Q Did she ever have any brothers? A She had one half brother.  
Q By the same mother? A No sir.  
Q Did she ever have any sisters? A Yes sir, a half sister.  
Q By the same mother? A No sir.

-----

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, July 30th, 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 21st day of August, 1901,  
at Meridian, Mississippi.

  
Notary Public.

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

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of this act of Congress approved August 23, 1842? A Not that I know of.

Q Do you know anyone living who would likely be informed on these questions? A No sir.

Q Have you any witnesses before the Commission today that you want to introduce in support of your application? A No sir.

Q Have you any written evidence that you want to offer at this time? A Yes sir.

There is offered in evidence, marked Exhibit -A, the joint affidavit of Frank Crawford and Siller McClanahan, received by the Commission, filed and made a part of the records in this case.

Q Is this all the written evidence you have to offer at this time?

A Yes sir.

Q Do you want permission to file further written evidence at a later date? A Yes sir.

You will be allowed a reasonable time within which to offer further written evidence. Of course it would be better for you to have your witnesses come before the Commission in person and if you see fit to bring any witnesses before the Commission we will examine them in support of your application. If you should see fit to offer further written evidence, the Commission would be glad to have you offer it within thirty days from this date, if you can.

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

Q Do you speak or understand the Choctaw language? A No sir.

This applicant claims to be possessed of Choctaw, negro and white blood. Her complexion would indicate that she might be possessed of a small proportion of Indian blood. She does not speak or understand the Choctaw language. Her hair is long, black and straight and does not look like the hair of a negro. Her features are not those of a negro, nor are they those of an Indian.

Q Have you any full brothers living? A No sir, but that I knew of. I had a full brother and he went off about thirty years ago.

Q Are any of his children living? A He wasn't married.

Q Have you any full sisters living? A No sir.

Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.

Q Was your mother living at the time the treaty was made? A No sir.

Q Did her mother get any land from the Government? A No sir.

Q Are you sure of that? A No sir, I know she didn't. She said her mother died when she was little.

Q Her mother could have died when your mother was a little girl and yet have received land under this 14th article? A I don't know whether she did or not.

Q Do you know whether any of your Choctaw ancestors ever received any land from the Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement of that treaty? A I don't know.

Q Do you know anyone living who would likely be informed on this subject? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, which I have just explained fully to you, the Government instructed an Agent here in Mississippi to receive the applications of Choctaws who might desire to remain here in Mississippi and become citizens of the States, as provided in that article. The records of the Government show that this Agent failed to record and report to the Government the names of many Choctaw Indians who did in fact signify to him their intention to remain and take advantage of the provisions of article 14 of the treaty. On this account the Government, at its public land sales, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would get under the provisions of article 14 of the treaty. This action of the Government occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress. Congress passed an act which was approved March 3, 1837, providing for the appointment of a Commission whose duty it was to come to Mississippi and hear the applications of Choctaws who claimed that they had complied with all the provisions of the 14th article or that their land had been sold by the Government. This Commission was duly appointed by the President and the Commissioners came here to Mississippi and heard a good many Choctaw cases, but in the time allowed them under the act of Congress under which they were appointed they were unable to hear but a small percent of the Choctaw cases that came before them. Congress later passed another act which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases. The president later appointed these Commissioners and they came here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved August 23, 1842, provided

time, 71 years ago, wanted to stay here in Mississippi and become a citizen of the States, he might do so and might receive land too if, within six months after the treaty was ratified, which was on the 24th day of February, 1831, he should signify his intention to remain here and become a citizen of the States, to the Agent of the Government, who was instructed by the Government to receive such applications, and if he did signify his intention of remaining here, to this Agent, he was entitled to a reservation of one section of 640 acres of land, that is a piece of land one mile square, and if he had a child in his family over ten years of age, and married, that child was entitled to a reservation of 320 acres of land and if he had a child under 10 years of age, that child was entitled to a quarter section of land, or 160 acres. The reservations of these children must adjoin the selection of the parent. If they lived on that land for five years after Feb. 24, 1831, the day the treaty was ratified they were entitled to a deed or patent to the land from the Government and after they got that deed or patent they could sell that land at their pleasure. Those are the main points in this 14th article except that the 14th article provided that by taking advantage of this 14th article, as stated here, these Choctaws were not to be deprived of their rights as citizens in the new Choctaw Nation, should they afterwards move out there, but they should not be entitled to any portions of the Choctaw annuity, that is the annual payments to the Choctaws under treaty stipulations.

Q Now, do you think you understand that clearly? A Yes sir, I think so.

Q Do you know whether any of your ancestors ever took advantage of the provisions of the 14th article of that treaty? A ~~Yes~~ No sir

Q Do you know what I mean by ancestors? A Yes sir.

Q Do you know anyone living who would likely know whether they did or not? A No sir, I don't know of anyone who would know.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama at the time this treaty was made, nearly 71 years ago? A I don't know.

Q Were any of them recognized members of the Choctaw Tribe at that time? A I don't know.

Q Did any of them own an improvement on land here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the new Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1833 and 1839? A Not that I know of.

Q Did any of your Choctaw ancestors, within six months after the ratification of this treaty of Dancing Rabbit 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 States? A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land here in

ted 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, have you? A No sir.

Q Have you ever made any application of any description prior to this time for yourself or any of your children? A No sir.

Q Do you now desire to make application for the identification of yourself and your minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek?

A Yes sir.

Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made the Choctaw Tribe of Indians lived here in Mississippi and in the western part of Alabama. The object of that treaty was to bring about the removal of the Choctaw Indians from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to remove to the new country but preferred to stay here in Mississippi. For the benefits of those Choctaws who preferred to remain here, the 14th article was put into the treaty. That 14th article 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."

Q That is the 14th article of the treaty of Dancing Rabbit Creek.

Q Do you think you understand it now thoroughly? A I don't understand it.

As I have explained it to you-this 14th article is part of the old treaty, a treaty that was made here in Mississippi nearly 71 years ago between the Government of the United States and the Choctaws. That 14th article provided that in case a Choctawhead of a family, living here at that

Ariadne Holton et al--2

Q Where does he live? A In Kemper.  
Q Is he here today? A No sir, I have got an affidavit from him.

It would be to your interest to bring him here in person and if you see fit to do that, we will hear his testimony.

Q Do you know the names of your mother's mother's father and mother?  
A No sir.

Q Are you married? A Yes sir.  
Q What is your husband's name? A Tom Holton.

Q Is he living? A Yes sir.  
Q Has he any Choctaw blood? A No sir.

Q What is he? A Negro.  
Q You make no claim for him? A No sir.

Q Have you any children? A Yes sir.  
Q How many? A Seven.

Q Are any of them over 21 years of age or are any of them married?  
A No sir.

Q Are they all living with you at this time? A Yes sir.

Q What are their names and ages? A Walter, sixteen.

Q Next? A Johnny, fourteen.

Q Next? A Birdie Lee.

Q Is that a girl? A Yes sir.

Q How old? A Twelve.

Q Next? A Frank.

Q How old? A Ten.

Q Next? A Calvin.

Q Boy? A Yes sir.

Q How old? A Eight.

Q Next? A Willie.

Q Boy? A Yes sir.

Q How old? A Six.

Q Next? A Lucius.

Q How old is he? A Two years old.

Q Is that all? A Yes sir.

Q You are the mother of those seven children, are you? A Yes sir.

Q What is the name of their father? A Tom Holton.

Q Is he the father of all of them? A Yes sir.

Q This application then is for yourself and seven minor children?  
A Yes sir.

Q Is your name or the name of anyone of these minor children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't understand that.

Q The Tribal rolls are rolls or lists of the names of people that belong to the Choctaw Tribe in Indian Territory, prepared by the Choctaw Indians themselves, their officers. I want to know if your name or the name of anyone of your children is to be found on any of the Choctaw Tribal rolls? A No sir, not as I know of.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of your children to be admitted or enrolled as members of the tribe? A No sir.

Q Did you or did anyone 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 of these children? A No sir.

Q Then, neither you nor any of these children have ever been admit-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 30th, 1901.

In the matter of the application of Ariadne Holton for the identification of herself and seven minor children as Mississippi Choctaws:-

Said Ariadne Holton, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Ariadne Holton.  
Q What is your age? A Thirty seven.  
Q What is your postoffice address? A DeKalb, Mississippi.  
Q What County? A Kemper County.  
Q How long have you lived in Mississippi? A Always. I was born here.  
Q Is your father living? A No sir.  
Q What was his name? A Jim Broady.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Cilla McClanahan.  
Q Do you claim to have Choctaw blood? A Yes sir, one-fourth.  
Q You claim to get your Choctaw blood wholly through your mother?  
A Yes sir.  
Q What was your father? A Negro.  
Q What was the other half of your mother's blood? A Negro.  
Q She is negro and Indian? A Yes sir.  
Q How old is your mother? A Sixty-two years old.  
Q Has she always lived in the State of Mississippi? A No sir, she was born in Mississippi and left here and then come back.  
Q When did she live here? A I don't know.  
Q Where did she go? A I don't know; she traveled about with white people.  
Q Did she ever go out to the Choctaw Nation in Indian Territory?  
A No sir, not that I know of.  
Q Your mother was a slave, was she not? A No sir, I don't reckon she was a slave. She said her father was a slave but her mother was a full blood Indian. Her mother gave her to her father.  
Q Her mother's mother was a full blood Indian? A Yes sir.  
Q And she gave her mother to a negro who was a slave? A Yes sir.  
Q Then she was in slavery was she not? A Yes sir, I reckon she was.  
Q What was your mother's mother's name? A Hulda Jones.  
Q Did she have a Choctaw name? A I don't know, sir.  
Q Has your mother a Choctaw name? A I don't know, sir.  
Q Does your mother speak or understand the Choctaw language?  
A No sir.  
Q Did her mother speak or understand the Choctaw language?  
A Yes sir, she said she spoke it.  
Q Did you ever see your mother's mother? A No sir.  
Q Where did she live during her life time? A In Mississippi.  
Q Did she ever go out to the Choctaw Nation Indian Territory?  
A I don't know, sir.  
Q You are sure she was a full blood Choctaw Indian? A Well, that is what they tell me. I never did see her. My mother said she was and the old master said she was.  
Q Is that man living? A Yes sir.  
Q What is his name? A Frank Crawford.



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

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

Ariadne Holton, et al.,	M.C.R. 3143
Tillar Whitsett,	3029
Undine McClannahan,	3036

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List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Ariadne Holton, et al., M.C.R. 3143.

	page
Original application of Ariadne Holton, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,-----	1
Joint affidavit of Frank Crawford and Siller McLahan,-----	8
Original application of Tillar Whitsett to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,-----	9
Joint ex parte affidavit of Frank Crawford and Siller McLannahan,-----	14
Original application of Undine McClannahan, to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,-----	15
Testimony of Tillar Whitsett in support of above application,-----	18
Joint affidavit of Frank Crawford and Siller McLannahan,-----	20
Final decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws, in the consolidated case of Ariadne Holton, et al., -----	21.

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Choctaw MCR 3143

Ariadne Holton

MCR 3143

#1245

No. 3142

For Identification as a Mississippi Choctaw.

Date

11 1901

Name Emma Brooks

Age 22

Blood 1/8

Post Office Java, Miss.

Father: George Wilson

L.

Mother: Sarah "

L.

Claims through father.

Children:

Savannah Brooks

L.

father General Brooks <sup>wid</sup> d

(Claims for self and one child)

Stenographer

J. S. Miles

R. 3142  
Emma Brooks et al

REFUSED

DECISION RENDERED. FEB 11 1903  
NOTICE OF REFUSAL TO ISSUE APPLICATION  
FEB 11 1903

NOTICE OF REFUSAL TO ISSUE ATTORNEYS  
FOR THE CHOKTAW AND CHICKASAW NATIONS.

RECORD FORWARDED TO DEPARTMENT.

FEB 27 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED TO APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED IN ATTENTION FOR CHOKTAW  
AND CHICKASAW NATIONS.

MAY 11 1903

REFER TO M. C. R. 2884

M.C.R. 3143

Muskogee, Indian Territory, May 22, 1903.

Emma Brooks,

Java, Mississippi.

Dear Madam:

You are hereby notified that on the 11th 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 Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

*Farm Bixby*  
Chairman

Emma Brooks-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Lizzie Hudson, Izzie Hudson, Joseph W. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, Dora Windham and Nellie J. Windham 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*

Acting Chairman

Registered.

Muskogee, Indian Territory, February 11, 1903.

Emma Brooks,

Java, Mississippi.

Dear Madam:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3126
Viola Lewis,	M.C.R. 3140
George Wilson, et al.,	M.C.R. 3286
Emma Brooks, et al.,	M.C.R. 3142
Alice Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2980
Josiah Windham, et al.,	M.C.R. 3286

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."

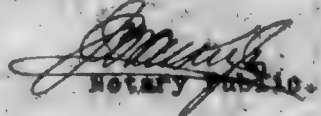
Said decision concludes as follows:

Emma Brooks et al---d

pher to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, July 30th, 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 21st day of August, 1901, at Meridian, Mississippi.



Notary Public.

U.S.A. 1901

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who claimed that they had complied with the provisions of article 14 of the treaty but had never received any benefits under such article, or whose land had been sold by the Government. That Commission was appointed by the President and the Commissioners came to Mississippi and heard some of these Choctaw cases but on account of the length of time allowed them under the Act of Congress under which they were appointed, they were unable to dispose of but a small percent of the Choctaw cases and Congress finally passed another act, which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come here and finish up this work. That Commission came here and heard a great many more Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

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

Q Did any of your ancestors ever receive any scrip from the United States Government under the provisions of this Act of Congress?

A I don't know, sir.

Q Do you know of anyone living who would likely be informed on these points? A I don't know, sir.

Q Have you any witnesses before the Commission today that you want to introduce in support of this application? A Yes sir.

Q How many? A I can get three; Sol Johnson, Henry Hudson and Mr. Ruffin.

Q They are not here today? A No sir.

If you will bring them in person before the Commission we will take their testimony and it will be filed as a part of the records in your case.

Q Have you any written evidence of any kind that you want to offer at this time, any papers or affidavits? A No sir.

The Commission will allow you reasonable time in which to file proper written evidence in support of your case. You should, however, attempt to file this evidence within thirty days from this date, if possible.

This applicant has the appearance of being a negro; shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

-----  
Ira S. Niles, being first duly sworn, states that as stenogra-

Q Do you know anyone living who would likely know about that? A I don't know, sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A Any of y ur old folks, your forefathers? A Yes sir.

Q What one of your ancestors was living here in 1830-seventy years ago? A My grandmother and grandfather.

Q What are their names? A George and Eady Wilson.

Q Do you know just where they were living then? A I don't know exactly where they were living. They were living in Mississippi.

Q They were slaves at that time, were they not? A Yes sir.

Q Were they recognized members of the Tribe at that time, do you think? A I reckon so.

Q Don't you know they were not? A I don't know, sir.

Q Did they own an improvement here at that time? A Not as I know of.

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 for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land from the United States Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Do you know anyone who would know whether any of your ancestors got any land under this 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Wouldn't Eady know? A Yes sir.

Q Has she been before the Commission? A No sir.

Q She ought to know whether any of your people got any land from the Government under this 14th article; do you think you can get her to testify in your case? A Yes sir.

Q Did any of your ancestors ever claim or receive any land from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article, or under the supplement to that Treaty? A I don't know, sir.

Q Do you know anyone who would know about that? A No sir, I don't.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of such Choctaws as desired to remain here in Mississippi and take advantage of the provisions of the 14th article of the treaty. The records of the Government show that this Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account the Government, at its public land sales, in many instances sold land upon which Choctaws had improvements and upon which they were living and which they expected to receive under the provisions of article 14 of the treaty. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved March 3, 1837, providing for the appointment of a Commission, whose duty it was to come to Mississippi and hear the applications of Choctaws

to bring about the removal of these Choctaws from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to remove out to the new country West of the Mississippi and for the benefit of those who desired to remain here, the 14th article was put into the treaty. That 14th article 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."

Q Do you think you understand that article now? A I don't know.

In order that you may clearly understand it I will attempt to explain it. By that 14th article each Choctaw head of a family who desired to stay here in Mississippi and become a citizen of the States was required to, within six months after the treaty was ratified, which was on February 24, 1831, signify his intention to the Agent and he was then entitled to a reservation of one section of 640 acres of land, a piece of land one mile square. If he had children in his family over 10 years of age and unmarried he was entitled to a reservation of 320 acres, or a half section for each of these children. If he had any children in his family under ten years of age, he was entitled to a quarter section of land for each of such children. The reservations of the children must adjoin the reservation of the parent. Then these people would have to live on the land for five years after the ratification of the treaty, when they would be entitled to a grant in fee simple to the land. By that I mean they would get a deed or patent to the land from the Government and they could then dispose of the land at their pleasure.

Q Do you think you understand that 14th article now? A Yes sir, I think so.

Q Do you know whether any of your ancestors ever complied with the provisions of the 14th article or ever took advantage of its provisions? A Not as I know of.

- Q Didn't she have a husband at one time named Tom Wilson? A Not as I knows of.
- Q Do you know the name of Eady's father? A No sir.
- Q Do you know the name of Eady's mother? A No sir.
- Q You don't know anything about them? A No sir, but I know the names of my Grandpa's folks.
- Q What was your grandfather's father's name? A Tom.
- Q What was the name of your grandfather's mother? A Charity Windom.
- Q Did Charity have any Indian blood? A Yes sir.
- Q How much? A She was a half Indian.
- Q Did Tom have any Indian blood? A Yes.
- Q How much? A One-half.
- Q Both slaves? A Yes sir.
- Q All of your ancestors, as far back as you know, were slaves--were they not? A Yes sir.
- Q Did you ever hear of any of them going out to the Territory? A No sir.
- Q Always lived here, as far as you know? A Yes sir.
- Q Are you married? A I have been married, but my husband is dead.
- Q Have you any children? A One.
- Q What is that Child's name? A Savannah Brooks.
- Q How old is she? A Two years old.
- Q Is she living with you now? A Yes sir.
- Q What is the name of her father? A General Brooks.
- Q Is he living? A No sir, dead.
- Q What was he? A He had Indian blood in him.
- Q You don't know what kind of Indian blood it was? A No sir.
- Q Was he a negro? A Yes sir.
- Q This application is for yourself and one child, is it? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? (Tribal rolls are lists or names of people that belong to the Choctaw Tribe of Indians in Indian Territory. These lists were prepared by the Choctaws themselves.) Is your name on any of those rolls? A No sir, not as I knows of.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of the Tribe, or did anyone else ever make such an application for you? A No sir.
- Q Did you or did anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever make any application of any description before today or did anyone else ever make such an application for you? A No sir, not as I knows of.
- Q You never made any Application before now? A No sir.
- Q Do you now desire to make application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.
- Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At that time the Choctaws lived here in Mississippi and a part of the Tribe lived in the Western part of Alabama. The object of the treaty was

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 30th, 1901.

In the matter of the application of Emma Brooks for the identification of herself and one minor child as Mississippi Choctaws:-

Said Emma Brooks, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Emma Brooks.  
Q What is your age? A Twenty-two.  
Q What is your postoffice address? A Java, Mississippi.  
Q What County? A Neshoba.  
Q How long have you lived in the State of Mississippi? A Twenty-two years.  
Q Is your father living? A Yes sir.  
Q What is his name? A George Wilson.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Sarah Wilson.  
Q You claim to have Choctaw blood, do you? A Yes sir.  
Q How much Choctaw blood do you claim to have? A One-eighth.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.  
Q Your mother has no Choctaw blood? A Yes, she has Choctaw blood but I aint got no proof though.  
Q Has your father always lived in the State of Mississippi?  
A Yes sir.  
Q What is the balance of his blood-he has one fourth Indian blood from your testimony, what is the rest of his blood? A I don't know sir.  
Q It is not white, is it? A No sir, it is negro I reckon.  
Q What is your mother? A Negro.  
Q How old a man is your father? A I don't know, sir; about forty or fifty years old.  
Q Was he a slave? A Yes sir.  
Q Was your mother a slave? A Yes sir.  
Q Through which one of his parents does your father derive his Choctaw blood? A Through his father.  
Q What was his father's name? A George Wilson.  
Q Your father's father, George Wilson, you say had Choctaw blood?  
A Yes sir.  
Q How much Choctaw blood did he have ? A He had one-half.  
Q Was he a slave too? A Yes sir.  
Q When did he die? A My grandpa died the 14th of March this year.  
Q How old was he when he died? A I don't know, sir.  
Q About how old? A About seventy years, I reckon.  
Q Did he always live in the State of Mississippi? A Yes sir.  
Q Your mother's mother had no Indian blood, did she? A Yes sir.  
Q What was her name? A Eady Wilson.  
Q Is she living? A Yes sir.  
Q How much Choctaw blood has she? A She is one-half Indian.  
Q Was she a slave too? A Yes sir.  
Q How old is she? A I don't know exactly, about 70 years old I reckon.  
Q You say her husband's name was George Wilson? A Yes, my grand-ma's husband was named George Wilson and my father's name is George Wilson.  
Q Did Eady have two husbands? A No sir.

Choctaw MCR 3142

Emma Brooks

MCR 3142

R. 3141

Alice F. Hudson et al

DECISION ... 1903

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2884

#1244

No. 3141

# For Identification as a Mississippi Choctaw.

Date JUL 20 1901

Name Alice Hudson

Age 25 Blood 1/4

Post Office, Java, Miss.

Father: George Wilson d

Mother: Eady Wilson S

Claims through both parents.

~~her husband~~ Henry Hudson  
(no claim for husband)

### Children:

William Henry Hudson 9

George " 7

Johnnie " 6

Lizzie " 4

Izzie " F 2

(Claims for self and 5  
minor children.)

Stenographer

J. S. Niles



COPY.

M.C.R. 3141

Muskogee, Indian Territory, May 22, 1903.

Alice Hudson,

Java, Mississippi.

Dear Madam:

You are hereby notified that on the 11th 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 Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

*James D. Dickey*  
Chairman.

Alice Hudson-----

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Hush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Elzias Hudson, Izzie Hudson, Joseph W. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, Dora Windham and Wellie J. Windham 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,

THOMAS

*James Bixby*

Acting Chairman

Registered.

COPY.

Muskegee, Indian Territory, February 11, 1903

Alice Hudson,

Java, Mississippi

Dear Madam:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3126
Viola Lewis,	M.C.R. 3140
George Wilson, et al.,	M.C.R. 3286
Emma Brooks, et al.,	M.C.R. 3142
Alice Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2960
Josiah Windham, et al.,	M.C.R. 3286

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

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

Said decision concludes as follows:

Alice Hudson et al---8

- Q What is their father's name? A Jesse Windom.  
Q He is the brother of your mother? A Yes sir.  
Q Have you named all of the children of your mother's deceased brothers, that are living? A Yes sir.  
Q Did your mother ever have any sisters that are dead now? A I don't know, sir.  
Q Are there any further statements you want to make in regard to your case? A No sir.  
Q Have you any written evidence of any kind that you want to offer in support of your application? A No sir.  
Q Do you want permission to file some papers later in support of your application? A Yes sir.


You will be granted reasonable time within which to file proper written evidence in support of your application. The Commission would like, however, to have you file such papers within thirty days from the date hereof, if possible. If you see fit to bring any witnesses before the Commission, you may bring them here to Meridian and they will be carefully examined in support of your application. You should, however, bring them here as soon as possible as the appointment of the Commission here is indefinite.

This applicant has the appearance of being a negro; shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.

-----

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, July 30th, 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 31st day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

- Q Do you know anyone living who would likely be informed on this point? A No sir.
- Q Has your mother been before the Commission yet? A No sir.
- Q Have any of your brothers or sisters been before the Commission? A Yes sir.
- Q What are the names of some of them that have been here? A Hughey Wilson and George Wilson.
- Q Is that all? A Yes sir.
- Q Have you any other brothers living? A Yes.
- Q What is his name? A Levi Wilson.
- Q Have you any sisters living? A No sir.
- Q Are you acquainted with the applicant who was just on the stand before you? A Yes sir.
- Q What is her name? A Viola Lewis.
- Q What relation is she to you? A I am her aunt.
- Q Did your mother ever have any sisters? A Yes sir, I think she did, but I never did see any of them.
- Q Has your mother any brothers living? A Yes sir, one.
- Q What is his name? A Levi Windom.
- Q Has he been before the Commission? A No sir, I don't think he has.
- Q Did your father ever have any sisters? A Yes sir, I think he did.
- Q Any of them living now? A No sir.
- Q Are the children of any of his deceased sisters living? A Yes sir, I think so.
- Q What are the names of some of these children? A Ed and Mose Wilson and Huse Wilson and Andy Wilson.
- Q Is that all? A Yes sir.
- Q Are these all brothers and sisters? A Yes sir.
- Q What is the name of their father? A Mark Wilson.
- Q Was he a brother of your father? A No sir, his wife was sister to my father.
- Q Are there any children of your mother's deceased brothers living? A Yes sir.
- Q How many? A I don't know exactly.
- Q Give us the names of some of them? A Josiah Windom, Patterson Windom, Eddie Windom and Hacket Windom.
- Q Are they brothers? A Yes sir.
- Q They are the sons of one of your mother's brothers? A Yes sir.
- Q What is the name of that brother-their father? A Jesse Windom.
- Q Are there any other children of your mother's brothers living? A Yes sir, I think there is.
- Q Name them? A Jodie Windom, Willie Windom, Dennis Windom and Ted Windom.
- Q What is their father's name? A Levi Windom.
- Q He was a brother of your mother? A Yes sir.
- Q Are there any girls in that family? A Yes sir.
- Q What are their names? A Chatty Gordon and Jane Davis.
- Q Are their any girls, the children of your mother's brothers? A Yes sir.
- Q Give me the names of the girls? A Viola Windom, Hecley Windom, Ellen Windom, Catherine Windom, and Cassie Tins.
- Q Is Cassie the only one of them who is married? A No sir, Annie Nichols.
- Q Is that all of them? A Yes sir.
- Q Are these all sisters? A Yes sir.

Q Do you know anyone living who would likely know about that?

A No sir.

Q Did any of your ancestors ever claim or receive any land from the Government of the United States under any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A No sir.

Q Do you know anyone living who would know about that? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government of the United States instructed an Agent here in Mississippi to receive the applications of all Choctaws who desired to remain and become citizens of the States under that article. The records of the Government show that the Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and take advantage of the provisions of the 14th article. On this account the Government, at its public land sales, in many instances, sold land upon which Choctaws lived and had improvements. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, approved March 3, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek but had never received any benefits thereunder and their land had been taken or sold by the Government. This Commission was duly appointed by the President and the Commissioners came here to Mississippi and heard some of these Choctaw cases but in the time allowed them in the Act of Congress under which their appointments were authorized, they were unable to dispose of but a small percent of these Choctaw cases. Congress, therefore, passed another act, approved August 23, 1842, providing for the appointment of a second Commission whose duty it was to come down here and finish up hearing these Choctaw cases. That Commission was appointed by the President and disposed of a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, Not as I know of.

That act of Congress approved August 23, 1842, provided that in case it should be determined that any Choctaw had in fact complied with all the provisions of the 14th article of the treaty and that his land had been sold by the Government, he should be entitled to select land elsewhere from vacant Government land in the States of Mississippi, Alabama, Arkansas or Louisiana, and he was to be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the United States Government under the provisions of that act of Congress?

A No sir, not as I know of.

the removal of these Choctaws from the country east of the Mississippi to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country west of the Mississippi and insisted upon being permitted to remain here. For the benefit of that class of Choctaws the 14th article was inserted in the treaty. That 14th article 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 that is under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that clearly now? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of that treaty? A No sir, not as I know of.

Q Do you know anyone living who would likely be informed on this subject? A No sir.

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

Q Were any of your ancestors recognized members of the Choctaw Tribe at that time? A I don't know, sir.

Q Did any of your ancestors own an improvement here at that time? A Not as I know of.

Q All of your ancestors who were old enough during slavery were slaves, were they not? A Yes sir.

Q Your father and mother were both slaves and their fathers and mothers were slaves? A Yes sir.

Q Your father and mother testified, I believe, that none of your ancestors ever went to the Choctaw Nation Indian Territory-is that right? A Yes sir, none ever went there.

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 for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land from the United States Government here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

- Q Her mother was a slave? A Yes sir.
- Q Her father's parents were both slaves, were they not? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Henry Hudson.
- Q Has he any Choctaw blood? A No sir, not as I know of.
- Q What is he? A Colored.
- Q You make no application for him? A No sir.
- Q Have any of your ancestors ever been out to the Choctaw Nation in Indian Territory? A No sir.
- Q You never have been out there? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Five.
- Q What are their names and ages? A William Henry.
- Q How old is he? A Ten.
- Q Next? A George.
- Q How old is he? A Eight.
- Q Next? A Johnnie.
- Q How old is he? A About six, I think.
- Q Next? A Lizzie.
- Q How old is she? A Going on five.
- Q Next? A Izzie.
- Q Is that a girl or boy? A Girl.
- Q How old is she? A Going on three.
- Q Is that all your children? A Yes sir.
- Q Are they all living with you now? A Yes sir.
- Q What is the name of the father of these children? A Henry Hudson.
- Q He is the father of all of them, is he? A Yes sir.
- Q The three oldest are boys and the two younger girls? A Yes sir.
- Q Is your name or the name of anyone of these children to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of the Tribe or did anyone else ever make such an application for you or for your children? A No sir.
- Q Did you or anyone 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 of your children? A No sir.
- Q Then, neither you nor any of your children have 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, have you? A No sir.
- Q Have you ever made any application of any description prior to today? A No sir.
- Q Do you now desire to make application for the identification of yourself and minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, here in Mississippi, between the United States Government and the Choctaw Tribe of Indians. At the time that treaty was made, the Choctaws lived here in Mississippi and in Alabama, on the Western edge of Alabama. The object of the treaty was to secure



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 30th, 1901.

In the matter of the application of Alice Hudson for the identification of herself and five minor children as Mississippi Choctaws.

Said Alice Hudson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Alice Hudson.  
Q What is your age? A Twenty-five.  
Q What is your postoffice address? A Java, Mississippi.  
Q What County? A Nemhoba County.  
Q How long have you lived in the State of Mississippi? A All my life.  
Q Is your father living? A No sir.  
Q What was his name? A George Wilson.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Eady Wilson.  
Q You claim to have Choctaw blood, do you? A Yes sir.  
Q How much do you claim to have? A One-fourth.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother and father both.  
Q How much Choctaw blood has your mother? A One-fourth.  
Q How much Choctaw blood had your father? A One-fourth.  
Q Did your father always live in the State of Mississippi? A I don't know, sir; I don't think he did.  
Q Where else did he live beside here? A I think Wilson raised him.  
Q Has your mother always lived here? A I don't know, sir.  
Q Did your father speak the Choctaw language? A No sir, sometimes a few scattering words.  
Q Did your mother speak the Choctaw language? A No sir.  
Q Do you speak the Choctaw language? A No sir.  
Q Through which one of his parents did your father derive his Choctaw blood? A Through his father, I think.  
Q What was his father's name? A Tom Wilson.  
Q What was the name of your father's mother? A I don't know, sir.  
Q How much Choctaw blood did Tom Wilson have? A He was a quarter I reckon.  
Q Did you ever see him? A No sir.  
Q Where did he live, do you know? A No sir, I don't know. I was small; I never did see him.  
Q How old would your father be if he were living now? A I don't know, sir.  
Q How old is your mother? A I don't know, sir.  
Q About how old is she? A She is an old woman.  
Q Do you think she is 70 years old? A Yes, I expect so.  
Q Is your mother's father living? A No sir.  
Q What was his name? A I don't know, sir.  
Q Is your mother's mother living? A No sir.  
Q What was her name? A Charity Windom.  
Q Did she have any Choctaw blood? A Yes sir.  
Q Wasn't she a slave? A Yes sir.  
Q Her father was a slave? A Yes sir.

Choctaw MCR 3141

Alice Hudson

MCR 3141

#1243

No. 3140

For Identification as a Mississippi Choctaw.

Date 21 1901

Name

Viola Lewis

Age

23

Blood 1/8

Post Office,

Collinsville, Miss.

Father:

Hughy Wilson

2

Mother:

Mattie

2

Claims through

father

Husbands

George Lewis

(no claim for husband)

Children:

(claim for self only.)

Stenographer

J. S. Miles

R. 3140

Viola Lewis

# REFUSED

DECISION RENDERED. FEB 11 1903  
NOTICE OF DECISION MAILED APPLICANT

FEB 11 1903

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 11 1903

RECORD FORWARDED DEPARTMENT:

FEB 27 1903

ACTION BY SECRETARY OF INTERIOR:

MAY 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAY 22 1903

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

MAY 22 1903

REFER TO M. C. R. 2884

COPY.

M.C.R. 3140

Muskogee, Indian Territory, May 22, 1903.

Viola Lewis,

Collinsville, Mississippi.

Dear Madam:

You are hereby notified that on the 11th 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 Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED).

*James Bixby*  
Chairman.

Viola Lewis-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Lizzie Hudson, Izzie Hudson, Joseph F. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, Dora Windham and Vellie J. Windham 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)

*Tames Bixby*

Acting Chairman

Registered.

COPY.

Muskogee, Indian Territory, February 11, 1903.

Viola Lewis,

Collinsville, Mississippi.

Dear Madam:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2958
Jesse Wilson,	M.C.R. 3126
Viola Lewis	M.C.R. 3140
George Wilson, et al.,	M.C.R. 3285
Emma Brooks, et al.,	M.C.R. 3143
Alice Hudson, et al.,	M.C.R. 3141
Joseph W. Windham, et al.,	M.C.R. 2950
Josiah Windham, et al.,	M.C.R. 3286

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:

Viola Lewis---6

her complexion nor features would indicate that she is possessed of Indian blood. She does not speak or understand the Choctaw language. Her hair, however, is not that of a full blood negro; it hangs nearly to her shoulders and is curly.

-----

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, July 30th, 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 21st day of August, 1901,  
at Meridian, Mississippi.

  
Notary Public.



Viola Lewis---5

- from the Government under this act of Congress? A No sir.
- Q Do you know anyone living who would likely know whether any of your ancestors appeared before either of the Commissions appointed under these acts of Congress or ever received any scrip from the Government? A No sir.
- Q Have you any further statements you want to make in support of your application at this time? A No sir.
- Q Do you know of the existence of any documentary evidence, written evidence of any kind, showing that any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Have you any written evidence of any description that you want to offer at this time in support of your application? A No sir.

You will be allowed a reasonable time in which to furnish written evidence, such as you see fit, to be filed in support of your application. The Commission would prefer, however, that you submit this evidence within thirty days if you are able to do so. You should have it here as soon as possible. If you wish to bring any witnesses before the Commission, you can do so; they should come to Meridian within a reasonable time and they will be examined by the Commission in your case. Of course you understand that the property rights you are asking for in your application are great and that your testimony should be supported by someone.

- Q Do you know anyone living who would be able to testify as to your ancestry and as to the amount of Choctaw blood that you have?
- A Yes, I know some people that know about my people.
- Q Who? A I know some out home; Mr. Ruffin.
- Q Who is Mr. Ruffin? A He is a preacher.
- Q Does he live here? A Yes sir.

If you have any witnesses here in town, you can bring them up and we will hear them in support of your application.

- Q Have you any brothers living? A Yes sir.
- Q How many? A Five.
- Q What are their names? A James Wilson, William, Jesse, Hugh, and Roy Wilson.
- Q You were present at the session of the Commission yesterday, were you not? A Yes sir.
- Q Did you have any brothers here yesterday? A Yes sir.
- Q Was Jesse Wilson, who appeared before the Commission yesterday, your brother? A Yes sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Five.
- Q What are their names? A Ardella Lewis, Alma Wilson, Missouri Wilson, Ann Eliza Wilson and Alice Wilson.
- Q Only one of them is married? A Yes sir.
- Q Have any of these people been before the Commission except Jesse?
- A Yes sir, James and William.
- Q Has your father been before the Commission? A Yes sir.
- Q When was he here? A He was here about three weeks ago, I think.

This applicant has the appearance of being a negro, neither

Viola Lewis---4

had land bought it.

Q Do you know anyone living who would be likely to be informed on this subject and know about that, whether they ever got any land from the Government, or not? A No sir.

Q Did any of your ancestors ever receive any land from the Government under the provisions of any other article of the treaty of Dancing Rabbit Creek ~~than the~~ than the 14th article, or under the supplement to that treaty? A No sir. They never got no land as I knows of.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of Choctaw Indians who might desire to remain here in Mississippi and become citizens of the States in accordance with the provisions of the 14th article. The records of the Government show that this agent failed to record the names of many Choctaws who did infact signify to him their intention to remain and take advantage of the provisions of this 14th article, and he failed to report their names to the Government. On this account in many instances lands upon which Choctaws lived and had improvements was sold by the Government at its public land sales. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act, which was approved March 3, 1837, providing for the appointment of a Commission whose duty it was to come to Mississippi and hear the claims of Choctaws who claimed that the Government had sold their land, upon which they had improvements and intended to take under the 14th article. This Commission was duly appointed by the President and came to Mississippi and heard a number of these cases, but in the time allowed to them under the Act of Congress under which they were working, they were unable to hear nearly all of the cases. Congress then passed another act, which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up this work of hearing Choctaw cases. That Commission was duly appointed by the President and heard a great many more Choctaw cases.

Q Do you know whether any of your ancestors appeared before either one of those Commissions and attempted to establish their rights under article 14 of the treaty? A No sir, I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty but that his land had been sold by the Government, he should be given the privilege of selecting land in Mississippi, Alabama, Arkansas or Louisiana, vacant Government land, and he was to be given a certificate, saying that he was entitled to so select land. These certificates were called scrip.

Q Do you know whether any of your ancestors ever received any scrip

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

Q That is the 14th article of the treaty of Dancing Rabbit Creek. Do you think you understand that clearly? A Yes sir, I understand it.

Q Did any of your Choctaw ancestors, your forefathers, ever comply with the provisions of the 14th article of the treaty? Did they ~~never~~ carry out the provisions of the 14th article of the treaty that I have just read to you? A No sir, not as I know of.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Yes sir.

Q What one of your ancestors was living here then? A My grandmother and grandfather did.

Q Eady and George Wilson? A Yes sir, both of them were over 70 years old.

Q Where did they live at that time? A In Neshoba County.

Q Did they own an improvement here at that time? A No sir.

Q They were slaves at that time, were they not? A Yes sir.

Q Did they belong to the Indians or did they belong to white people? A To white people.

Q Were they recognized members of the Choctaw Tribe at that time?

A I don't know, sir.

Q It is hardly probable that they were if they were slaves, is it? A No sir.

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 greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A No sir.

Q Were any of your Choctaw ancestors at that time in slavery, in 1830? A Yes sir, I think they were. My mother and father was and their mothers and fathers was.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified 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, sir.

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

Q Are you sure that none of your ancestors got any land under this article? A No sir, didn't none of them get any land. Those that

Viola Lewis---2

talk very much. I heard him talk some Indian.

Q What you mean is he knows a few Choctaw words, is that it?

A He can talk some few of the words with them but he can't talk it much.

Q Could his father or mother, with of them, talk the Choctaw language? A Yes sir, a little.

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

Q Could their parents talk Choctaw? A I don't know, sir; I have never seen them.

Q Did any of your father's ancestors go out to the Indian Territory?

A No sir, not as I know of.

Q Have they always lived in Mississippi, so far as you know?

A Yes sir.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

Q Has he any Choctaw blood? A Well, I don't know, sir.

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

Q Have you any children? A No sir.

Q This application then is for yourself alone, is it? A Yes sir.

Q What is the name of your husband? A George Lewis.

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

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be admitted or enrolled as a member of that Tribe? A No sir.

Q Did anyone else ever make such an application for you? A No sir.

Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes, this Commission, for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made any application of any description prior to this time to establish your rights as a Choctaw Indian? A No sir.

Q Do you now desire to make application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The Treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At the time this treaty was made, the Choctaws occupied a country comprising part of the State of Mississippi and part of the State of Alabama, along the Western edge of Alabama. The object of the treaty was to bring about the removal of those Choctaws from the country occupied by them east of the Mississippi River to a new country West of the Mississippi, a part of which is now occupied by the main part of the Choctaw Tribe of Indians. At the time this treaty was made, some of the Indians were unwilling to remove to the new country and insisted upon remaining here in Mississippi and Alabama. For the benefit of this class of Choctaws the 14th article was put in the treaty. That 14th article is as follows:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be per-

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 30th, 1901.

In the matter of the application of Viola Lewis for the identification of herself as a Mississippi Choctaw.

Said Viola Lewis, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Viola Lewis.  
Q What is your age? A Twenty-three.  
Q What is your postoffice address? A Collinsville, Mississippi.  
Q What County? A Lauderdale County.  
Q How long have you lived in the State of Mississippi? A All my life.  
Q Is your father living? A Yes sir.  
Q What is his name? A Hughy Wilson.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mattie Wilson.  
Q You claim to have Choctaw blood, do you? A One eighth.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.  
Q Has your father always lived in the State of Mississippi? A Yes sir.  
Q Did he ever go out to the Choctaw Nation in Indian Territory?  
A No sir.  
Q Have you ever been out there? A No sir.  
Q How old a man is your father? A I don't know, sir, fifty I reckon.  
Q You claim he is one-fourth Choctaw, do you? A Yes sir.  
Q What is your mother? A Well, she has never claimed any at all.  
Q What is her blood? A Colored.  
Q Was your mother a slave? A Yes sir.  
Q What is the balance of your father's blood beside Choctaw?  
A Colored.  
Q Was he a slave too? A Yes sir.  
Q Were your father's father and mother slaves? A Yes sir.  
Q Do you know the name of your father's father? A George Wilson.  
Q Do you know the name of your father's mother? A Eady Wilson.  
Q Are either of them living now? A His mother is living; father is dead.  
Q Through which one of his parents did your father derive his Choctaw blood? A On his mother's and father's side. My father's grandfather's mother was half Indian and his mother too.  
Q How much Indian blood did your father's father have? A One-fourth.  
Q How much Indian blood did your father's mother have? A One-fourth.  
Q How old is Eady? A She is pretty old, I reckon about eighty.  
Q Do you know the names of her father and mother? A Yes sir, I knew my grandfather's name was Tom Wilson and my great grandmother was named Charity Window.  
Q These are the names of the parents of George Wilson, your grandfather on your father's side; do you know the name of Eady's father or mother? A No sir.  
Q Does your father speak or understand the Choctaw language? A Yes, some of it.  
Q Can he converse with the Choctaws in their language? A No can't

Choctaw MCR 3140

Viola Lewis

MCR 3140

For Identification as a Mississippi Choctaw.

Date AUG 1 1904

Name Maria Gipson

Age 42 Blood 1/8

Post Office, Mexia, Texas

Father: David Williamson (dead)

Mother: Elizabeth "

Claims through mother

husband: T. H. Gipson  
(no claim for him)

Children:

James Owens 18.

Eugene " 16

Florence " 15

Father: W. F. Owens (dead)

Conard Gipson 8

Dalton " 5

Claims for self and 5 children

Stenographer

G. Rosenwinkel

Department of the Interior.

... Civilized Tribes  
... MUSKOGEE, IND. TER.

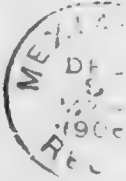


Maria Gibson,  
Muskogee, Texas.

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TO  
WRITER



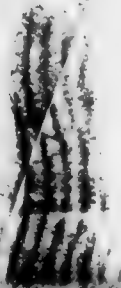


Director  
Commissioner to the Interior

F I L I E

*[Handwritten signature]*

Commissioner.



R. 3139

Maria Wilson, et al

DECISION RENDERED JAN 23 1903

2857

Present address  
not known

General Office  
Notice that Sec. of Int. has affirmed  
Commission's decision

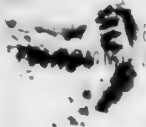
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Department of the Interior.  
Commission of Land Title & Survey, Tulsa,  
MUSKOGEE, IND. TER.  
official business.  
Penalty for private use, \$300.

3139

ME  
5-2



RECORDED  
INDEXED  
AUG 19 1903

*[Handwritten signature]*

CHANDLER

*mm*

REFER IN REPLY TO THE FOLLOWING:

MCR 3139

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

Muskogee, Indian Territory, December 6, 1906.

Maria Gipson,  
Mexico, Texas.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Tempie McAllister, et al.

Respectfully,

*W. O. Beall*

Acting Commissioner.

93

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

REFER IN REPLY TO THE FOLLOWING

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

M.C.R. 3139.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

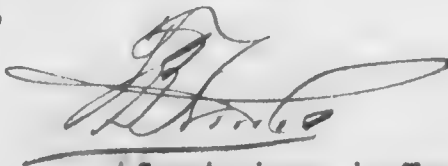
Muskogee, Indian Territory, July 13, 1903.

Maria Gipson,  
Mexia, Texas.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,



Commissioner in Charge.

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Buritty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Leo Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Leo Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etna May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clara Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that 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,

*C. A. Brantley*

Commissioner in Charge.

Acting Chairman.

Registered.

William J. Adams,	M C R 3854
Cynthia Adams Hill, et al.,	M C R 3863
William M. Blakeley, et al.,	M C R 4148
Ida Calame, et al.,	M C R 1487
Mollie Blacklidge,	M C R 1489
Aleck Blacklidge, et al,	M C R 1490
Lula Haskins, et al.,	M C R 1488
John Jordan, et al.,	M C R 1469
Frances O. Vollentine, et al.,	M C R 5063
John T. Vollentine,	M C R 5064
Callie V. Bryant, et al.,	M C R 5065
William S. Blakeley, et al.,	M C R 5066
James E. Blakeley, et al.,	M C R 5067
Ralph Tyler,	M C R 5068
Walter S. Blakeley, et al ,	M C R 5069
Mary M. Bird, et al.,	M C R 5321
Cora Langston, et al.,	M C R 5322
Annie C. Lawhon, et al.,	M C R 5323
Laura E. Bird, et al.,	M C R 5324
Oscar Thomas Boyd, et al.,	M C R 5448
John Blakeley, et al.,	M C R 5873
Albany Kennedy, et al.,	M C R 5874
Mary Frances Knowles, et al.,	M C R 5875
Sarah A. Harris, et al.,	M C R 5876
Thomas L. Kennedy,	M C R 5877
Robert E. Kennedy, et al.,	M C R 5878
James Overstreet, et al.,	M C R 499
Thomas J. Overstreet, et al.,	M C R 500
William H. Overstreet,	M C R 503
Belle Rape, et al.,	M C R 504
Cornelius L. Overstreet,	M C R 505
Riley Overstreet, et al.,	M C R 506
Rebecca Overstreet, et al.,	M C R 507
John A. Overstreet, et al.,	M C R 508
John F. Overstreet, et al.,	M C R 554
Emma Simpson, et al.,	M C R 674

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

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

Said decision concludes as follows:

“It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou



## COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3139

Muskogee, Indian Territory, January 23, 1903.

A GROSS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

**Maria Gipson,**

**Mexia, Texas.**

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

Tempie McAllister, et al.,	M C R 2857
Robert E. Lee, et al.,	M C R 1468
Melissa Boyd,	M C R 1485
Ethel Sherrer,	M C R 1486
Fred Lee,	M C R 1491
Vernile Lee,	M C R 1492
Jacob C. Lee, et al.,	M C R 1515
Nannie Wood, et al.,	M C R 1516
Claudia Murray, et al.,	M C R 1517
George W. Lee, et al.,	M C R 1518
Shade Gore,	M C R 1519
Nancy A. Williams, et al.,	M C R 1743
Hiram Blakeley, et al.,	M C R 2541
William Lee, et al.,	M C R 2559
Jacob H. Lee,	M C R 2694
Nancy A. Schmidt, et al.,	M C R 2695
Fred B. Lee,	M C R 2696
Lillian Thomas, et al.,	M C R 2853
Margie Adams, et al.,	M C R 2854
Oral Boyd, et al.,	M C R 2855
William D. Williamson, et al.,	M C R 2856
Arcada DuBose, et al.,	M C R 2858
Albert Edward Boyd,	M C R 2859
Olive Smith, et al.,	M C R 2888
William Cary DuBose,	M C R 2889
J. Dale Adams,	M C R 2898
William L. Blakley,	M C R 2890
Sarah M. Adams, et al.,	M C R 2901
Merlin C. Adams, et al.,	M C R 2902
Thomas B. Ross, et al.,	M C R 2903
Arthur A. Ross, et al.,	M C R 2904
Mattie Forsythe, et al.,	M C R 2997
Maria Gipson, et al.,	M C R 3139
Lawrence L. Boyd, et al.,	M C R 3154
Joseph K. Boyd, et al.,	M C R 3155
Nora B. Hilley,	M C R 3156
William F. Walker,	M C R 3157
John Owens,	M C R 3158

- Q Do you know whether Elizabeth Blakley owned any land in Mississippi? A I don't know, they lived on a house and called it theirs but how they got it I don't know.

Examination by Attorney A. Tello.

- Q I will ask you Mrs. Harrington if you were at Elizabeth Blakley's house very often? A Yes.
- Q And were well acquainted with her? A I was well acquainted with her.
- Q Did you ever see any other Choctaws around where she lived? A A Why I seen them knocking around there.
- Q And common report had it that she was one of the Choctaws? A Yes.
- Q Do you remember where Elizabeth Blakley died? A Yes.
- Q Where did she die? A In Mississippi.
- Q Were you present at her burial? A Yes.
- Q What was her appearance? A Well she was a dark haired and dark complected, eyes black, heavy set.
- Q Do you know whether she spoke the Choctaw language? A She would not unless she was talking to some of them.
- Q She could talk to the other Choctaws that came to her? A Yes she could.
- Q Do you know Mrs. Elizabeth Williamson the lady that was a witness in this case? A Yes.
- Q Do you know her to be a descendant from Elizabeth Blakley? A Yes.
- Q You know the whole family ever since you went to Mississippi and every branch of it that came from that common origin? A Yes I did.

Witness Excused.

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 cases and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cases, heard at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*  
Subscribed and sworn to before me this 27th day of September 1901

*Charles H. Sawyer*  
Notary Public

- Q About how old? A I reckon about fifteen.
- Q What is your nationality? A What is my nationality?
- Q Yes? Well I don't hardly know what you want.
- Q Are you a white woman? A Yes I pass for one.
- Q You don't make any claim to Indian blood? A No I don't make any claim to Indian blood.
- Q Are you acquainted with William L. Blakley, Mattie Woraythe, Melissa Boyd, Thomas B. Ross, Arthur A. Ross, Olive Smith, Sarah H. Adams, Merlin C. Adams, J. Dale Adams, Tempie Mc Allister, Albert Edward Boyd, Arenda DePose, Oral Boyd, William A. Williamson, Margie Adams, Lillian Thomas, Maria Gipsen, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora B. Hilley and John Owens? A Yes.
- Q You know all of them? A Yes.
- Q Are you related to them in any way? A Not at all.
- Q What relation are they to each other if any? A Which one.
- Q All of these people, are they related to each other in any way? A Yes.
- Q Do you know how? A Yes.
- Q Well state as well as you can how? A Why Sarah and Tempie are sisters and Nora Hilley is her daughter.
- Q Well are these others related to each other in any way? A Well these boys are their children or grandchildren. They are related every one.
- Q All of them come originally from the same ancestor? A Yes.
- Q Were you acquainted with that ancestor? A Yes.
- Q What was the name of that ancestor? A Blakley.
- Q What was her given name? A Elizabeth.
- Q Then these people who have applied here for identification as Mississippi Choctaws are the children and grandchildren and great grandchildren of Elizabeth Blakley? A Yes.
- Q Was she a Choctaw Indian? A Well they called her that or she looked like it.
- Q Did she look like a full blood? A Well not a full blood, they all said she was half.
- Q Was she recognized by the Indians there in Mississippi as an Indian? A I reckon so, I don't know, I didn't live right close there but they were there a heap.
- Q They associated with her as they did among themselves? A I don't know if they did that or not but they was there.
- Q You were not living in Mississippi at the time when this treaty was made? A So I heard them talking about it.
- Q After you moved to Mississippi? A Yes.
- Q Were you living in Mississippi between the years 1836 and 1847? A I don't remember, I just can't recollect any certain time or what date to save my life.
- Q You think you were about fifteen when you went to Mississippi? A Yes.
- Q And you were born about eighteen hundred and twenty-seven? A Yes.
- Q And you went to Mississippi when you were about fifteen years old? A Yes.
- Q Then you must have gone to Mississippi about the year 1842, or about that time? A I guess so.
- Q Do you remember anything about when these Commin' eners were sent down by the United States to Mississippi to find out which of the Indians were entitled to land in Mississippi? A I don't know anything about it but I heard father speak about it.
- Q You don't know then whether Elizabeth Blakley or her husband went to these Commin' eners and tried to get land there in Mississippi? A No I do not know.

- Q Do you know whether Elizabeth Smith or Blakley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there and become a citizen of the United States? A I don't know, I was small then and my memory is bad now.
- Q Do you know whether Elizabeth Blakley, your mother, owned any land in Mississippi? A No I do not.
- Q Where were they living in Mississippi when you remember them? A In Newton County.
- Q Did they own the land they lived on? A I don't know whether they did or not. The Choctaws were all living there then, that is the most of them.
- Q Do you remember whether your mother Elizabeth Blakley or your father John Blakley ever sold any land there in Mississippi? A No I don't.
- Q And they lived in Newton County? A Yes Newton County Mississippi.
- Q Did your mother speak Choctaw? A Yes and I could almost as good as they could.
- Q You speak Choctaw now can you? A Yes I have not for of all of it. I have forgot some of it.

Examination by Attorney A. Telle.

- Q I want to ask you, your mother's name was Elizabeth Blakley and your father's name John Blakley? A Yes.
- Q Can you tell me the names of the other children of their's? What was their names, please? A Their names of mine?
- Q He their.--give me the names of your brothers and sisters? A John, Fannie, Nancy, Mary, Nellie and William Blakley and my own name comes in there, Elizabeth--now have you Rhoda Blakley.
- Q How the next after Rhoda? A Russell Blakley, Albany Blakley, Tempie Blakley, James Blakley, Mathera Blakley and Sarah Ann Blakley.

Witness excused.

Ralda Jane Barrington being called as a witness testified as follows, being first duly sworn:

- Q What is your name? A Barrington, H.J.
- Q What does that H. stand for? A It stands for Hulda Jane, put it all together and it makes a name.
- Q What is your age? A I will be seventy-four the last day of August, the 20th day.
- Q Where do you live? A Live in Hill County.
- Q What is your post-office address? A Hubbard City.
- Q Texas? A Yes.
- Q How long have you lived in Texas? A Ever since the war broke out.
- Q Were you born in Mississippi? A No.
- Q Where were you born? A In Tennessee.
- Q How old were you when you left Tennessee? A Ten years old.
- Q Where did you go from Tennessee? A I went to Alabama.
- Q How long did you live in Alabama? A Well I don't know exactly.
- Q Where did you move to from Alabama? Went to Mississippi, Kemper County.
- Q About how old were you when you went to Mississippi? A Oh! well I just can't tell you that.

- Q Where did you live before you lived in Texas? A In Mississippi, in Newton County.
- Q Where were you born? A In Mississippi.
- Q You say you are eighty-one years old? A Yes I will be now in three or four days.
- Q You were born about the year 1820 then? A Yes I reckon so-- I don't know.
- Q Were you living in Mississippi in eighteen hundred and thirty? A Yes.
- Q How old were you when you moved away from Mississippi? A I was about forty to fifty years.
- Q You say you lived in Texas fifty years? A Yes.
- Q How old were you when you left Mississippi? A I was born in 1820, you can count it.
- Q About how old were you? (By Attorney, was it before the war?) Yes I was in Texas during the war.
- Q Were you married when you left Mississippi? A Yes.
- Q Then you were living in Mississippi in eighteen hundred and thirty? A Yes.
- Q That was when you were about ten years old? A I was living in Mississippi when I was married.
- Q About how old were you when you were married? A Eighteen going on twenty.
- Q Do you remember when the treaty was made between the United States and the Choctaw Indians called the treaty of Dancing Rabbit Creek? A Yes I ought to.
- Q Well do you remember it? A Not in my memory.
- Q Do you remember when the men went down there in Mississippi to find out which of the Indians were entitled to land under the fourteenth article of the treaty of 1830? A I do not know about that.
- Q What do you say your mother's name was? A Smith.
- Q What was her given name? A Elizabeth before she was married. She married a man by the name of Blakley.
- Q Your mother then was married before the year eighteen hundred and thirty? A I forget.
- Q Well you say you were born in 1820, then your mother must have been married in 1830, as you would have been ten years old at that time? A I don't know I forget now.

By Attorney Wells.

- Q She had been married a good many years tho'? A Yes.

By the Commission.

- A Did you know whether Elizabeth Blakley came West with the other Choctaw Indians between eighteen hundred and thirtythree and thirty-eight? A No she never came I think.
- Q Did you know her up to the time of her death? A Yes.
- Q Did you know your mother up to the time of her death? A Yes I was small.
- Q Where did she die? A In Mississippi.
- Q Did she always live in Mississippi to the best of your knowledge? A To the best of my knowledge.
- Q You never heard of her living anywhere else? A No I never did.
- Q And she lived there up to the time she died? A Yes.

- Q What is your n. m.? A Williamson.
- Q What is your first name? A Elizabeth.
- Q How old are you? A I will be eighty-one years old in a few days.
- Q What is your post-office address? A Dawson, Texas? A Yes; Texas.
- Q What Nationality do you claim to be? A I claim to be Indian.
- Q What kind of Indian? A Choctaw.
- Q How much Choctaw blood do you claim to have? A Well my grandfather married a Mississippi Choctaw and my grandmother had a daughter, she was my mother. She married a man by the name of Blakley.
- Q You mean that this white man and your grandmother had a daughter and that daughter was your mother? A Yes.
- Q And it was your mother who married a Blakley? A Yes.
- Q How much Choctaw blood did your mother claim to have? A She was a one-half.
- Q Are you a recognized Choctaw Indian, a member of the Choctaw Tribe of Indians in the Indian Territory? A Yes I reckon so.
- Q A recognized member of the Choctaw Tribe, here in the Territory? I don't know, I live in the Territory now.
- Q Did you ever live in this Indian Territory? A Yes when I was little.
- Q Did you live in this Choctaw Nation in the Indian Territory? A Never here, I did not. I lived in Taylor County Mississippi.
- Q Then you were not a recognized member of the Choctaw Tribe of Indians in the Indian Territory? A Not in this Territory. I was before.
- Q Where were you a recognized member of the Choctaw Tribe of Indians? A I don't know whether I was or not.
- Q Where were you a recognized Choctaw Indian? A Yes.
- Q Where? A In Mississippi, in Newton County.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Do you want to make application for identification as a Mississippi Choctaw? A No, just for my children and grandchildren.
- Q You want to give your testimony here in the cases of your children and grandchildren? A Yes.
- Q Are you acquainted with William L. Blakley, Mattie Veraythe, Melissa Boyd, Thomas H. Hess, Arthur A. Ross, Olive Smith, Sarah M. Adams, Merlin O. Adams, J. Dale Adams, Tempie McAllister, Albert Edward Boyd, Afonda Rufess, Oral Boyd, William D. Williamson, Margie Adams, Lillian Thomas, Maria Gipson, Joseph K. Boyd, Lawrence L. Boyd, William F. Walker, Nora R. Milley and John Owens? A Yes.
- Q Are you related to them? A Yes-- he is my son William D. Williamson.
- Q Are you related to all of them? A Yes they are my children and my sister's children or my grandchildren or my sister's grandchildren. They are all related to me.
- Q To all of these people got their Choctaw blood through the same ancestor or that you do? A Yes.
- Q And what is that ancestor's name? A That comes through me.
- Q Do they all claim their Choctaw blood through you? A Yes.
- Q Your sister's children and grandchildren do not claim their Choctaw blood through you? A Well, through my grandmother, she was Choctaw. My Grandmother was one-half Indian.
- Q You are living in Texas now? A Yes.
- Q How long have you lived in Texas? A Nearly fifty years, about forty seven or forty-nine years.

In the matter of the application of Arcade Dubose et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2852.

In the matter of the application of Oral Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2856.

In the matter of the application of William D. Williamson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2858.

In the matter of the application of Margie Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2854.

In the matter of the application of Lillian Thomas et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2853.

In the matter of the application of Maria Gipsen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3139.

In the matter of the application of Joseph K. Boyd et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3155.

In the matter of the application of Lawrence L. Boyd et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3154.

In the matter of the application of William F. Walker for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3157.

In the matter of the application of Vera B. Hilley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3156.

In the matter of the application of John Owens for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 2, 1901, M.C. 3158.

Hilkeith Williamson being called as a witness in the above and foregoing cases, duly sworn testified as follows:

-Examination by the Commissioner-

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of William L. Kinkley for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 9, 1901, M.C. 2890.

In the matter of the application of Mattie Paraythe et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 20, 1901, M.C. 2997.

In the matter of the application of Melissa Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, March 7, 1901, M.C. 1485.

In the matter of the application of Thomas B. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Arthur A. Ross et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of Olive Smith et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 9, 1901, M. C. 2888.

In the matter of the application of Sarah N. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2901.

In the matter of the application of Merlin C. Adams et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2904.

In the matter of the application of J. Dale Adams for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 10, 1901, M.C. 2900.

In the matter of the application of Timpie McAllister et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2867.

In the matter of the application of Albert Edward Boyd for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 8, 1901, M.C. 2859.



#3

- Q Can you secure evidence on that point? A I think I can.  
Q You understand the importance of having evidence to show whether or not she went to the Indian Agent and told him that she wanted to stay there? A Yes.  
Q Is there anything else that you want to say at this time?  
A No.  
Q Did your grandmother Elizabeth Blakely have a Choctaw name?  
A Not that I know of.  
Q Did your grandmother speak the Choctaw language? A My mother did but I never knew my grandmother. My grandmother died in Mississippi.  
Q Have you any papers that you want to file now? A Not right now.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

Examination by Attorney A. Telle.

- Q Your mother is present as a witness in this case? A Yes.  
Q Is she an applicant for identification as a Mississippi Choctaw?  
A No.

By the Commission.

- Q You wish to introduce the testimony of your mother in your case?  
A I reckon she can make her own testimony.  
Q I asked you if you wanted to have her examined as a witness in your case? A Yes.  
Q And you say that you wish to have Mrs. Barrington examined as a witness in your case? A Yes and Mrs. Adams also or Mrs. McAlister.

The applicant in this case has grayish-brown hair, blue eyes and rather fair complexion. Her features and general appearance are those of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears that her grandmother, through whom she claims lived and died in Mississippi, also that she or her husband owned land in that State.

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 1, 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 7<sup>th</sup> day of September 1901.

*G. Rosenwinkel*  
*Charles K. Sawyer*

Notary Public.

- Q Did any of your ancestors own any land in any of these States?  
A My grandfather owned land.
- Q Where? A I think it was in Newton County Mississippi.
- Q Was your grandfather a Choctaw Indian? A No it was my grandmother.
- Q Do you know how your grandmother owned that land? A No.
- Q You know I suppose that you can have the records of the land office examine and find out how they owned that land and what disposition was made of it? A Yes.
- Q Do you understand that this is a material matter in your case?  
A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Elizabeth Blakely.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father's name? A My mother's father's name?
- Q Yes? A John Smith.
- Q Your mother's father? A Yes---John Blakely.
- Q What was your mother's mother's name? A Elizabeth Smith, she married John Blakely.
- Q Do you remember your grandmother? A No.
- Q How old is your mother? A She is eighty.
- Q Your mother then was born before the date of this treaty of eighteen hundred and thirty? A Yes.
- Q And your mother's mother's name was Elizabeth Blakely? A Yes Elizabeth Williamson it is now.
- Q Then Elizabeth Smith married John Blakely before the date of this treaty of eighteen hundred and thirty? A Yes I have been told that.
- Q Well, you say your mother is eighty years old? A Yes
- Q And your mother is the child of Elizabeth Blakely? A Yes.
- Q How much Choctaw blood did your grandmother Elizabeth Blakely claim to have? A One-half.
- Q Have you any evidence to show that your grandmother Elizabeth Blakely was a one-half Choctaw Indian? A Yes.
- Q What kind of evidence? A Mrs. Barrington, Mrs. Adams and mother.
- Q Who is Mrs. Barrington? A That is an old lady who was raised with my parents.
- Q Is she any relation of yours? A No.
- Q Have you any other outside evidence to show that your grandmother Elizabeth Blakely was a Choctaw Indian? A No we have witnesses to show on the affidavits.
- Q I mean have you any other outside evidence that your grandmother Elizabeth Blakely was a Choctaw Indian except Mrs. Barrington? A No only depositions.
- Q Of who? A Old people.
- Q Of what old people? A Willis Walker and his wife.
- Q Are they related to you? A No.
- Q They know that your grandmother was a Choctaw Indian? A Yes.
- Q You expect to offer that evidence do you? A Yes.
- Q Did Elizabeth Blakely, your grandmother, come West with the other Choctaws between eighteen hundred and thirty-three and thirty-eight to the present Choctaw Nation? A No.
- Q Did she live in Mississippi in eighteen hundred and thirty? A Yes.
- Q You have evidence of that? A Yes
- Q Did she go to the Indian Agent there within six months after the treaty was ratified and tell him that she wanted to remain in Mississippi and take land there? A Not that I know of.

75

This law gives the Commission authority to determine the identity of applicants claiming 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 and give them land west of the Mississippi River in exchange for their land in the states of Mississippi and Alabama. The State of Mississippi was being filled up with white settlers and it was hard to protect the Indians in their Tribal government so the United States thought it would be better to give them land West of the Mississippi River and move them to that County where there would be no white people to trouble them and they could be unmolested in their tribal government but some of the Indians did not want to come away from their homes there and the others would not sign any treaty until some provision was made for those of their number who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Indians who did not want to go West. 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."

- Q Is that the provision under which you are claiming at this time?  
A Yes.

Within six months after the ratification of this treaty a large number of Indians went to the Indian Agent there and told him that they wanted to stay and take land there in Mississippi, but when a man came down there to locate the land for the Indians he found that the names of a great many of those who claimed to have gone to the Indian Agent and told him that they wanted to stay in Mississippi were not found on the roll which the Indian Agent had made so under different acts of Congress Commissioners were appointed to go down there into Mississippi and investigate and find out just who of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioner's passed on a great many cases, some were 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 by the Indians had not already been sold it was given to them, if the land had been disposed of, they were given scrip with which they could locate land on any of the public lands in the States of Mississippi, Louisiana, Arkansas or Alabama.

#9.

- Q How old? A Eight years old.
- Q Next? A Dalton.
- Q How old? A Five years old.
- Q These are the children of your present husband? A Yes.
- Q These are all of your children? A Yes, these are all my children.
- Q Is your name or are the names of your 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 to have yourself or your children enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? 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 have yourself or your children 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.
- Q What kind of an application do you want to make now? A Application for myself and children.
- Q For what? A Eighteen hundred and thirty the fourteenth article.
- Q Well what do you claim, what makes you think you have a right to make this application? A Under the treaty.
- Q Well, what do you claim under the Treaty? A The fourteenth article.
- Q I mean what do you claim. What right do you think the fourteenth article of the treaty of eighteen hundred and thirty gives you? A ( No answer )

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 28, 1896, known as the "Curtis Act" which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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."

- Q Now what is that you claim? A To be identified as a Mississippi Choctaw.
- Q You want to be identified as a Mississippi Choctaw? A Yes.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

3159

In the matter of the application of Maria Gipson for the identification of herself and her five minor children as Mississippi Choctaws.

Applicant represented by A. Telle her Attorney.

Said Maria Gipson being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Maria Gipson.  
Q How do you spell that last name? A G-i-p-s-o-n.  
Q How old are you? A Forty-two.  
Q What is your post-office address? A Mexia, Texas.  
Q How long have you lived there? A Four years.  
Q Where did you live before you lived there? A Freestone County.  
Q How long have you lived in Texas? A All my life.  
Q Were you born in Texas? A Yes.  
Q You never had a home anywhere outside of Texas? A No.  
Q What is your father's name? A David Williamson.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Williamson.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
Q Has your mother 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 Are you married? A Yes.  
Q What is your husband's name? A Gipson.  
Q What is his first name? A Ten or T. H. Gipson.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No, only for myself and five children.  
Q Your husband is a white man and makes no claim to Choctaw blood?  
A Yes.  
Q You say you have children for whom you wish to make application at this time? A I have six, but one is old enough to make application for herself.  
Q Give the name and ages of these children? A The eldest is James Owens, eighteen.  
Q Is that his surname? A Yes I have been married twice.  
Q Next? A Eugene Owens? A H  
Q How old? A She is sixteen.  
Q Next? A Florence.  
Q How old? A Fifteen.  
Q What is the name of these children's father? A W. T. Owens.  
Q Is he living or dead? A He is dead.  
Q Now give the names and ages of your other children? A Conrad Gipson.

Choctaw MCR 3139

Maria Gipson

MCR 3139

*W. J. Scott*

*P. 3738*

ENT

REMA

RECORD FORWARDED DEPARTMENT.

AUG 21 1905

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 28 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR HOUSTON AND CHICKASAW NATIONS.

MAY 11 1905

NOTICE OF DEPARTMENTAL ACTION

W. J. B. 788

No. 3138

For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Tiff F. Scott  
Age 20 Blood 7/16

Post Office, Pelican La

Father: Thomas W. Scott ✓

Mother: Harriet A. Scott (dead)

Claims through mother

Citizen:

Claims for himself alone

Stenographer

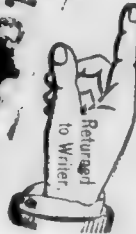
G. Rosenwinkel  
HR



M. C. R. - 3128

Unclaimed.

Unclaimed.



Tiff F. Scott,

Pelican, Louisiana.

Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



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

**FILED**

FEB 1 1904



CHIEF

MCR-3138

Muskogee, Indian Territory, March 9, 1907.

Tiff F. Scott,  
Pelican, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 11, 1905.

Tiff Y. Scott,  
Pelican, Louisiana,

Dear Sir:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,

Chairman.

M C R 3138

Muskogee, Indian Territory, January 19, 1904.

Irene Powell, P. M.,  
Pelican, Louisiana.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask what disposition to make of a registered letter from this office addressed to Tiff F. Scott, Pelican, Louisiana. You state that you do not know his present address.

In reply you are informed that you may return said letter to this Commission.

Respectfully,

Commissioner in Charge.

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, Mc Murray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.  
Registered

Chairman.

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

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

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

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

Muskogee, Indian Territory, December 7, 1905.

Tiff F. Scott,

Pelican, Louisiana.

Dear Sir:

The Secretary of the Interior with his letter of November 25, 1905, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1905, you transmitted a petition for a re-hearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one



CO.

M.O.R. 3136

Muskogee, Indian Territory, November 24, 1902.

Tiff P. Scott,

Pelican, Louisiana.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

*Thomas D. Doby*

Acting Chairman.

Howell, Jinnie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Mayme Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Register.

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 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 Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Eliza C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion B. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxey M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thaddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 3130

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, May 27, 1902.

Tiff T. Scott,

Pelican, Louisiana,

Dear Sir:

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

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

T. F. H. 2.

testimony of such witnesses as present themselves in person  
in support of your application.

Yours truly,

N. P. 5188.

Commissioner in charge.

Muskogee, Indian Territory, January 3, 1902.

W. F. Scott,

Feliana, Louisiana.

Dear Sir:

In the matter of the application for identification as a Mississippi Choctaw of Barge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Atoka, Indian Territory on August 1, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday, February 5, 1902 at nine o'clock A. M. there will be heard the

Q You understand that in making application for valuable property rights that the unsupported statement of the party in interest carries very little weight with it even if taken under oath, and you understand the importance of securing evidence to substantiate the statement you have made in your application? A Yes.

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 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on August 1, 1901.

*G. Rosenwinkel*

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

*Charles W. Sawyer*

Notary Public.

- Q Did Elizabeth Foster or your great grandfather Foster go to the Indian Agent there in Mississippi with six months after the treaty was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States? A I don't know.
- Q You think you can secure any evidence to show that your great grandfather and mother lived in Mississippi in eighteen hundred and thirty and were Choctaw Indians? A I think so.
- Q Do you think you will be able to secure any evidence as to whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi? A I think I can.
- Q Did your great grandfather ~~your~~ mother Elizabeth Foster have any Choctaw name? A I don't know.
- Q Which one of your ancestors owned land in Alabama? A I don't know.
- Q You don't know the name? A No.
- Q You don't know what relation he was to you? A It was my great grandfather or mother one, I don't know which.
- Q You know how they owned it? A No.
- Q Do you know that you can by examination of the land records in this State find out how that land was owned by your great grand parents and what disposition was made of it? A Yes.
- Q Do you expect to do that? A Yes.
- Q You understand that it is a matter of importance to your case to have some evidence on that point do you? A I do.
- Q Is there any other statement that you would like to make at this time in support of your application? A No, but I would like to have the evidence of Felix Sparks in the cases of Thomas Drue, Andrew J., and John G. Foster taken in my case.
- Q What relation are Thomas Drue, Andrew J., and John G. Foster to you? A John G. Foster is my own uncle and Thomas Drue and Andrew J., are my half uncles.
- Q Your mother's brothers and half brothers? A Yes.
- Q You mean that you want to have certified copies of the testimony of ~~Andrew~~ Felix Sparks given in these cases filed in your case? A Yes.
- Q Have you any papers that you want to file now? A No.
- Q You say that your mother claims her Choctaw blood through her father? A Yes.
- Q Have you evidence of the marriage of your father and mother? A No but I can get it.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of your application.

- Q Do you speak the Choctaw language? A No.

The applicant in this case has dark red hair, blue eyes and florid complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his great grandmother through whom he claims lived in Mississippi in eighteen hundred and thirty and owned land in Mississippi or Alabama.



Within six months after the treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and become citizens of the United States and when a locating Agent was sent down by the United States to locate the land for these Indians it was found that a great many of those who claimed to have gone to the Indian Agent and told him that they wanted to stay were not found on the list made by him, so Commissioners were appointed under different acts of Congress to go down into Mississippi and investigate the matter and find out just who of the Indians was entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred claims, some they allowed and some were refused. In those cases which were allowed by the Commissioners and their action approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if the land had been sold the government issued scrip which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors ever own any land in these states? A Yes.
- Q In which one of these States? A Mississippi And Alabama.
- Q What part of Mississippi? A In Chickasaw County I think.
- Q Do you know what happened to that land? A No.
- Q Do you know who owns it now? A No.
- Q Which one of your ancestors owned that land in Mississippi? A A My great grandmother.
- Q What was her name? A Elizabeth Foster.
- Q You claim your Choctaw blood through your mother you say? A Yes.
- Q And she is dead? A Yes.
- Q Which one of her parents did she claim her Choctaw blood through? From her father.
- Q What was his name? A Richard Duke Foster.
- Q What was her mother's name? A My grandmother?
- Q Yes? A Sarah Jane Foster.
- Q Through which one of your grandfather's parents did he get his Choctaw blood? A I do not know.
- Q Do you know what your grandfather's father's name was? A No.
- Q Do you know what your grand father's mother's name was? A No, - - - - Her name was Elizabeth Foster.
- Q Through which one of Richard Duke Foster's parents did he claim his Choctaw blood? A Through his father.
- Q You don't know his father's name? A It was-I don't know.
- Q Was it Foster? A Yes but I don't know his given name.
- Q Well you said that your great grandmother Elizabeth Foster owned land in Mississippi. Was she a white woman or did she claim to be a Choctaw Indian? A One-half Indian.
- Q Then your grandfather Richard Duke Foster got his Choctaw blood from his mother also? A Yes.
- Q Did Elizabeth Foster or your great grandfather Foster come West with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? No they remained in Mississippi.
- Q They lived in Mississippi in eighteen hundred and thirty? A I think, I am not sure.
- Q You mean you don't know from your own personal knowledge? A That's what I mean.

- Q Have you ever before this time made application 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 I have not.
- 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 make application because my great grandfather was a Mississippi Choctaw Indian.
- Q Do you claim the right then to be identified as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.
- Q Why do you make claim then? A Because of the treaty of 1830 act fourteen which stated that the United States granted the Indians in Mississippi the right for land in the Indian Territory and my grandfather was one that ~~ix~~ did not go but stayed in Mississippi.
- Q Was your great grandfather a Choctaw Indian? A Yes.
- Q So you do claim then under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q And claim that your great grandfather did not come west with the other Choctaw Indians? A Yes, he stayed in Mississippi.

The law under which the Commission is acting at this time empowers it to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

- Q Do you understand the provisions of the fourteenth article? A I think I understand part.
- Q Well just state what your understanding of this article is? Well the United States granted the Indians in Mississippi a grant of land in the Indian Territory and some did go but remained in Mississippi and my great grandfather did not go.
- Q What makes you think then that their descendants have a right to make application here to be identified as Mississippi Choctaws. Was there anything in that article which provided for that? A I don't know.

Article fourteen of the treaty of eighteen hundred and thirty 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 portion of the Choctaw annuity."

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

3136

In the matter of the application of Tiff F. Scott for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Tiff F. Scott being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? Tiff- T-i-f-f F. Scott.  
Q How old are you? A Twenty-years.  
Q Are you married? A No.  
Q How does it come you are making application for yourself when you are only twenty? A I have been emancipated.  
Q Is your father living? A Yes.  
Q What is his name? A Thomas W. Scott.  
Q What is your mother's name? A Harriet A. Scott.  
Q Is she living? A No.  
Q Do you claim your Choctaw blood through your father or through your mother? A My mother.  
Q What is your post-office address? A Pelican, Louisiana.  
Q How long have you lived there? A Seven months.  
Q Where did you live before you lived there? A Grandcane in the same Parish.  
Q How long have you lived in Louisiana? A All my life.  
Q You never had a home anywhere except in Louisiana? A No.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your mother 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 You make 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 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 Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No, not that I know of.  
Q That was five years ago, did you make any such application? A No.  
Q Did your father? A No.  
Q Did you authorize any one yourself to make it for you? A No.  
Q Have you any reason to think that such an application was made for you? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.

Choctaw MER 3138

Tiff Scott

MER 3138

*Pearl Scott.*

*A. 3137*

RECEIVED

INTERIOR

RECORD FORWARDED DEPARTMENT. AUG 21 1904

**ACTION APPROVED BY SECRETARY OF INTERIOR** APR 29 1905

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY GENERAL CHOCTAW AND OTHER ALIEN NATIONS.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY GENERAL FOR APPLICANT.

MAY 11 1905

*78*

For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Pearl Scott

Age 28 Blood 7/16

Post Office, Pelican, La

Father: Thomas A. Scott

Mother: Harriet A. Scott (decd)

Claims through mother

Children:

Claims for herself alone.

Stenographer

G. Rosenwinkel.

JHC

MCR-3137

Muskogee, Indian Territory, March 9, 1907.

Pearl Scott,  
Pelican, Louisiana.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 11, 1905.

Pearl Scott,

Pelican, Louisiana,

Dear Madam:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this case.

Respectfully,

Chairman.



such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.  
Registered

Chairman.

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

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

Muskogee, Indian Territory, December 7, 1903.

Pearl Scott,

Pelican, Louisiana.

Dear Madam:

The Secretary of the Interior with his letter of November 26, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a re-hearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

M.C.R. 3187

COPY.

Muskogee, Indian Territory, November 24, 1902.

Pearl Scott,

Pelican, Louisiana.

Dear Madam:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

*James D. Kirby*

Acting Chairman.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymeo Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Luticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

C. J. HENRY

Acting Chairman.

Register.

Lycurgus Duke, et al.,	M C R	828
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Ella C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxv M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thuddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parleo C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Leo Smith, Laura Howell, Gladys L.

COMMISSIONERS.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M C R 3137

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 27, 1902.

Pearl Scott,

Pelican, Louisiana.

Madam:

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

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	758
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

P. S. B.

Five Civilized Tribes at Meridian, Mississippi, on Thursday,  
February 6, 1908 at nine o'clock A. M. there will be heard the  
testimony of such witnesses as present themselves in person  
in support of your application.

Yours truly,

M. S. 5137.

Commissioner in charge.



Muskogee, Indian Territory, January 3, 1902.

Pearl Scott,  
Bellevue, Louisiana.

Dear Madam:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Atoka, Indian Territory on August 1, 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

- Q Do you know where it was? A I think in Chickasaw County I am not sure about that.
- Q Is there anything else that you would like to say at this time? A I would like to file the evidence of Felix W. Sparks in the cases of Andrew J., Thomas Drue and John G. Foster.
- Q You mean you want to file a certified copy of the testimony that he gave in these cases? A Yes that is what I mean.
- Q Do you mean that you want to have him come here and testify in your case? A I want to get proof from him.
- Q Can you get his deposition? A Yes.
- Q Have you any papers that you want to file now? A Not now, I want to get a certificate and license in my father and mother's case. I think it has been filed in my brother's case, Richard M. Scott. If not I will get a copy of it.
- Q No it has not been filed? A Well I will get a copy of it and have it filed.

If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- A Yes I came here not knowing just what would be necessary but will get them and send it.
- Q You understand what proof is necessary? A Yes.

The applicant in this case has light brown hair and blue eyes and a fair complexion. Her features and general appearance are those of a white person.

- Q Do you speak Chectaw? A No.
- Q How much Chectaw blood did your great grandmother claim to have? One-half.

She does not speak the Chectaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although she states that she thinks her great grandmother owned land in Mississippi and lived at the time of the making of the treaty of eighteen hundred and thirty.

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 1, 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 2<sup>nd</sup> day of September 1901.

*Charles H. Sawyer*

Notary Public.

- Q What is your mother's ~~father's~~ mother's name? A Sarah Jane Foster.
- Q Through which one of your mother's parents did she get her Choctaw blood? A She didn't claim to have any.
- Q Didn't your mother claim to have any? A Oh, through my grandfather.
- Q Well your mother claimed her Choctaw blood through her father then? A Yes through her father Richard Duke Foster.
- Q Have you any evidence of the marriage of Richard Duke Foster to Sarah Jane Foster? A No but I can secure it.

It will be necessary for the Commission to be supplied with evidence of the marriage of your grandfather and grandmother in support of the application you make for identification as a Mississippi Choctaw.

- Q Is Richard Duke Foster dead? A Yes.
- Q How long has he been dead? A Since '78.
- Q Do you know how old he was when he died? A I think about sixty-two.
- Q It is your understanding then that your grandfather was living before the year 1830? A Yes.
- Q What was your grandfather's father's name? A I don't remember his given name but it was Foster.
- Q What was Richard Duke Foster's mother's name? A Elizabeth.
- Q Which one of Richard Duke Foster's parents claimed to be Choctaw? A His mother and we think also his father as several of the Fosters, our ancestors, owned land there.
- Q Do you know the names of any of these ancestors? A Moses Foster, my grandfather's brother.
- Q Well do you think you could claim any rights through your grandfather's brother? A I don't know that that would be allowed.
- Q Do you know where this Moses Foster owned land? A Don't know where, somewhere in Mississippi.
- Q Do you know the names of any of the other Fosters who owned land there? A William and S. Foster.
- Q What relation were they to you? A I can't say that.
- Q Do you know that you can have the records of land transfers in Mississippi examined and find out where these lands were? A Yes I expect to have that done and get all the information possible.
- Q Was Elizabeth Foster a Choctaw Indian? A She claimed to be.
- Q Have you any evidence to show that she was a Choctaw? A I think I can procure some evidence.
- Q Did she live in the old Choctaw Nation in eighteen hundred and thirty? A I think she did.
- Q Have you any evidence to show that she was living there at that time? A I think I can get some. I have a witness here to testify to that point.
- Q Who is that witness? A Felix W. Sparks.
- Q Has he ever testified here in person? A Yes he testified in my uncle's cases Thomas Drus, Andrew J., and John G. Foster.
- Q Has he ever testified in person here? A Yes I think he has.
- Q Did Elizabeth Foster come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to remain in Mississippi? A I don't know but I think I can get evidence on that.
- Q Did Elizabeth Foster own any land in Mississippi, Arkansas, Louisiana or Alabama? A I think she did in Mississippi.
- Q Do you know how she got that land? A No.

- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because my ancestors were among those Indians who did not move to the West.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Under the fourth article of the treaty of eighteen hundred and thirty, which gives privileges to those Choctaw Indians who did not remove.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Yes I think I do.
- Q Just state as fully as you can what you understand by the fourteenth article of the treaty of eighteen hundred and thirty? A Well the United States,--the treaty that was made with the Choctaws,--there were some that did want to move west and they were given lands there for themselves and their children and were granted privileges and went before the Agent there within six months after the treaty was ratified and were given privileges and their citizenship as Choctaws, so in taking land there they were still allowed privileges of Choctaw citizens but if the ever removed they were not allowed any annuities.
- Q Yes, the fourteenth article as you say gave the Choctaws, who did not want to come West to the new Country the privilege of staying in Mississippi and within six months after the treaty was ratified a large number of Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi and become citizens of the United States but when the United States sent a man down to locate the lands for them it was found that the names of a great many who claimed to have gone to the Indian Agent did not appear on the list he had made, so under different acts of Congress Commissioners were appointed to investigate and decide which of the applicants were entitled to land in Mississippi Under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some of the claims were allowed and some were rejected. 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 by the Indians had not already been disposed of it was given to them, if the land had been sold, they were given scrip with which they could get land from the public lands in any of the States of Mississippi, Arkansas, Louisiana or Alabama.
- Q Did any of your ancestors own land in one of these States? A Yes I think some of them owned land in Alabama and some of them in Mississippi in Chickasaw County.
- Q Chickasaw County Mississippi? A Yes.
- Q Do you know how they owned this land? A No.
- Q Do you know what happened to that land, do your people still own it? A No I do not.
- Q You know of course that if you have the records examined in this State in the County in which your ancestors that owned this land lived, you can find out how they owned that land and what disposition was made of it? A Yes.
- Q And you understand that it is very important for you to have evidence as to the ownership and disposition of that land? A Yes I expect to get all the evidence possible in this case.
- 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? Well I don't know.
- Q You said I believe that you claimed your Choctaw blood through your mother? A Yes..
- Q And that she is dead? A Yes.
- Q What is your mother's father's name? A Richard Duke Foster.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

3137

In the matter of the application of Peal Scott for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Pearl Scott being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Peal Scott.  
Q How do you spell it? A P-e-a-r-l-  
Q How old are you? A Twenty-eight.  
Q What is your post-office address? A Pelican, Louisiana.  
Q How long have you lived there? A Seven months.  
Q Where did you live before you lived there? A In Grandcane,  
Louisiana in the same Parish.  
Q How long have you lived in Louisiana? A All my life.  
Q Were you born in Louisiana? A Yes.  
Q And never had a home anywhere else? A No.  
Q What is your father's name? A Thomas W. Scott.  
Q Is he living? A Yes.  
Q What is your mother's name? A Harriet A. Scott.  
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 ever been recognized in any manner as a Choctaw  
Indian by the Choctaw Tribal Authorities or the Authorities of the  
United States? A No, not that I know of.  
Q Are you married? A No.  
Q Are you 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 1898 make application to the  
Commission to the Five Civilized Tribes for citizenship in the  
Choctaw Nation under the Act of Congress of June 10th, 1896?  
A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by the Choctaw Tribal Authorities or by the Dawes Commission?  
A No.  
Q Have you ever been admitted to citizenship in the Choctaw  
Nation by judgment of the United States Court in Indian Territory  
on appeal from the decision of the Dawes Commission or the  
Choctaw Tribal Authorities? 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 a citizen of the Choctaw  
Nation? A I have not.  
Q This is the first time you have ever applied in any manner?  
A Yes.  
Q What kind of an application do you want to make now? A As an  
Indian descendant of a Mississippi Choctaw.

Choctaw MCR 3137

Pearl Scott

MCR 3137

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



~~Bob Keen,~~

~~Caradan, Texas.~~

*Unclaimed  
The Keason*





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FEB 16 1907

DEPARTMENT OF THE INTERIOR,  
Commissioner to the Five Civilized Tribes

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FEB 18 1907

Commissioner.



No. 3136

For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Bob Keen

Age 26 Blood 1/16

Post Office, Caradon, Texas

Father: Nicholas Keen ✓

Mother: Algada Keen ✓

Claims through father

wife: Edna Keen ✓  
(no claim for her)

Children:

Clod Keen (M) 4

Jimmie " (M) 2

Claims for self and two children

Stenographer

G. Rosenwinkal  
GR

REFUSED

*Bob Keen et al*

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

*P. 3136* OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

MAR 24 1903

REFER TO M. C. R. *1803*

*MM*

REFER IN REPLY TO THE FOLLOWING:

MCR-3136.

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

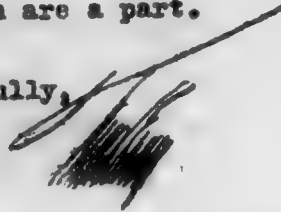
Muskogee, Indian Territory, January 11, 1907.

Bob Keen,  
Caradan, Texas.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,



Commissioner.

M.C.R. 3136

COPY.

Muskogee, Indian Territory, March 24, 1903.

Bob Keen,

Caradan, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED).

*Tame Dixby.*

Chairman.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Wannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Ora McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 this time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*Tame Dixey.*  
Acting Chairman.

Registered.

COPY.

M.C.R. 3136

Muskogee, Indian Territory, October 21, 1902.

Bob Keen,  
Caradan, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Doels Richardson, et al.,	" 2741
Jim Keen,	" 2742
Havilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmen,	" 3133
Fannie McPherson, et al.,	" 3134
Hesbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Jesiah Keen, et al.,	" 2745

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

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

- Q You understand that even the sworn statement of a party in interest where valuable property rights are at stake will carry very little weight unless supported by outside evidence and if you expect to have any case you will want to secure evidence as to whether your ancestor lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian and went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay there, or whether she ever owned any land in Mississippi, Arkansas, Louisiana, or Alabama? A Yes.
- Q Is there anything else that you want to say now? A No.
- Q Have you any papers that you want to file now? A No.
- Q Your father has already made application here? A Yes.
- Q Would you like to have a copy of the Testimony of your father filed in your case? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

- Q Can you speak Choctaw? A No.

This applicant has slightly curly brown hair, brown eyes and dark ~~complexion~~ complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that the ancestors through whom he claims lived in Mississippi in eighteen hundred and thirty.

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 1, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause and said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 21 day of September 1901.

*Charles H. Newyon*  
Notary Public.

- Q What was the name of your ancestor who lived in Mississippi when this treaty was made in eighteen hundred and thirty who was a recognized Choctaw Indian? A My grandmother Betsy Keen.
- Q Was she your father's mother? A Yes.
- Q What was your father's father's name? A My father's father?
- Q Yes? A I have forgotten.
- Q Which one of your father's parents claimed to be Choctaw? A His mother.
- Q Was she living in Mississippi in eighteen hundred and thirty? A That's what I have been taught.
- Q Have you any evidence of that? A I think I can get some.
- Q You say your father is living? A Yes.
- Q About how old is he now? A About seventy-one.
- Q Your father then must have been born about the year this treaty was made? A I suppose so.
- Q Was your father born in Mississippi? A Yes.
- Q How much Choctaw blood did Betsy Keen claim to have? A One-half.
- Q Did she have any Choctaw name? A Not that I know of.
- Q Did you ever see your grandmother? A No.
- Q Did Betsy Keen come West with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight to the present Choctaw Nation? A Not that I know of.
- Q You never heard anything about that? A No.
- Q Did she within six months after the treaty was ratified go to the Indian Agent there in Mississippi and tell him that she wanted to stay and become a citizen of the United States? A I don't know.
- Q You never heard anything about that? A No.
- Q You think you will be able to secure some evidence on that point? A Yes.
- Q Do you understand that it is a material matter to your case that you have evidence to show that your grandmother Betsy Keen lived in the old Choctaw Nation in eighteen hundred and thirty and whether she went to the the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to take land there and stay in Mississippi? A Yes.
- Q Do you intend to secure such evidence? A Yes.
- Q What kind of evidence do you think you can secure? A I don't know.
- Q Do you think you will be able to get your witnesses here before the Commission in person? A No.
- Q Do you understand that it is better to get your witnesses here in person to testify than to get their depositions or affidavits? A I don't know.
- Q Well don't you understand that now from my asking you that question that it is better? A Yes.
- Q Where do these witnesses live? A In Mississippi.
- Q Do you know who they are? A No.
- Q Do you think you can get them before the Commission at Meridian? A I think so.
- Q You say you don't know that Betsy Keen ever owned any land in Mississippi, Louisiana, Alabama or Arkansas? A No I don't.
- Q Do you think that you can get any evidence as to whether she did or not? A Yes.
- Q You understand that is also material? A Yes.



In eighteen hundred and thirty the State of Mississippi was being rapidly filled up with white settlers and the United States found it hard to protect the Indians in their tribal government and for that reason tried to enter into a treaty with them and give them land West of the Mississippi River in exchange for their land in the States of Mississippi and Alabama and move them all to the Country West of the Mississippi River where they could be protected in their tribal government and not be bothered by white people but some of the Indians did not want to leave Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi and article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay in Mississippi After that article was made a part of the Treaty the Indians signed it alright and it was ratified by the United States and and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty 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."

Q Do you claim anything under the provisions of this article of the treaty? A Yes.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay in Mississippi and become citizens of the United States but when the government sent a locating Agent down there to locate the land for them it was found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay and take land there in Mississippi whose names were not found on the roll made by the Indian Agent? So under different acts of Congress Commissioners were appointed to go down there and look into the matter and find out just who of them were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred claims, some were allowed and some were refused. Now, these claims, that were allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimed by the Indians had not already been sold it was given to them, if the land had been sold they were given scrip which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Now, did any of your ancestors own any land in any of these States? A Not that I know of.

- Q What is the name of your next one? A Jimmie, two ye ars old.  
 Q Is that a boy? A Yes.  
 Q These are all of your children? A Yes.  
 Q You are their father? A Yes.  
 Q What is the name of their mother? A Edna Keen.  
 Q When and where were you married to Edna Keen? A Karns County Texas.  
 Q When? A In Ninety-five.  
 Q Did you obtain a license to marry? A Yes.  
 Q Were you married by an ordained minister or by an official?  
 A By a Minister.  
 Q Have you your marriage license and certificate? A No.  
 Q Can you secure it? A Yes.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your minor children.

- Q Is your name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.  
 Q Have you ever applied 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 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.  
 Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by 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 the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.  
 Q Is this the first time you have ever applied in any way? A Yes.  
 Q What kind of an application do you want to make now? A Application for Choctaw Indian billed.  
 Q What kind of a claim are you making now? A Choctaw claim-- application for eighteen hundred and thirty.  
 Q You mean that you want to apply under the treaty of eighteen hundred and thirty? A Yes.  
 Q Do you want to apply under any particular part of that treaty or under the whole treaty? A Under the whole treaty.

The law which gives the Commission the right to hear these application for identification as Mississippi Choctaws, is found in section twenty-one of the Act of Congress of June 26, 1898 and reads:

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

Under this law the Commission has the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, T.T. August 1, 1901.

3136

In the matter of the application of Bob Keen for the identification of himself and his two minor children as Mississippi Choctaw.

Applicant not represented by Attorney.

Bob Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Bob Keen.  
Q What is your age? A Twenty-six.  
Q What is your post-office address? A Caradan.  
Q Texas? A Yes.  
Q How long have you lived at Caradan? A Been there two years.  
Q Where did you live before you lived there? A Well, I was born and raised in Texas.  
Q Lived in Texas all of your life? A Yes.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Nicholas Keen.  
Q Is he living? A Yes.  
Q What is your mother's name? A Alsada Keen.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father ever been recognized or enrolled in any manner 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 Have you any evidence of the marriage of your father and mother? A No.  
Q Do you think you will be able to secure it? A Yes I think so.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your wife's name? A Edna.  
Q Is she living? A Yes.  
Q Do you make any application for your wife? A No.  
Q She is a white woman and makes no claim to Indian blood? A Yes.  
Q Have you any children for whom you wish to make application at this time? A Yes.  
Q Give the names and ages of these children? A The oldest is Cled, C-l-e-d.  
Q How old? A Four years.  
Q Is that a boy? A Yes.

- Q What relation was Emily Koon to you? A She was a mother of mine.  
 Q And what relation is she to those children of yours? A Their grandmother.  
 Q From the statement that you have made as to your ancestor applied also to your children? A Yes.

G. Rosowinski 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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory, on August 1, 1901.

*Rosowinski*

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

*Charles H. Sawyer*  
 Notary Public,

RODOLFO KOKEMASSA, JR.

Department of the Interior.  
~~Commission to the Five Civilized Tribes.~~  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3133.

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901 M.C. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3114.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Garadan, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmon, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betsey Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betsey Keen.

- Can you speak Choctaw? A A little.
- Q Can you carry on a conversation in Choctaw? A No I lived in the Choctaw Nation when they were moving over here.
- Q How long did you live in the Choctaw Nation? A About five years.
- Q You never said anything about that when I asked you about where you had lived. What five years was it? A It wa when I was a boy.
- Q In this Choctaw Nation here? A No.
- Q In the Choctaw Nation in Mississippi? A Yes.
- Q Your mother did not come west with the Indians? A No.
- Q Why didnt she? A I don't reckon she wanted to.
- Q Did the Choctaw Indians at that time recognize her as a Choctaw? A I don't know whether they did or not.

The applicant in this case has a grayhair and beard which may have been black originally, his eyes are blue and complexion moderately fair. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his father and mother were living in the State of Mississippi when the treaty of eighteen hundred and thirty was made.

G. Resenwinkel 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 July 30, 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 July 1901.

*G. Resenwinkel*

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

*Charles H. Sawyer*  
Notary Public.

- Q Your mother then was a married woman and had children at the time this treaty was made in eighteen hundred and thirty? A I think she was.
- Q What was her name? A Elizabeth Keen.
- Q Well did Elizabeth Keen or did Josiah Keen go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to take land there and become citizens of the United States? A No.
- Q You never heard anything about that? A Never heard anything about it.
- Q In what state were you born? A Mississippi.
- Q The your father and mother lived in the State of Mississippi in eighteen hundred and thirty when this treaty was made? A I guess they did.
- Q Do you remember whether your father sent or your mother made application to any of these Commissioners who went down there to Mississippi to find out who were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A If they did I never knewed nothing about it.
- Q In 1842 when the last Commission was appointed you would have been about thirteen years old, would you not? A Well I am seventy one now.
- Q When were you seventy-one? A In 1901.
- Q You must have been born in 1830 then? A I have always understood that it was in thirty-two.
- Q Then you are not seventy-one years old if you were born in thirty-two.
- Q Well in 1845 when these Commissioners were passing on these claims under the fourteenth article, that I have just been telling you about, you must have been thirteen or fourteen years old? A Yes I expect so.
- Q Well do you remember of hearing anything about whether your father or mother went to these Commissioners and tried to get land under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did your father or mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q How much Choctaw blood did your mother Elizabeth Keen have? A One-eighth.
- Q Do you know of any one living who would be able to testify whether your mother or father got any land in any of these states under this fourteenth article of the treaty of eighteen hundred and thirty? A I have a brother in Mississippi older than I.
- Q Older than you? A Yes.
- Q Has your brother applied to the Commission in Mississippi? A I do not know.
- Q What is his name? A Daniel Keen.
- Q Your brother has already applied? A Has he.
- Q Is there any other statement that you would like to make in support of your application? A No not that I know of.
- Q Have you any papers that you want to file? A I have some papers that I want to file.
- Q Where are they? A Some of the boys have got them.
- Q Well you had better get them and have them made a part of the record? A Some of the boys have got them in their pocket.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

\*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.\*

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted stay there and become citizens of the United States but when the United States sent a locating Agent down to mark off the land for them it was found that a great many names of those who claimed that they had gone to the Indian Agent there and told him that they wanted to stay in Mississippi did not appear on the list made by him. So under different acts of Congress men, Commissioners, were appointed to go down there and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold scrip was issued which could be used in buying any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q How was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? --Do you know what is meant by the word ancestor? A I don't know if I do.
- Q Well it means your father and mother, grandfather and grandmother and any of your ancestors in a direct line back. How 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 Davis, my grandfather on my mother's side. My grandmother's name was Patsy.
- Q How long has your father been dead? A He has been dead about thirty some odd years.
- Q You must have been born just about the year of that treaty? A I think I must.
- Q How old was your father when he died? A He was about fifty-five or sixty when he died.
- Q When did your mother die? A During the time of the War.
- Q Well your father then must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.



- Choctaw Nation, to either the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q This is the first application you have ever made of any kind?  
A Yes.
- Q What kind of an application do you want to make now? A I want to make application to get my rights in the Territory to get some of this land.
- Q Well what kind of an application are you making now? A (no answer)
- Q What do you claim to be? A One-sixteenth.
- Q One-sixteenth what? A Indian.
- Q What kind of Indian? A Choctaw.
- Q Are you making your application now because you claim to have Choctaw blood? A Yes.
- Q Do you want to make application for enrollment as a Choctaw by blood or for identification as a Mississipi Choctaw? A As a Mississipi Choctaw by blood.
- Q Do you want to be identified as a Mississippi Choctaw? A I want to be identified as a Choctaw, I don't know whether it is a Mississippi or not, Here is where I want to get my right, in the Choctaw or Chickasaw Nation.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth act.
- Q Under what? A The fourteenth.
- Q What do you mean by the fourteenth. Fourteenth what? A Ain't it under the treaty.
- Q Under what treaty? A Treaty made with the Choctaw Indians.
- Q There have been a number of treaties made with the Choctaw Indians which one do you want to claim under? A The same one that the balance claim under here.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 23, 1896, commonly called the "Curtis Act" and reads:

"Said Commission shall have authority to determine the identity of Choctaw 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 reports to the Secretary of the Interior."

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. [ by applicant; well, that is where I want mine ] The United States in eighteen hundred and thirty wanted to make a treaty with the Choctaw Indians in order to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to a Country west of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of those Indians who did not want to come west. After that article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Tribe. Article fourteen of the treaty of eighteen hundred and thirty provides that:

- Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A No none under age.
- Q Did you not say before the examination began that you wanted to make application for your grand children? A Yes.
- Q Are they living with you? A Yes.
- Q Are their father and mother both dead? A I reckon so, I don't know anything about their father.
- Q Was their father or mother your child? A Their mother.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got them.
- Q Did you get a license to marry? A Yes.
- Q Have you got that at home, A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your grandchildren.

- Q You will get that marriage record and send it to the Commission? A No I expect it has been burned up there in Mississippi.
- Q What are the names and ages of those children that you wish to apply for? Jessie Walker.
- Q How old? A Fourteen.
- Q Jesse, twelve years old.
- Q Next? Jeffie, ten years old.
- Q Are these all your grandchildren that you wish to make application for? A No there is another.
- Q What is the name of the other? Clemmie Walker.
- Q Is that a boy or girl? A Girl.
- Q How old? Six or seven years old.
- Q What is the name of the mother of these children? A Clemmie Walker.
- Q Is she living? A No she is dead.
- Q What is the name of the father of these children? A George Walker.
- Q Is he living? A No I don't think he is.
- Q Is your name or are the names of your grandchildren on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A A My Grandfather's name Daniel Davis.
- Q I asked you if your name or the names of your grandchildren were on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application for you self or your grandchildren to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A Not until this time.
- Q Well, this is not the Choctaw Tribal Authorities, this is the Authorities of the United States? A Well I never made any until this time.
- Q Did you or did any one for you or your grandchildren in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you or your grandchildren been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren 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 made application before this time to have yourself or your grandchildren admitted or enrolled as citizens of the

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901..

3413

In the matter of the application of Nicholas Keen for the identification of himself and his four minor grandchildren.

Applicant not represented by Attorney.

Nicholas Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A N. Keen.  
Q What does that N. stand for? A Nicholas,--N-i-c-h-o-l-a-s.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A Three years.  
Q Where did you live before you lived there? A Lived down on the Red River in the same County.  
Q How long have you lived in Texas? A About forty years.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q How long did you live in Louisiana? A About two or three years, I was born and raised in Mississippi.  
Q Where did you go ~~to~~ from to Louisiana? A I went from Texas.  
Q How long did you live in Texas that time? A Only eleven months.  
Q Where did you live before you lived in Texas then? A In Mississippi.  
Q How long did you live in Mississippi? A I think it was in '55.  
Q You went to Mississippi in '55? A No I came to Texas in '55.  
Q You were born in Mississippi and lived there until eighteen hundred and fifty-five? A Yes.  
Q And went from there to Texas? A Yes.  
Q You were about twenty-five years old when you went to Texas? A Yes.  
Q What was your father's name? A Josiah Keen.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Keen.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother's side.  
Q How much Choctaw blood do you claim? A Well I have got it on my papers. My grandfather on my mother's side was one-half Choctaw.  
Q How much do you claim? A Well I don't know how much that would make me, I think about one-sixteenth.  
Q Has your mother 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 Yes.  
Q What is your wife's name? A Alzada--A-l-z-a-d-a.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.

Choctaw MCR 3136

Bob Keen

MCR 3136

No. 3135

For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Joe Keen

Age 43

Blood

F 1/16

Post Office, Springtown, Texas

Father: Nicholas Keen ✓

Mother: Alzada Keen ✓

Claims through father

1st wife: Caroline Keen (dead)

2nd wife: Casey Keen (dead)

Children:

Virgil Keen 16

Morris " M 13

Mother: Caroline Keen

Mary Keen 9

Tom " 7

Claims for self and 4 children

Stenographer

G. Rosenmuntal

**REFUSED**

*P. 3135*

*Joe Keen, et al.*

**DECISION RENDERED. OCT 21 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**OCT 21 1902**

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

**OCT 21 1902**

**RECORD FORWARDED DEPARTMENT.**

**NOV 6 - 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**MAR 14 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**MAR 24 1903**

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

**MAR 24 1903**

**REFER TO M. C. R.**

*186*

MCR-3135.

COPY

Muskogee, Indian Territory, January 11, 1907.

Joe Keen,  
Springtown, Texas.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,

SIGNED *Wams Rixby.*

Commissioner.

ADV  
Muskegee, Indian territory, March 24, 1903.

Joe Keen,

Springtown, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.



Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

*James Dixby.*  
Acting Chairman.

Registered.

COPY.

M. C. R. 3135

Muskogee, Indian Territory, October 21, 1902.

Joe Keen,  
Springtown, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Doris Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmon,	" 3133
Fannie McPherson, et al.,	" 3134
Herbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

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

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

W.K. 2

James T. Keen whose marriage license and certificate are offered in evidence, kindly explain why his wife's name appears as Nancy Keen in his testimony and as "Dora" Wolf, or Keen, in his marriage license and certificate.

Yours truly,

Commissioner in Charge.

MC 3114  
MC 3183  
MC 3182

AM 1-13

Muskogee, Indian Territory, January 13, 1902.

Nicholas Keen,

Adams, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate of J. W. Keen and Gertrude Bradley, which has been offered for filing in support of the application for identification as Mississippi Choctaw of Joe Keen, et al.; certified copy of the marriage license and certificate between W. T. Keen and Miss Ella Hines, offered in support of the application for identification as Mississippi Choctaw of Tom Keen, et al. The same have been made a part of the records in the above named cases and will receive consideration in the determination of the rights of the applicants to identification as Mississippi Choctaw.

There was also offered for filing the certified copy of marriage license and certificate of James T. Keen and Miss Reed Wolf (offered for filing) in support of the application for identification as Mississippi Choctaw of James Keen, et al. The same is herewith returned to you for the reason that at the time James Keen appeared before the Commission and applied for identification as a Mississippi Choctaw he gave his wife's name as Nancy Keen. If this is the case

#6

- six months after the treaty was ratified and told him that she wanted to stay and take land there? A I might I don't know.
- Q You understand that it is important to your case that you have evidence along that line? A I understand Yes.
- Q You understand that even the sworn statement of the parties in interest where valuable property rights are involved carried little weight unless supported by outside evidence? A Yes I do.
- Q You say you don't know that Getsy Keen ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't think she did.
- Q Do you think you will be able to get any evidence on that point? I think so.
- Q You understand that this is a material matter in your case also? A Yes.
- Q Your father has made application for himself? A Yes.
- Q Would you like to have a copy of his testimony filed in your case? A Yes.
- Q What kind of evidence do you think you will be able to secure? A I really don't know.
- Q Do you think you will be able to get witnesses in person before the Commission? A No, Not here, I might there in Mississippi.
- Q You think you might be able to get your witnesses before the Commission at the office in Meridian do you? A Yes.
- Q Do you know who they are? A No.
- Q Is there anything else that you wish to say in support of your application? A No I think that's all.
- Q Have you any papers that you want to file? A No not just now.

If you wish to offer any further evidence in support of your application either the oral testimony of witnesses their depositions of affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- Q Can you speak Choctaw? A No.

The applicant in this case has dark eyes and dark complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his grandmother through whom he claims lived in Mississippi when this treaty was made.

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 1, 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 27 day of September 1901.

*G. Rosenwinkel*  
*Charles H. Sawyer*

Notary Public.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to take land in Mississippi and become citizens of the United States but when the government sent a man down to locate the land for the Indians it was found that a great many of those who claimed to have gone to the Indian Agent and told him that they wanted to stay in Mississippi could not be found on the roll made by the Indian Agent, so under different acts of Congress men were sent down there as Commissioners to investigate and look into the matter and find out just who of these claimants were really entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred cases. Some were allowed and some 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 which the Indians claimed had not already been sold, it was given to them. If the land had been sold, the government issued scrip to them, which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own any land in one of these States?  
A Not that I know of.
- Q Do you know what is meant by the word ancestor? A Yes..
- Q What is the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A I don't know only my grandfather Josiah and my grandmother Betsy.
- Q Josiah and Betsy Keen? A Yes.
- Q Your father's father and mother? A Yes.
- Q Did they live in Mississippi in eighteen hundred and thirty? A Yes.
- Q Have you any evidence of that fact? A I have not but can get it.
- Q How old a man is your father? A Seventy-one.
- Q He must have been born then about the year of that treaty?  
A I suppose so.
- Q Where was he born? A In Mississippi.
- Q Then your grandfather Josiah Keen and grandmother Betsy Keen were living in Mississippi in that year? A Yes.
- Q Which one of your father's parents was Choctaw? A His mother.
- Q How much Choctaw blood did she claim to have? A I don't know-- about one-half.
- Q Did she have any Choctaw names? A I don't know.
- Q You never heard? A If I did I don't remember.
- Q Did you know her? A No.
- Q You never saw her? A I might have seen her---Yes, I did when I was small but don't remember.
- Q Did Betsy Keen go to the Indian Agent there in Mississippi within six months after the treaty of eighteen hundred and thirty was ratified and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A I do not know.
- Q Did Josiah Keen your grandfather go for her? A I don't know.
- Q Did Betsy Keen come West with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A I don't know--I don't think she did.
- Q Do you think you will be able to secure any evidence as to whether Betsy Keen lived in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A I think so.
- Q Do you think you will be able to secure any evidence as to whether she went to the Indian Agent there in Mississippi within

- Q What do you claim under the fourteenth article of the treaty of eighteen hundred and thirty? A I don't know,--All of my rights and privileges.
- Q What do you think your rights and privileges are? A Land I think, I don't know.

The law under which the Commission is acting at this time in hearing these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis Act and is as follows:

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

That act gives the Commission the right to determine the identity of people 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 lands in the states of Mississippi and Alabama and move them all out here as the State of Mississippi was being filled up with white settlers and was very hard to protect the Indians in their tribal government and the United States thought would be best to move them out here where they could set out their tribal government and not be bothered by white people but some of the Indians did not want to give up their homes in Mississippi and the other Indians would not sign any treaty until some provisions was made for those Indians who wanted to stay in Mississippi, so article fourteen was put in the treaty for the benefit of those Indians who wanted to stay in Mississippi. After this article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Nation, Article fourteen of the treaty between the United States and the Choctaw Nation, concluded in eighteen hundred and thirty provides that:

"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 section 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 the 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 the ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Is that the provision of law under which you claim at this time?  
A Yes

- Q Is that a boy? A Yes.
- Q Are these all the children of your first wife? A Yes.
- Q Now give the names and ages of your children by your second wife?  
A Mary, she is nine years old.
- Q Next? A Tom, he is seven.
- Q These are the children of yourself and Casey Keen? A Yes the two last.
- Q These are all your children? A Yes.
- Q When and where were you married to Caroline Keen? A In Wise County Texas in eighteen hundred and eighty-three.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or by an official? A By an ordained minister.
- Q Have you your marriage license and certificate? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Caroline Keen in support of the application you make for your children Virgil and Moris Keen.

- Q When and where were you married to Casey Keen? A In Leon County in eighteen hundred and eighty-eight.
- Q That was in Texas? A Yes.
- Q Did you obtain a marriage license to marry her? A Yes.
- Q Were you married by an ordained minister or by an official? A By a minister.
- Q Have you your marriage license and certificate of this marriage? No.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Casey Keen in support of the application you make for your children Mary and Tom Keen.

- Q Is your name or are the names of your 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 have yourself or your children enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the ~~Choctaw~~ 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 Is this the first time you have ever applied? A Yes.
- Q What kind of an application do you want to make now? A As a Mississippi Choctaw.
- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because I have always been taught that my parents had some Choctaw blood in them.
- Q You make your claim then because you have always been taught that you had Choctaw blood? A Yes.
- Q Do you make any claim under any of the Treaties between the United States and the Choctaw Indians? A Yes.
- Q Which one of the Treaties do you claim under? A Eighteen hundred and thirty, the fourteenth article.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

3138

In the matter of the application of Joe Keen for identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Joe Keen being first duly sworn testified on his oath as follows:

- Examination by the Commission -

- Q What is your name? A Joe Keen.  
Q What is your age? A Forty-three.  
Q What is your post-office address? A Springtown.  
Q Texas? A Yes.  
Q How long have you lived there? A Twenty-three or four years.  
Q Where did you live before you lived there? A I Lived in Texas.  
Q How long did you live in Texas? A I was born and raised there.  
Q And never had a home outside of Texas? A Yes- I never had a home outside of Texas.  
Q What is your father's name? A Nicholas Keen.  
Q Is he living? A Yes.  
Q What is your mother's name? A Alzada Keen.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians? A No.  
Q Have you evidence of your father's and mother's marriage? A No.  
Q Can you secure such evidence? A I suppose I can.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as a Mississippi Choctaw.

- Q Are you married? A I have been married twice and had children by each wife. Is it necessary to give both marriages? (A Yes, if you have children by both)  
Q What is the name of your first wife? A Caroline Keen? A  
Q Is she living? A No.  
Q What is the name of your second wife? A Casey, C-a-s-e-y Keen.  
Q Is she living? A No.  
Q Your wives are both white women and make no claim to Choctaw blood? A No.  
Q Have you any children, under twenty-one years of age and unmarried who whom you wish to make application at this time? A Yes.  
Q Give the names and ages of your children by your first wife? A Virgil Sixteen.  
Q Next? A Morris Thirteen.

#6

- Can you speak Choctaw? A A little.
- Q Can you carry on a conversation in Choctaw? A No I lived in the Choctaw Nation when they were moving over here.
- Q How long did you live in the Choctaw Nation? A About five years.
- Q You never said anything about that when I asked you about where you had lived. What five years was it? A It was when I was a boy.
- Q In this Choctaw Nation here? A No.
- Q In the Choctaw Nation in Mississippi? A Yes.
- Q Your mother did not come west with the Indians? A No.
- Q Why didn't she? A I don't reckon she wanted to.
- Q Did the Choctaw Indians at that time recognize her as a Choctaw? A I don't know whether they did or not.

The applicant in this case has a grayhair and beard which may have been black originally, his eyes are blue and complexion moderately fair. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his father and mother were living in the State of Mississippi when the treaty of eighteen hundred and thirty was made.

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 July 30, 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 July 1901.

*G. Rosenwinkel*

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

*Charles Nesawyer*

Notary Public

- Q Your mother then was a married woman and had children at the time this treaty was made in eighteen hundred and thirty? A I think she was.
- Q What was her name? A Elizabeth Keen.
- Q Well did Elizabeth Keen or did Josiah Keen go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to take land there and become citizens of the United States? A No.
- Q You never heard anything about that? A Never heard anything about it.
- Q In what state were you born? A Mississippi.
- Q The your father and mother lived in the State of Mississippi in eighteen hundred and thirty when this treaty was made? A I guess they did.
- Q Do you remember whether your father ~~and~~ or your mother made application to any of these Commissioners who went down there to Mississippi to find out who were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A If they did I never knowed nothing about it.
- Q In 1842 when the last Commission was appointed you would have been about thirteen years old, would you not? A Well I am seventy one now.
- Q When were you seventy-one? A In 1901.
- Q You must have been born in 1830 then? A I have always understood that it was in thirty-two.
- Q Then you are not seventy-one years old if you were born in thirty-two.
- Q Well in 1845 when these Commissioners were passing on these claims under the fourteenth article, that I have just been telling you about, you must have been thirteen or fourteen years old? A Yeah I expect so.
- Q Well do you remember of hearing anything about whether your father or mother went to these Commissioners and tried to get land under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did your father or mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q How much Choctaw blood did your mother Elizabeth Keen have? A One-eighth.
- Q Do you know of any one living who would be able to testify whether your mother or father got any land in any of these states under this fourteenth article of the treaty of eighteen hundred and thirty? A I have a brother in Mississippi older than I.
- Q Older than you? A Yes.
- Q Has your brother applied to the Commission in Mississippi? A I do not know.
- Q What is his name? A Daniel Keen.
- Q Your brother has already applied? A Has he.
- Q Is there any other statement that you would like to make in support of your application? A No not that I know of.
- Q Have you any papers that you want to file? A I have some papers that I want to file.
- Q Where are they? A Some of the boys have got them.
- Q Well you had better get them and have them made a part of the record? A Some of the boys have got them in their pocket.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

"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 have the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted stay there and become citizens of the United States but when the United States sent a locating Agent down to mark off the land for them it was found that a great many names of those who claimed that they had gone to the Indian Agent there and told him that they wanted to stay in Mississippi did not appear on the list made by him. So under different acts of Congress men, Commissioners, were appointed to go down there and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold scrip was issued which could be used in buying any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q How what was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? ---Do you know what is meant by the word ancestor? A I don't know if I do.
- Q Well it means your father and mother, grandfather and grandmother and any of your ancestors in a direct line back. Now 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 Davis, my grandfather on my mother's side. My grandmother's name was Patsy.
- Q How long has your father been dead? A He has been dead about thirty some odd years.
- Q You must have been born just about the year of that treaty? A I think I must.
- Q How old was your father when he died? A He was about fifty-five or sixty when he died.
- Q When did your mother die? A During the time of the War.
- Q Well your father then must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.

- Choctaw Nation, to either the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q This is the first application you have ever made of any kind? A Yes.
- Q What kind of an application do you want to make now? A I want to make application to get my rights in the Territory to get some of this land.
- Q Well what kind of an application are you making now? A (no answer)
- Q What do you claim to be? A One-sixteenth.
- Q One-sixteenth what? A Indian.
- Q What kind of Indian? A Choctaw.
- Qq Are you making your application now because you claim to have Choctaw blood? A Yes.
- Q Do you want to make application for enrollment as a Choctaw by blood or for identification as a Mississippi Choctaw? A As a Mississippi Choctaw by blood.
- Q Do you want to be identified as a Mississippi Choctaw? A I want to be identified as a Choctaw, I don't know whether it is a Mississippi or not. Here is where I want to get my right, in the Choctaw or Chickasaw Nation.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth act.
- Q Under what? A The fourteenth.
- Q What do you mean by the fourteenth. Fourteenth what? A Ain't it under the treaty.
- Q Under what treaty? A Treaty made with the Choctaw Indians.
- Q There have been a number of treaties made with the Choctaw Indians. Which one do you want to claim under? A The same one that the balance claim under here.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" and reads:

"Said Commission shall have authority to determine the identity of Choctaw 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."

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. [ by applicant; well, that is where I want mine ] The United States in eighteen hundred and thirty wanted to make a treaty with the Choctaw Indians in order to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to a Country west of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. After that article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Tribe. Article fourteen of the treaty of eighteen hundred and thirty provides that:

#2

- Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A No none under age.
- Q Did you not say before the examination began that you wanted to make application for your grand children? A Yes.
- Q Are they living with you? A Yes.
- Q Are their father and mother both dead? A I reckon so, I don't know anything about their father.
- Q Was their father or mother your child? A Their mother.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got them.
- Q Did you get a license to marry? A Yes.
- Q Have you got that at home? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your grandchildren.

- Q You will get that marriage record and send it to the Commission? A No I expect it has been burned up there in Mississippi.
- Q What are the names and ages of these children that you wish to apply for? Josie Walker.
- Q How old? A Fourteen.
- Q Jesse, twelve years old.
- Q Next? Jeffie, ten years old.
- Q Are these all your grandchildren that you wish to make application for? A No there is another.
- Q What is the name of the other? Clemmie Walker.
- Q Is that a boy or girl? A Girl.
- Q How old? Six or seven years old.
- Q What is the name of the mother of these children? A Clemmie Walker.
- Q Is she living? A No she is dead.
- Q What is the name of the father of these children? A George Walker.
- Q Is he living? A No I don't think he is.
- Q Is your name or are the names of your grandchildren on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A A My Grandfather's name Daniel Davis.
- Q I asked you if your name or the names of your grandchildren were on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application for your self or your grandchildren to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A Not until this time.
- Q Well, this is not the Choctaw Tribal Authorities, this is the Authorities of the United States? A Well I never made any until this time.
- Q Did you or did any one for you or your grandchildren in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you or your grandchildren been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren 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 made application before this time to have yourself or your grandchildren admitted or enrolled as citizens of the

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3113

In the matter of the application of Nicholas Keen for the identification of himself and his four minor grandchildren.

Applicant not represented by Attorney.

Nicholas Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A N. Keen.  
Q What does that N. stand for? A Nicholas,--N-i-c-h-o-l-a-s.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A Three years.  
Q Where did you live before you lived there? A Lived down on the Red River in the same County.  
Q How long have you lived in Texas? A About forty years.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q How long did you live in Louisiana? A About two or three years, I was born and raised in Mississippi.  
Q Where did you go ~~to~~ from to Louisiana? A I went from Texas.  
Q How long did you live in Texas that time? A Only eleven months.  
Q Where did you live before you lived in Texas then? A In Mississippi.  
Q How long did you live in Mississippi? A I think it was in '55.  
Q You went to Mississippi in '55? A No I came to Texas in '55.  
Q You were born in Mississippi and lived there until eighteen hundred and fifty-five? A Yes.  
Q And went from there to Texas? A Yes.  
Q You were about twenty-five years old when you went to Texas? A Yes.  
Q What was your father's name? A Josiah Keen.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Keen.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother's side.  
Q How much Choctaw blood do you claim? A Well I have got it on my papers. My grandfather on my mother's side was one-half Choctaw.  
Q How much do you claim? A Well I don't know how much that would make me, I think about one-sixteenth.  
Q Has your mother 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 Yes.  
Q What is your wife's name? A Alzada--A-l-z-a-d-a.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.

Choctaw MCR 3135

Joe Keen

MCR 3135



# REFUSED

R. 3134

Fannie McPherson et al

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

MAR 24 1903

REFER TO M. C. R. 1003.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Unclaimed  
Unknown

~~Rennie McPherson,~~

~~Garadan, Texas.~~

TELEX  
RECID.  
FEB 18 1907

GOLDT  
FEB 18 1907

RECEIVED

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

FILED

FEB 18 1907



Commissioner.

JAN 1907  
R. A. DAN

MIC 3174

forward

MISCELLANEOUS

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, INDIAN TERRITORY

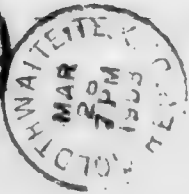
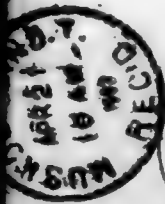
OFFICIAL BUSINESS

Penalty for private use, \$300.

Fannie McPherson

~~Admiral, U.S. Navy~~ ~~Caradan~~  
Texas

3134



FILED

APR 22 1903

CHAMBERLAIN



3134

No. \_\_\_\_\_

## For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Fannie McPherson

Age 40 Blood don't know

Post Office, Caradan, Texas

Father: Nicholas Keen

Mother: Algada Keen

Claims through father

husband: Bartlett McPherson  
(no claim for him)

## Children:

Ruth McPherson		16
Walter	"	14
Myrtle	"	11
Addine	" F	8
Mamie	"	2

Claims for self and 5 children

Stenographer

G. Rosemunkel'

JUL 14

Choctaw L. O. - - - (2)

Ruth McPherson,  
Myrtle McPherson,  
Mamie McPherson,  
Oma McPherson,  
Virgil Keen,  
Mary Keen,  
Bob Keen,  
Jimmie Keen,  
Dora Hines,  
Ernie Hines,  
Clyde Keen,  
Sallie Keen,

Walter McPherson,  
Adline McPherson,  
Nesbert W. McPherson,  
Joe Keen,  
Moris Keen,  
Tom Keen (2),  
Gled Keen,  
Martha Hines,  
Maud Hines,  
Josiah Keen,  
Herbert Keen,  
Eva Keen.

Respectfully,

Commissioner.

MUR-5134.

Muskogee, Indian Territory, January 15, 1907.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion to reopen and reconsider the application of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al.

The following is a list of the several claimants in said case which is furnished you in order that you may be able to advise any of such parties, in case they request to designate their prospective allotments, that their case is now closed, and it does not appear that any proceedings are pending at the present time in the matter of their applications for identification as Mississippi Choctaws:

Daniel Keen,  
Annie Richardson,  
Jim Keen,  
Reuben Richardson,  
Bettie Richardson,  
Nicholas Keen,  
Jesse Walker,  
Glemmie Walker,  
Theodore Keen,  
John Keen,  
Roy Keen,  
Ananda Jarmen,

Decie Richardson,  
Minnie Richardson,  
Savilla Richardson,  
Albert Richardson,  
Hera Richardson,  
Josie Walker,  
Jeffie Walker,  
James Keen,  
Alice Keen,  
Tom Keen,  
May Keen,  
Fannie McPherson,



MUR-3134.

Muskogee, Indian Territory, January 11, 1907.

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

Dear Sirs:-

There is enclosed herewith copy of Departmental letter of December 29, 1906 (I.T.D.1354,4622-1903,20646-1906), denying a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al.

Respectfully,

SIGNED

*James H. ...*

Commissioner.

WLM.  
Encl. 11/2

REFER IN REPLY TO THE FOLLOWING:

MCR-3134

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

Muskogee, Indian Territory, January 11, 1907.

Fannie McPherson,  
Caradan, Texas.

Dear Madam:

There is enclosed herewith copy of Departmental letter of December 29, 1906, denying a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al.

Respectfully,

WLM.  
Encl. 11/1

Commissioner.

anywise under subsequent legislation relative thereto.

Said motion for a reopening and reconsideration is hereby denied.

You will advise moving parties and their attorney of this action.

The original record and papers filed in support of said motion have this day been returned for the files of the Indian Office.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

7 inc. to Ind. Of.

G. R.

DEPARTMENT OF THE INTERIOR, LLB  
WASHINGTON.

I. T. D. 1354-1903.  
4622-  
20646-1906

December 29, 1906.

L. Y.

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

Sir:

August 1, 1906, you transmitted, with your report thereon, a motion to reopen and reconsider the application of Fannie McPherson, et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen, et al., wherein the Department of March 14, 1903, ( I. T. D. 1354), refused to identify the applicants therein names as Mississippi Choctaws.

The principal applicants, Daniel Keen and Nicholas Keen, through whom moving parties claim, are descendants of Josiah Keen and Betsy or Elizabeth Keen, nee Davis, the daughter of Daniel Davis, the latter of whom with his daughter, Betsy or Elizabeth Keen, were Choctaw Indians residing in the State of Mississippi in 1830.

Neither the records of your Office nor those of the Indian Office show that any claimant by the name of Daniel Davis or his daughter, Betsy or Elizabeth Davis, or Betsy or Elizabeth Keen, complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or became beneficiaries in

*U. S. O. B.*

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

REFER IN REPLY TO THE FOLLOWING

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

M.C.R. 3134

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

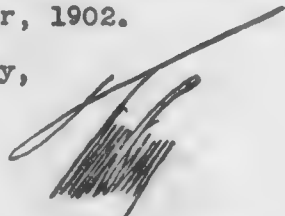
Muskogee, Indian Territory, March 24, 1903.

Fannie McPherson,  
Caradan, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,



Chairman.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Doccie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNATURE)

*James Binney*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, October 21, 1902.

Fannie McPherson,

Caradan, Texas.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R.	1803
Docie Richardson, et al.,	"	2741
Jim Keen,	"	2742
Savilla Richardson, et al.,	"	2744
Nicholas Keen, et al.,	"	3113
James Keen, et al.,	"	3114
John Keen,	"	3131
Tom Keen, et al.,	"	3132
Amanda Jarman,	"	3133
Fannie McPherson, et al.,	"	3134
Hesbert W. McPherson, et al.,	"	3780
Joe Keen, et al.,	"	3135
Bob Keen, et al.,	"	3136
Martha Hines, et al.,	"	3449
Josiah Keen, et al.,	"	2745

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."

- Q What relation was Betty Keen to you? A She was a mother of mine.  
Q And what relation is she to these children of yours? A Their grandmother.  
Q Then the statement that you have made as to your ancestor applies also to your children? A Yes.

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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*  
Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3133.

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901 M.C. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3134.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmen, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betsey Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betsey Keen.

- Q Where do these witnesses live? A In Mississippi.
- Q Do you think you could take them before the Commission at Meridian? A Yes.
- Q Who are they? A I don't know, I have to find them.
- Q And you don't know of your foreparents ever owning any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q Do you know whether you will be able to secure evidence on that subject? A I don't know,--I guess I can.
- Q Did you ever see your grandmother? A Yes.
- Q Where was she living then? A In Louisiana.
- Q Did she die in Louisiana? A No she died in Mississippi.
- Q Is there anything else that you would like to say in support of your application? A Not that I know of.
- Q Have you any papers that you want to file now? A Yes.
- Q Where are they? A I don't know.
- Q Have you got them here? A No they are not here.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions, or affidavits or any documentary evidence, the same will be accepted and made a part of the record in your case.

- Q Can you speak Choctaw? A No.

This applicant has brown hair and eyes and complexion. Her features and general appearance are those of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from her testimony that her grandmother through whom she claims lived in Mississippi at the time of the making of this treaty. It has been very difficult to secure any intelligent answers from this applicant.

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 1, 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 20<sup>th</sup> day of September 1901.

*David Shelby*  
Notary Public.

privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you make any claim under the provisions of this article of the treaty of eighteen hundred and thirty? A No.
- Q What do you claim under? A I do not know.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay and take land there and become citizens of the United States. But when a Locating Agent was sent down by the government a few years later it was found that the names of a great many of those who claimed they had gone to the Indian Agent did not appear on the list made by him, so under different acts of Congress men were appointed by Congress to go down into Mississippi and look into this matter and find out which of the claimants were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on a great many claims, some were allowed and some were refused. In the cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land had not already been sold it was given to them; if the land had been sold scrip was issued by the government which could be used in buying any of the lands from the public domain in the States of Mississippi, Arkansas, Louisiana, or Alabama.

- Q Did any of your ancestors own land in any of these States? A No, not that I know of.
- Q Do you know what the word ancestor means? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Josiah and Betsy Keen or Elizabeth--Betsy was Elizabeth.
- Q What relation was Betsy to you? A My grandmother.
- Q Your father's mother? A Yes.
- Q She lived in Mississippi in eighteen hundred and thirty? A Yes.
- Q Have you any evidence to show that? A No.
- Q Do you think you could get any? A Yes I want thirty days to get it.
- Q Do you know whether Betsy Keen came West with the other Indians to the present Indian Territory between eighteen hundred and thirty three and thirty-eight? A No I do not know.
- Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to remain in Mississippi and take land there? A No.
- Q Would you be able to secure any evidence on that point? A I don't know I might.
- Q Do you understand that it is a matter of importance to your case to secure evidence to show whether your grandmother was living in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian and whether she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay and take land in Mississippi? A Yes.
- Q What kind of evidence do you expect to be able to get? A Well, I don't think I could get them here in person.
- Q Do you think you could get their depositions? A Yes I guess so.

- Q What makes you think you are a Mississippi Choctaw? A A I can't tell you.
- Q Do you claim under any of the Treaties between the United States and the Choctaw Indians? A Yes.
- Q Which one? A Under the treaty of fourteen.
- Q What was that Treaty do you know? A It was the treaty of eighteen hundred and thirty.
- Q Do you know what you claim under that treaty? A No.
- Q Do you claim under the whole treaty or under just a part of it? A I can't tell you

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, and is as follows:

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

This law gives the Commission the power 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 State of Mississippi was being filled up with white settlers and the United States found it hard to protect the Indians in their Tribal government and thought it would be better to remove them to a Country West of the Mississippi River where there were no white people and where they could set up their tribal government and not be bothered by white people, so they tried to make a treaty with them, and give them land here, West of the Mississippi River, in exchange for their land in Mississippi and move them all to that Country west of the Mississippi River but some of the Indians did not want to come and the other Indians would not sign any treaty until something was done for those who wanted to stay in Mississippi, so this article fourteen was put in the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. After that the Indians signed the treaty alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the Treaty of eighteen hundred and thirty provides as follows:

"Each Choctaw head of a family being desirous to remain and become a citizens 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

- Q Give the names and ages of these children? A Sixteen.
- Q Well what is the name? A Ruth McPherson.
- Q Ruth you say is sixteen? A Yes.
- Q Next? A Walter McPherson; fourteen.--Myrtle McPherson.
- Q How old? A Eleven.
- Q Next? A Adline eight.
- Q Is that a girl? A Yes.
- Q Next? A Mamie-M-a-m-i-o.
- Q How old? A Two years old.
- Q Is that all? A Yes.
- Q These are all your children? A Yes.
- Q What is the name of their father? A McPherson.
- Q What is his first name? A Bartlett.
- Q When and where were you married to Bartlett McPherson? A Wise County, Texas.
- Q When were you married? A In 1890.
- Q Is your name or are the names of any of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A A No.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children ~~enroll~~ enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your children 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.
- Q What kind of an application do you want to make now? A I don't know.
- Q Well what is your claim? A I can't tell you.
- Q Well what makes you come here then? A To get a right.
- Q What kind of a right? A As I told you I don't know.
- Q You come here to make application for a right and you don't know what that right is? A I don't know how to answer that question.
- Q What do you think you are going to get? A Land I guess.
- Q Where? A ( No answer )
- Q What makes you think you have a right to come here and make this application? A I don't know.
- Q How did you happen to think that you could come here then? A I told you I could not answer that question.
- Q You don't know what you are applying for? A Yes I know but then I can't tell you.
- Q What is the reason you can't tell? A Because I haven't got sense enough I reckon, I reckon that's the reason.
- Q Do you claim to be a Mississippi Choctaw? A Yes.
- Q Do you know what a Mississippi Choctaw is? A Yes.
- Q What is it? A It is a Mississippi Choctaw.
- Q That is not explaining it, that is only repeating the words. Do you know what makes a Mississippi Choctaw? A Yes I know but I can't explain it,--could not tell it.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

5134

In the matter of the application of Fannie McPherson for identification of herself and her five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Fannie McPherson being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Fannie McPherson.  
Q What is your age? A Forty.  
Q What is your post-office address? A Caradan.  
Q Texas? A Yes.  
Q How long have you lived there? A Four years.  
Q Where did you live before you lived there? A Coryell.  
Q In Texas? A Yes.  
Q How long have you lived in Texas? A Ever since I was four years old.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q You were born in Louisiana? A Yes.  
Q Never had a residence except in Louisiana and Texas? A No.  
Q What is your father's name? A Nicholas Keen.  
Q Is he living? A Yes.  
Q What is your mother's name? A Alzada Keen?  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A I don't know.  
Q How much does your father claim to have? A One-eighth I believe.  
Q If your father had one eighth, how much would you have? A I don't know.  
Q Do you think you would have about one-half of what your father had? A Yes I think so.  
Q Have you any evidence of your father's and mother's marriage?  
A No.  
Q Can you secure such evidence? A I guess I could.  
Q Do you intend to try? A Yes.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your husband's name? A Bartlett McPherson.  
Q Is he living? A Yes.  
Q Are you making application for your husband? A No.  
Q He is a white man and makes no claim to Choctaw blood? A Yes he is a white man.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.  
Q How many? A Five.

Choctaw MCR 3134

Fannie McPherson

MCR 3134

# REFUSED

*Amanda Jarmore*

DECISION RENDERED.

OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

*R. 3133* OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

MAR 24 1903

REFER TO M. C. R. *1800*



No. 3133

For Identification as a Mississippi Choctaw.

Date AUG 1 1901

Name Amanda Jarmom

Age 46 Blood 1/16

Post Office, Caradan, Texas

Father: Nicholas Keen ✓

Mother: Alzada Keen ✓

Claims through father

Husband: James Jarmom  
(no claim for him)

~~Children:~~

Claims for herself alone

Stenographer

L. Rosenwinkel  
J. W. R.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



~~Amanda Jarmon,~~

~~Caradan, Texas.~~

Unclaimed  
Unknown



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

FILED

FEB 18 1907

A handwritten signature, likely of the Commissioner, is written over the date.

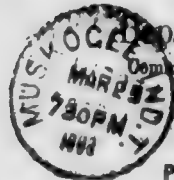
Commissioner.



WCR 3175

forward

URGENT



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Amanda Jarmon,

~~Caradan, Texas~~

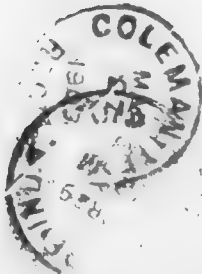
Caradan, Texas.

3133



INT. OR.  
SIVETZED  
**FILED**  
APR 22 1903

CHAIRMAN



REFER IN REPLY TO THE FOLLOWING:

MUR-3133.

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

Muskogee, Indian Territory, January 11, 1907.

Amanda Jarmon,  
Garadan, Texas.

Dear Madam:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the application of yourself is a part.

Respectfully,



Commissioner,

C M J 2

sion, was forwarded to the Secretary of the Interior. On March 14, 1903, the Secretary of the Interior approved the decision of the Commission refusing said application, of which departmental action the applicants were duly notified on March 24, 1903. The Commission now considers this case closed.

It does not appear from our records that any persons by the names of J. W. Keen, F. M. McPherson or M. L. Hynes are applicants to this Commission for identification as Mississippi Choctaws, and you are further advised that the time within which persons could present applications to this Commission for identification as Mississippi Choctaws expired March 25, 1903.

Respectfully,

Commissioner in Charge.

M C R 3113  
M C R 3133

Muskogee, Indian Territory, June 2, 1903.

C. M. Joiner,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask if Nicholas Keen, J. W. Keen, Mrs. A. J. Jarman, F. M. McPherson or M. L. Hynes have been "accepted" by the Commission as Mississippi Choctaws.

In reply you are informed that it appears from our records that Nicholas Keen and Amanda Jarmon made application to this Commission for identification as Mississippi Choctaws, said applications being made a part of the consolidated Mississippi Choctaw case of Daniel Keen, et al.

On October 21, 1902, the Commission rendered its decision refusing the applications of the several applicants included in said consolidated case, and on the same date they were notified of the action of the Commission and that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claims.

The fifteen days from October 21, 1902, heretofore granted in this case, expired on November 5, 1902. On November 6, 1902, the record in this case, together with the decision of the Commis-



117 C.B.

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

REFER IN REPLY TO THE FOLLOWING

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

M.C.R. 3133

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

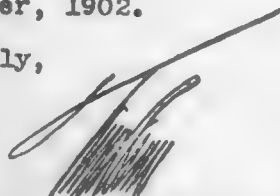
Muskogee, Indian Territory, March 24, 1903.

Amanda Jarmon,  
Caradan, Texas.

Dear Madam:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,



Chairman.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 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. Diney*  
Acting Chairman.

Registered.

COPY.

M.C.R. 3133.

Muskogee, Indian Territory, October 21, 1902.

Amanda Jarmon,

Caradan, Texas.

Dear Madam:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Docie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmon,	" 3133
Fannie McPherson, et al.,	" 3134
Wesbert V. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Jessiah Keen, et al.,	" 2743

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."

#6

- Q If you cannot bring these witnesses before the Commission in person can you secure their depositions? A Yes I guess so, their depositions? --I don't understand that?
- Q That is written testimony or their written testimony in the form of questions and answers? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses in person, or their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.

Are your eyes blue? A They are what I call gray.

This applicant has brown hair, blueish-gray eyes and moderately fair complexion. Her features and general appearance are those of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty, although it appears from her testimony that her grandmother, through whom she claims, lived in Mississippi at the time of the making of this treaty.

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 1st, 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.

*G. Rosenwinkel*

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

*Charles W. Sawyer*  
Notary Public.

- Q Do you know if she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A No I do not know.
- Q Will you be able to get any evidence on that point? A Yes.
- Q You understand the importance of getting evidence to show that your grandmother was a recognized Choctaw Indian and that she, within six months after the treaty was ratified, went to the Indian Agent and told him that she wanted to stay in Mississippi and become a citizen of the United States? A Yes.
- Q Do you think you can secure witnesses on this subject? A I think I can.
- Q Who are they? A I have an uncle who is older than my father.
- Q Your uncle has already made application and he is in the position of an interested party and you understand that the evidence of interested parties in a case where valuable property rights are at stake does not carry very much weight with it. Your uncle is in the same position that you are and equally interested. Do you know of any other witnesses that you could get? A May be my father.
- Q Your father has already made application here, has he? A Yes.
- Q Would you like to have a copy of his testimony filed in your case? A Yes.
- Q You say that none of your ancestors owned any land in Mississippi Arkansas, Louisiana or Alabama? A No.
- Q You are sure of that are you? A I I can remember my grandmother lived on a little old lot in Mississippi in the Country but I do not know whether she owned it or not.
- Q In what part of Mississippi? A It was forty miles North of Alexandria.
- Q In what Parish? A Rapides Parish.
- Q Well was that not in Louisiana? A Yes.
- Q Well you understand that if you have the records examined in that Parish, the land record, you would be able to find out if your grandmother owned that land? A Yes.
- Q You understand that it would be important ~~extreme~~ in your case to have evidence on that point? A Yes I understand.
- Q Are there any other statements you would like to make at this time in support of your application? A Not that I know of.
- Q Do you remember your grandmother? A Yes.
- Q At the time you remember her she was living in Louisiana? A Yes.
- Q Do you know how much Choctaw blood she claimed to have? A No, I do not.
- Q Did she look like a full blood or a half blood? A Yes.
- Q She looked like a full blood? A Yes.
- Q Do you know how a full blood looks? A I saw Choctaws back there in Louisiana and she looked right smart like them, I don't know just how you would have to look to be one-half blood.
- Q Did she talk Choctaw? A If she did I never heard her.
- Q Did she have a Choctaw name? A No.
- Q Can you speak Choctaw? A No.
- Q You intend to try to secure evidence on the matters about which you have been questioned? A Yes.
- Q Do you expect to bring witnesses before the Commission in person do you? A Yes and some proof and I want to try to get them up.
- Q Do you expect to offer that proof in the form of oral testimony of witnesses, that is witness appearing before the Commission for examination? A I don't know whether I can get them before the Commission in person or not.
- Q You understand that oral testimony of witnesses is better than affidavits or depositions? A Yes.

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."

That means, that if those Indians who did not want to leave Mississippi, would go to the Indian Agent there in Mississippi and tell him that they did not want to go west but stay in Mississippi and become citizens of the United States, they would then get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it. That article also provided that in doing this they would not lose the right of Choctaw citizenship but if they ever removed they would not get any of the yearly payment of Choctaw money.

Q Is that the treaty under which you claim? A Yes.

Within six months after the treaty was ratified a large number of Indians went to the Indian Agent and told him that they wanted to stay and become citizens of the United States but when a man was sent by the government to locate the land for these Indians it was found that the names of a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay in Mississippi and take land did not appear on the list made by him, so under different acts of Congress men were appointed to go down there and look into the matter and find out which of the Indians were really entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a great many claims, some were allowed and some 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 by these people had not already been sold it was given to them; if it had been sold they were given scrip which could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did any of your ancestors ever own any land in any of these States? A No.

Q Do you know what the word ancestor means? A Parents?

Q Yes, or your father's parents or mother's parents etc.,--What was the name of your ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in eighteen hundred and thirty who was a recognized Choctaw Indian? A I reckon grandfather Keen. His name was Josiah Keen and grandmother Elizabeth Keen.

Q Now which one of your father's parents was Choctaw? A Grandmother Elizabeth Keen.

Q Did she live in Mississippi in eighteen hundred and thirty? A I suppose she did.

Q Have you any evidence that she lived in Mississippi in eighteen hundred and thirty? A None only my father.

Q How old is your father? A He is seventy-one.

Q If your father is seventy-one he was born just about the year that treaty was made? A Yes.

Q Where was he born? A In Mississippi.

Q Was your grandmother Elizabeth Keen a recognized Choctaw Indian? A I don't know.

Q Do you know how much Choctaw blood she claimed to have? A No, I do not know how much.

Q Do you know if Elizabeth Keen came west with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight, to the present Choctaw Nation? A No.

- Q Well what is a right here; what do you think you are going to get if this application is passed on favorably? A Some land.
- Q Well did I understand you to say that you made no claim because of any of the treaties between the United States and the Choctaw Indians? A Yes I want to claim some land.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A No.
- Q An agreement is a contract between persons, and a treaty is an agreement between Nations. Now, do you make any claim, in the Choctaw Nation here, because of agreements made between the United States and the Choctaw Nation? A Yes.
- Q Well what treaty? A The fourteenth treaty.
- Q Do you know what treaty that is? A The fourteenth that's all I know.
- Q Do you know anything about what that treaty provides? A No.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws, is found in section twenty-one of the act of Congress of June 28, 1898 and is as follows:

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

This law gives the Commission the right to determine the identity of Choctaw Indians who claim land 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 and give them land west of the Mississippi River in exchange for their lands in the State of Mississippi. The State of Mississippi was being rapidly filled up with white settlers and the Indians could be protected in their tribal Government therefore the United States government thought it would be best to remove them all to the Country west of the Mississippi River where they could set up their own tribal Government and not be bothered by white people, but some of the Indians did not want to leave their homes in Mississippi and the other Indians would not sign any treaty until something was done for those Indians who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Indians who wanted to remain in Mississippi and after article fourteen was made a part of the treaty the Indians signed it and it was ratified by the United States and the Choctaw Indians. Article fourteen of the Treaty of eighteen hundred and thirty provides 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

- Q Are you married? A Yes.
- Q What is your husband's name? A James Jarmon.
- Q Is he living? A Yes.
- Q Do you make any claim for your husband? A No.
- Q He is a white man and makes no claim to Choctaw blood? A Yes, he is a white man.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A No.
- Q You make 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 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 Choctaw Nation under the act of Congress of June 10th, 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 ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? 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 a member of the Choctaw Tribe? A  
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 Make application for my rights.
- Q Well, what rights have you? A Well, my parents are Choctaws that's all I know.
- Q Well what kind of an application do you want to make now? A I can't tell.
- Q What kind of a Choctaw do you claim to be? A Choctaw Indian is all I know.
- Q Do you claim anything because you are a descendant of a Choctaw Indian who lived in Mississippi in eighteen hundred and thirty? A Yes.
- Q Do you claim then that you are a Mississippi Choctaw? A Yes.
- Q Do you come here because you want to be identified as a Mississippi Choctaw? A Yes.
- Q Do you make your claim because you have always been taught you had Choctaw blood? A Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A ( No answer)
- Q What answer did you make? A I have not made any answer.
- Q Do you claim anything because of any of the treaties which have been made between the United States and the Choctaw Indians? A I claim my rights, that's all.
- Q Well, what are your rights? A Indian blood I reckon.
- Q Well if you say you are just making application for your rights and your rights are to have Choctaw blood, you have that already? A Yes.
- Q What do you think your rights are. Just tell as well as you can what you think your rights are? A I can't tell them.
- Q Well then, why do you come and make this application? A Because I have been taught that my father had a right here.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

3133

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Amanda Jarmon being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Amanda Jarmon.  
Q How do you spell it? A J-a-r-m-o-n.  
Q How old are you? A Forty-six.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A I have lived there three years.  
Q Where did you live before you lived there? A I lived in Bosque County.  
Q Texas? Yes.  
Q How long have you lived in Texas? A A Since Sixty-nine.  
Q Where did you live before you lived in Texas? A I was born in Mississippi.  
Q How long did you live in Mississippi? A I stayed there until I was two years old and left Louisiana when I was fourteen years old and came to Texas.  
Q You moved from Mississippi to Louisiana? A Yes.  
Q When you were two years old you moved from Mississippi to Louisiana? A Yes.  
Q And lived in Louisiana until you were fourteen years old? A Yes.  
Q Then you moved to Texas? A Yes.  
Q And have lived there ever since that time? A Yes.  
Q What is your father's name? A Keen.  
Q What is his first name? A Nicholas.  
Q Is he living? A Yes.  
Q What is your mother's name? A Always Keen.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my grandmother Keen.  
Q Through which one of your parents? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father ever been recognized or enrolled as a member of the Choctaw Nation by the Choctaw Tribal Authorities or the Authorities of the United States? A No.  
Q Have you any evidence of your father's and mother's marriage?  
A No.  
Q Can you secure such evidence? A Yes I think so.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as a Mississippi Choctaw.

- Q What relation was Betty Keen to you? A She was a mother of mine.  
Q And what relation is she to those children of yours? A Their grandmother.  
Q Then the statement that you have made as to your ancestor applies also to your children? A Yes.

3. 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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory, on August 1, 1901.

*E. Rosenwinkel*

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

*Charles H. Sawyer*

Notary Public.

PERM CO HOKYOKKI

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3133.

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901 M.W. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3114.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Garada, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmon, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betsey Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betsey Keen.

- Q Can you speak Choctaw? A A little.
- Q Can you carry on a conversation in Choctaw? A No I lived in the Choctaw Nation when they were moving over here.
- Q How long did you live in the Choctaw Nation? A About five years.
- Q You never said anything about that when I asked you about where you had lived. What five years was it? A It wa. when I was a boy.
- Q In this Choctaw Nation here? A No.
- Q In the Choctaw Nation in Mississippi? A Yes.
- Q Your mother did not come west with the Indians? A No.
- Q Why didn't she? A I don't reckon she wanted to.
- Q Did the Choctaw Indians at that time recognize her as a Choctaw? A I don't know whether they did or not.

The applicant in this case has a grayhair and beard which may have been black originally, his eyes are blue and complexion moderately fair. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his father and mother were living in the State of Mississippi when the treaty of eighteen hundred and thirty was made.

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 July 30, 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 July 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*

Notary Public.

#5

- Q Your mother then was a married woman and had children at the time this treaty was made in eighteen hundred and thirty? A I think she was.
- Q What was her name? A Elizabeth Keen.
- Q Well did Elizabeth Keen or did Josiah Keen go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to take land there and become citizens of the United States? A No.
- Q You never heard anything about that? A Never heard anything about it.
- Q In what state were you born? A Mississippi.
- Q The your father and mother lived in the State of Mississippi in eighteen hundred and thirty when this treaty was made? A I guess they did.
- Q Do you remember whether your father ~~and~~ or your mother made application to any of these Commissioners who went down there to Mississippi to find out who were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A If they did I never knowed nothing about it.
- Q In 1842 when the last Commission was appointed you would have been about thirteen years old, would you not? A Well I am seventy one now.
- Q When were you seventy-one? A In 1901.
- Q You must have been born in 1830 then? A I have always understood that it was in thirty-two.
- Q Then you are not seventy-one years old if you were born in thirty-two.
- Q Well in 1845 when these Commissioners were passing on these claims under the fourteenth article, that I have just been telling you about, you must have been thirteen or fourteen years old? A Yes I expect so.
- Q Well do you remember of hearing anything about whether your father or mother went to these Commissioners and tried to get land under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did your father or mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q How much Choctaw blood did your mother Elizabeth Keen have? A One-eighth.
- Q Do you know of any one living who would be able to testify whether your mother or father got any land in any of these states under this fourteenth article of the treaty of eighteen hundred and thirty? A I have a brother in Mississippi older than I.
- Q Older than you? A Yes.
- Q Has your brother applied to the Commission in Mississippi? A I do not know.
- Q What is his name? A Daniel Keen.
- Q Your brother has already applied? A Has he.
- Q Is there any other statement that you would like to make in support of your application? A No not that I know of.
- Q Have you any papers that you want to file? A I have some papers that I want to file.
- Q Where are they? A Some of the boys have got them.
- Q Well you had better get them and have them made a part of the record? A Some of the boys have got them in their pocket.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

"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."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted stay there and become citizens of the United States but when the United States sent a locating Agent down to mark off the land for them it was found that a great many names of those who claimed that they had gone to the Indian Agent there and told him that they wanted to stay in Mississippi did not appear on the list made by him. So under different acts of Congress men, Commissioners, were appointed to go down there and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold scrip was issued which could be used in buying any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? ---Do you know what is meant by the word ancestor? A I don't know if I do.
- Q Well it means your father and mother, grandfather and grandmother and any of your ancestors in a direct line back. Now 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 Davis, my grandfather on my mother's side. My grandmother's name was Patsy.
- Q How long has your father been dead? A He has been dead about thirty some odd years.
- Q You must have been born just about the year of that treaty? A I think I must.
- Q How old was your father when he died? A He was about fifty-five or sixty when he died.
- Q When did your mother die? A During the time of the War.
- Q Well your father then must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.

- Choctaw Nation, to either the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q This is the first application you have ever made of any kind? A Yes.
- Q What kind of an application do you want to make now? A I want to make application to get my rights in the Territory to get some of this land.
- Q Well what kind of an application are you making now? A (no answer)
- Q What do you claim to be? A One-sixteenth.
- Q One-sixteenth what? A Indian.
- Q What kind of Indian? A Choctaw.
- Qq Are you making your application now because you claim to have Choctaw blood? A Yes.
- Q Do you want to make application for enrollment as a Choctaw by blood or for identification as a Mississippi Choctaw? A As a Mississippi Choctaw by blood.
- Q Do you want to be identified as a Mississippi Choctaw? A I want to be identified as a Choctaw, I don't know whether it is a Mississippi or not. Here is where I want to get my right, in the Choctaw or Chickasaw Nation.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth act.
- Q Under what? A The fourteenth.
- Q What do you mean by the fourteenth, Fourteenth what? A Ain't it under the treaty.
- Q Under what treaty? A Treaty made with the Choctaw Indians.
- Q There have been a number of treaties made with the Choctaw Indians which one do you want to claim under? A The same one that the balance claim under here.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" and reads:

"Said Commission shall have authority to determine the identity of Choctaw 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 reports to the Secretary of the Interior."

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. (by applicant; well, that is where I want mine) The United States in eighteen hundred and thirty wanted to make a treaty with the Choctaw Indians in order to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to a Country west of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. After that article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Tribe. Article fourteen of the treaty of eighteen hundred and thirty provides that:

- Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A No none under age.
- Q Did you not say before the examination began that you wanted to make application for your grand children? A Yes.
- Q Are they living with you? A Yes.
- Q Are their father and mother both dead? A I reckon so, I don't know anything about their father.
- Q Was their father or mother your child? A Their mother.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got them.
- Q Did you get a license to marry? A Yes.
- Q Have you got that at home? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your grandchildren.

- Q You will get that marriage record and send it to the Commission? A No I expect it has been burned up there in Mississippi.
- Q What are the names and ages of these children that you wish to apply for? Jessie Walker.
- Q How old? A Fourteen.
- Q Jesse, twelve years old.
- Q Next? Jeffie, ten years old.
- Q Are these all your grandchildren that you wish to make application for? A No there is another.
- Q What is the name of the other? Clemmie Walker.
- Q Is that a boy or girl? A Girl.
- Q How old? Six or seven years old.
- Q What is the name of the mother of these children? A Clemmie Walker.
- Q Is she living? A No she is dead.
- Q What is the name of the father of these children? A George Walker.
- Q Is he living? A No I don't think he is.
- Q Is your name or are the names of your grandchildren on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A A My Grandfather's name Daniel Davis.
- Q I asked you if your name or the names of your grandchildren were on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made application for you self or your grandchildren to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A Not until this time.
- Q Well, this is not the Choctaw Tribal Authorities, this is the Authorities of the United States? A Well I never made any until this time.
- Q Did you or did any one for you or your grandchildren in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you or your grandchildren been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren 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 made application before this time to have yourself or your grandchildren admitted or enrolled as citizens of the



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3113

In the matter of the application of Nicholas Keen for the identification of himself and his four minor grandchildren.

Applicant not represented by Attorney.

Nicholas Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A N. Keen.  
Q What does that N. stand for? A Nicholas,--N-i-c-h-o-l-a-s.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A Three years.  
Q Where did you live before you lived there? A Lived down on the Red River in the same County.  
Q How long have you lived in Texas? A About forty years.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q How long did you live in Louisiana? A About two or three years, I was born and raised in Mississippi.  
Q Where did you go ~~to~~ from to Louisiana? A I went from Texas.  
Q How long did you live in Texas that time? A Only eleven months.  
Q Where did you live before you lived in Texas then? A In Mississippi.  
Q How long did you live in Mississippi? A I think it was in '55.  
Q You went to Mississippi in '55? A No I came to Texas in '55.  
Q You were born in Mississippi and lived there until eighteen hundred and fifty-five? A Yes.  
Q And went from there to Texas? A Yes.  
Q You were about twenty-five years old when you went to Texas? A Yes.  
Q What was your father's name? A Josiah Keen.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Keen.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother's side.  
Q How much Choctaw blood do you claim? A Well I have got it on my papers. My grandfather on my mother's side was one-half Choctaw.  
Q How much do you claim? A Well I don't know how much that would make me, I think about one-sixteenth.  
Q Has your mother 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 Yes.  
Q What is your wife's name? A Alzada--A-l-z-a-d-a.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.

Choctaw MCR 3133

Amanda Jarmon

MCR 3133

No. 3132

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name Tom Keen

Age 32 Bloodclaim  $\frac{1}{16}$

Post Office, Caruda Texas

Father: Nicholas Keen ✓

Mother: Alzada Keen ✓

Claims through father

wife: Ella Keen ✓  
(no claim for her)

Children:

Roy Keen 4

May " 1

Claims for self and 2 children

Stenographer

G. Rosenmunkel

**REFUSED**

*Tom Keen et al*

**DECISION RENDERED. OCT 21 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

*P. 3132* **OCT 21 1902**

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

**OCT 21 1902**

**RECORD FORWARDED DEPARTMENT.**

**NOV 6 - 1902**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**MAR 14 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**MAR 24 1903**

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

**MAR 24 1903**

**REFER TO M. C. R. 1802.**

Department of the Interior.

Commissioner to the Five Civilized Tribes,

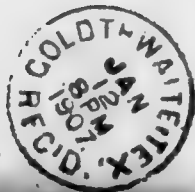
MUSKOGEE, IND. TER.



~~Tom Keen,~~

~~Caradan, Texas.~~

Unclaimed  
Unknown

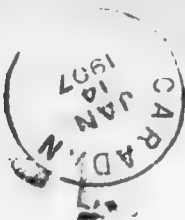




DEPARTMENT OF

Commissioner to the I. C. C.

FILED



FEB 18 1907



Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-3132.

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

Muskogee, Indian Territory, January 11, 1907.

Tom Keen,  
Caradan, Texas.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,

Commissioner.

M.C.R. 3132

Muskogee, Indian Territory, March 24, 1903.

Tom Keen,

Caradan, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Dixie.*

Chairman.



Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signature)

*Yanno Ditty.*  
Acting Chairman.

Registered.

COPY.

M. C. R. 3132

Muskogee, Indian Territory, October 21, 1902.

Tom Keen,

Caradan, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Docie Richardson, et al.,	2741
Jim Keen,	2742
Sevilla Richardson, et al.,	2744
Nicholas Keen, et al.,	3113
James Keen, et al.,	3114
John Keen,	3131
Tom Keen, et al.,	3132
Amanda Jernon,	3133
Fannie McPherson, et al.,	3134
Herbert W. McPherson, et al.,	3780
Joe Keen, et al.,	3135
Bob Keen, et al.,	3136
Martha Hines, et al.,	3449
Josiah Keen, et al.,	2745

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

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

H.K. 2

James T. Keen whose marriage license and certificate are offered in evidence, kindly explain why his wife's name appears as Nancy Keen in his testimony and as "Ned" Wolf, or Keen, in his marriage license and certificate.

Yours truly,

Commissioner in Charge.

HU 5154  
MC 5155  
EC 5152

AS 1-13

Muskogee, Indian Territory, January 13, 1902.

Nicholas Keen,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate of J. W. Keen and Caroline Bradley, which has been offered for filing in support of the application for identification as Mississippi Choctaws of Joe Keen, et al.; certified copy of the marriage license and certificate between W. T. Keen and Miss Ella Hines, offered in support of the application for identification as Mississippi Choctaws of Tom Keen, et al. The same have been made a part of the records in the above named cases and will receive consideration in the determination of the rights of the applicants to identification as Mississippi Choctaws.

There was also offered for filing the certified copy of marriage license and certificate of James T. Keen and Miss Deal Wolf (offered for filing) in support of the application for identification as Mississippi Choctaws of James Keen, et al. The same is herewith returned to you for the reason that at the time James Keen appeared before the Commission and applied for identification as a Mississippi Choctaw he gave his wife's name as Nancy Keen. If this is the same

92

- Q What relation was Daisy Keen to you? A She was a mother of mine.  
Q And what relation is she to these children of yours? A Their grandmother.  
Q Then the statement that you have made as to your ancestor applies also to your children? A Yes.

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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles Kesawyer*  
Notary Public.

Department of the Interior.  
~~Commission to the Five Civilized Tribes.~~  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901. M.C. 3133a

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901/ M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3114.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmon, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betay Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betay Keen.

- Q Do you expect to try to secure such evidence? A Well if it would strengthen the other testimony I would.
- Q Well don't you understand the statements that I have just made to you about securing evidence on these points? A Yes but I forgot it as soon as you told it.
- Q Well are you interested in the outcome of this case? A Yes I feel like I am.
- Q Well it seems like you would try and remember.---
- Q Is there anything else that you desire to say in support of your application? A A Yes I would like to have thirty days.

If you desire to offer any further evidence in support of your application either the oral testimony of witnesses their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in your case.

The applicant in this case has dark brown hair and eyes and mustache and dark complexion. 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.

- Q Do you speak Choctaw? A No.

He does not speak the Choctaw language and it appears from his testimony that he does not know whether the ancestor through whom he claims lived in Mississippi in eighteen hundred and thirty or not.

G. Rosenwinkel being duly sworn on his oath states as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on July 31, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause and said date of July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27 day of September 1901

*Charles H. Sawyer*

Notary Public.

- Q How old is your father. A I think he is seventy-one.
- Q Well he was born there just about the time of the making of this treaty of eighteen hundred and thirty? A I could not tell you.
- Q Well if he is about seventy-one years old, he must have been born about that time, must he not? A I guess so.
- Q Was he born in Mississippi? A I don't know.
- Q What was the name of your father's father? A Josiah Keen.
- Q What was the name of your father's mother? A Betsy I believe.
- Q Through which one of your father's parents did he get his Choctaw blood? A Through his mother.
- Q Do you know how much Choctaw blood Betsy Keen had? A I know what they said she had.
- Q How much? A One-half.
- Q You say that you don't know whether she was a recognized Indian at that time or not? A No.
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty? A I have been taught that she lived in Mississippi
- Q Has your father already made application here? A I think so.
- Q Would you like to have a copy of your father's statement made a part of the record in your case? A Yes.
- Q Do you know whether Betsy Keen came west with the Other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A No.
- Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to become a citizen of the United States? A No I do not.
- Q Do you know of any one that would be able to testify on that point? A Not for certain.
- Q Do you think you know of some one? A I think may be I could find some one who could.
- Q Do you know if Betsy Keen had any Choctaw name? A No.
- Q Do you know if she ever owned any land in Mississippi, Arkansas Louisiana or Alabama? A No.
- Q Do you think you could get some one to testify on that point? A I don't know whether I could or not.
- Q You understand do you that it is very material to your case that you have evidence as to whether your grandmother Betsy Keen lived in Mississippi in eighteen hundred and thirty and whether she was a recognized Choctaw Indian at that time? A It looks like it would be a benefit to it.
- Q You understand also that it of importance that you have some evidence as to whether Betsy Keen went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to remain in Mississippi do you? A I don't know whether I do or not.
- Q Don't you understand now that it is from my having asked you that question, that it is a matter of importance? Well it might be. I had not studied over this.
- Q Well you know that even the sworn statement of an interested party in a case where valuable property rights are involved does not have very much weight unless it is supported by other, outside evidence? A Yes that's reasonable.
- Q Well you understand that you are in the position of an applicant for valuable property rights and that it will be necessary for you to secure evidence as to whether your grandmother Betsy Keen lived in Mississippi in eighteen hundred and thirty and whether she was a recognized Choctaw Indian and went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay and become a citizen of the United States? A Yes.



white people so they tried to make a treaty with the Indians for the purpose of giving them land west of the Mississippi River and remove them all to that Country but some of the Indians did not want to give up their homes in Mississippi and the other Indians would not sign any treaty until some provision was made those Indians who did not wish to leave Mississippi. Article fourteen was made a part of the treaty for the benefit of those Choctaws who did not want to leave Mississippi and after this article was inserted in the treaty the Indians signed the treaty alright and it was ratified by the United States and the Choctaw Nation. 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 the reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if the ever remove are not to be entitled to any portion of the Choctaw annuity."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and become citizens of the United States but when a man was sent down by the United States government to locate the land for the Indians it was found that the names of a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay did not appear on the list which he had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate and find out which of these claimants were really entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases; some were 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 which the Indians claimed had not already been sold it was given to them, if the land had been sold scrip was issued to them. They could use this scrip to buy land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q How did any of your ancestors own any land in these States?  
A Not that I know of.

Q Do you know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A I don't know whether I can answer that question. I don't know whether he was recognized as a Choctaw Indian. My father's father lived there.

- Q Were you married by an ordained minister or by an official? A Justice of the Peace.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes but not with me.
- Q You will send them in later? A Yes.

It will be necessary for the Commission to be supplied with evidence of your marriage to you wife Ella Keen in support of the application you make for your minor children.

- Q Is your name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever applied to the Choctaw Tribal Authorities of 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 Choctaw Nation under the act of June 10th 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Dawes Commission or by the Choctaw Tribal Authorities? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to have you self or your children admitted or enrolled as members 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 make an application as a Mississippi Choctaw.
- Q Do you want to be identified as a Mississippi Choctaw? Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Well we have some proof of my father having Choctaw blood and therefore I think I have some.
- Q So you are making your claim because you have been taught that you had Choctaw blood? A Yes.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Nation? A Yes.
- Q What treaties? A Well the treaty of eighteen hundred and thirty.
- Q Do you know what you claim under the treaty of eighteen hundred and thirty? A You mean what article?
- Q No I mean what do you think gives you a right to claim under this treaty of eighteen hundred and thirty? A Well because I suppose the government made that treaty for the benefit of the Choctaw Indians. That is the way I understand it.
- Q Do you claim under any particular part of this treaty or under all of it? A I claim under the fourteenth.
- Q The fourteenth article? A Yes.
- Q Well just tell what you think is meant by the fourteenth article of the treaty of eighteen hundred and thirty? A Well I don't understand it well enough to explain it.

In eighteen hundred and thirty the State of Mississippi was being settled up so rapidly by white people that it became very hard to protect the Indians in their Tribal Government and the United States Government thought it would be best to move them to some other Country, west of the Mississippi River where they could set up their own Tribal government and not be bothered by

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 31, 1901.

3152

In the matter of the application of Tom Keen for the identification of himself and his two minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Tom Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Tom Keen.  
Q What is your age? A Thirty-two.  
Q What is your post-office address? A What did you say?  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A I was born and raised in Texas.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Nicholas Keen.  
Q Is he living? A Yes.  
Q What is your mother's name? A Alzada Keen.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Through my father.  
Q How much Choctaw blood do you claim? A I guess one-sixteenth.  
Q Have you evidence of the marriage of your father and mother?  
A No.  
Q Can you secure such evidence? A I think so.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make.

- Q Are you married? A Yes.  
Q What is your wife's name? A Ella.  
Q Is she living? A Yes.  
Q Do you make any application for your wife? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A That's right.  
Q Have you any children under the age of twenty-one and unmarried for whom you wish to make application? A Yes I have two.  
Q Give the names and ages of these children? A Roy.  
Q How old? A Four. ---May  
Q How old? A One.  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Ella.  
Q When and where were you married to Ella Keen? A Centerville Texas.  
Q When? A Ninety-five.  
Q Did you obtain a license to marry? A Yes.

- Q Can you speak Choctaw? A A little.
- Q Can you carry on a conversation in Choctaw? A No I lived in the Choctaw Nation when they were moving over here.
- Q How long did you live in the Choctaw Nation? A About five years.
- Q You never said anything about that when I asked you about where you had lived. What five years was that? A It was when I was a boy.
- Q In this Choctaw Nation here? A No.
- Q In the Choctaw Nation in Mississippi? A Yes.
- Q Your mother did not come west with the Indians? A No.
- Q Why didn't she? A I don't reckon she wated to.
- Q Did the Choctaw Indians at that time recognize her as a Choctaw? A I don't know whether they did or not.

The applicant in this case has gray hair and beard which may have been black originally, his eyes are blue and complexion moderately fair. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his father and mother were living in the State of Mississippi when the treaty of eighteen hundred and thirty was made.

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 July 30, 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 July 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*

Notary Public.

- Q Your mother then was a married woman and had children at the time this treaty was made in eighteen hundred and thirty? A I think she was.
- Q What was her name? A Elizabeth Keen.
- Q Well did Elizabeth Keen or did Josiah Keen go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to take land there and become citizen of the United States? A No.
- Q You never heard anything about that? A Never heard anything about it.
- Q In what state were you born? A Mississippi.
- Q Then your father and mother lived in the State of Mississippi in eighteen hundred and thirty when this treaty was made? A I guess they did.
- Q Do you remember whether your father or your mother made application to any of these Commissioners who went down there to Mississippi to find out who were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A If they did I never knowed anything about it.
- Q In eighteen hundred and forty-two when the last Commission was appointed you would have been about thirteen years old, would you not? A Well I am seventy-one now.
- Q When were you seventy-one? A In 1901.
- Q You must have been born in 1830 then? A I have always understood that it was in thirty-two.
- Q Well in 1845 when these Commissioners were passing on these claims under the fourteenth article, that I have just been telling you about, you must have been thirteen or fourteen years old? A Yes I expect so.
- Q Well do you remember of hearing anything about whether your father or mother went to these Commissioners and tried to get land under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did your father or mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q How much Choctaw blood did your mother Elizabeth Keen have? A One-eighth.
- Q Do you know of any one living who would be able to testify whether your mother or father got any land in any of these States under this fourteenth article of the treaty of eighteen hundred and thirty? A I have a brother in Mississippi older than I.
- Q Older than you? A Yes.
- Q Has your brother applied to the Commission in Mississippi? A I do not know.
- Q What is his name? A Daniel Keen.
- Q Your brother has already applied? A Has he.
- Q Is there any other statement that you would like to make in support of your application? A No not that I know of.
- Q Have you any papers that you want to file? A I have some papers that I want to file.
- Q Where are they? A Some of the boys have got them.
- Q Well you had better get them and have them made a part of the record? A Some of the boys have got them in their pocket.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

#4

"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."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and become citizens of the United States but when the United States sent a locating Agent down to mark off the land for them it was found that a great many names of those who claimed to have gone to the Indian Agent there and told him that they wanted to stay in Mississippi did not appear on the list made by him. So under different acts of Congress men, Commissioners were appointed to go down there and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold scrip was issued which could be used in buying any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what was the name of your ancestor or who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian?-- Do you know what is meant by the word ancestor?  
A I don't know of I do.
- Q Well it means your father and mother, grandfather and grandmother or any of your ancestors in a direct line back. Now 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 Davis, my grandfather on my mother's side. My grandmother's name was Patsy.
- Q How long has your father been dead? A He has been dead about thirty some odd years.
- Q You must have been born just about the year of that treaty? A I think I must.
- Q How old was your father when he died? A He was about fifty-five or sixty when he died.
- Q When did your father die? A During the time of the War.
- Q Well your father then must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.

- Choctaw Nation, to either the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q This is the first application you have ever made of any kind?  
A Yes
- Q What kind of an application do you want to make now? A I want to make application to get my rights in the Territory to get some of this land.
- Q Well what kind of an application are you making now? A ( no answer)
- Q What do you claim to be? A One-sixteenth.
- Q One sixteenth what? A Indian.
- Q What kind of Indian? A Choctaw.
- Q Are you making your application now because you claim to have Choctaw blood? A Yes.
- Q Do you want to make application for enrollment as a Choctaw by blood or for identification as a Mississippi Choctaw? A As a Mississippi Choctaw by blood.
- Q Do you want to be identified as a Mississippi Choctaw? A A I want to be identified as a Choctaw, I don't know whether it is a Mississippi or not, Here is where I want to get my right in the Choctaw or Chickasaw Nation.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth act.
- Q Under what? A The fourteenth.
- Q What do you mean by fourteenth? Fourteenth what? A Ain't it under the treaty.
- Q Under what treaty? A Treaty made with the Choctaw Indians.
- Q There have been a number of treaties made with the Choctaw Indians which one do you want to claim under? A The same one that the balance claim under here.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" and reads:

"Said Commission shall have authority to determine the identity of Choctaw 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 and make report to the Secretary of the Interior."

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. (By applicant; well, that is where I want mine). The United States in eighteen hundred and thirty wanted to make a treaty with the Choctaw Indians in order to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to a Country West of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. After that article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Tribe. Article fourteen of the treaty of eighteen hundred and thirty provides that:

- Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A none under age.
- Q Did you not say before the examination began that you wanted to make application for your grandchildren? A Yes.
- Q Are they living with you? A Yes.
- Q Are their father and mother both dead? A I reckon so, I don't know anything about their father.
- Q Was their father or mother your child? A Their mother.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got them.
- Q Did you get a license to marry? A Yes.
- Q Have you got that at home? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your grandchildren.

- Q You will get that marriage record and send it to the Commission? A No I expect it has been burned up there in Mississippi.
- Q What are the names and ages of these children that you wish to apply for? A Josie Walker.
- Q How old? A Fourteen-- Jesse twelve years old.
- Q Next Jeffe, ten years old.
- Q Are these all your grandchildren that you wish to make application for? A No there is another.
- Q What is the name of the other? A Clemmie Walker.
- Q Is that a boy or girl? A Girl.
- Q How old? A Six or seven years old.
- Q What is the name of the mother of these children? A Clemmie Walker.
- Q Is she living? A No she is dead.
- Q What is the name of the father of these children? A George Walker.
- Q Is he living? A No I don't think he is.
- Q Is your name or are the names of your grandchildren on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A My grandfather's name Daniel Davis.
- Q I asked you if your name or the names of your grandchildren were 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 your grandchildren to the Choctaw Tribal Authorities to be enrolled as a member of that tribe? A Not until this time.
- Q Well, this is not the Choctaw Tribal Authorities, this is the Authorities of the United States? A Well I never made any until this time.
- Q Did you or did any one for you or your grandchildren 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 30th, 1896? A No.
- Q Have you or your grandchildren ~~xxx~~ been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren 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 made application before this time to have yourself or your grandchildren admitted or enrolled as citizens of the



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3113

In the matter of the application of Nicholas Keen for the identification of himself and his four minor grandchildren, as Mississippi Choctaws.

Applicant not represented by Attorney.

Nicholas Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A N. Keen.  
Q What does that N. stand for? A Nicholas,--N-i-c-h-o-l-a-s.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A Three years.  
Q Where did you live before you lived there? A Lived down on the Red River in the same County.  
Q How long have you lived in Texas? A About forty years.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q How long did you live in Louisiana? A About two or three years, I was born and raised in Mississippi.  
Q Where did you go from to Louisiana? A I went from Texas.  
Q How long did you live in Texas that time? A Only eleven months.  
Q Where did you live before you lived in Texas then? A In Mississippi.  
Q How long did you live in Mississippi? A I think it was in '55.  
Q You went to Mississippi in '55? A No I came to Texas in '55.  
Q You were born in Mississippi and lived there until eighteen hundred and fifty-five? A Yes.  
Q And went from there to Texas? A Yes.  
Q You were about twenty-five years' old when you went to Texas? A Yes.  
Q What was your father's name? A Josiah Keen.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Keen.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother's side.  
Q How much Choctaw blood do you claim? A Well I have got it on my papers. My grandfather on my mother's side was one-half Choctaw.  
Q How much do you claim? A Well I don't know how much that would make me, I think about one-sixteenth.  
Q Has your mother 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 Yes.  
Q What is your wife's name? A Alzada--A-l-z-a-d-a.  
Q Is she living? A Yes.  
Q Do you make any claim for your wife? A No.

Choctaw MCR 3132

Tom Keen

MCR 3132

*John Kern*

REFUSED

DECISION RENDERED. OCT 21 1902

NOTICE OF DECISION MAILED APPLICANT.

R. 3131 OCT 21 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

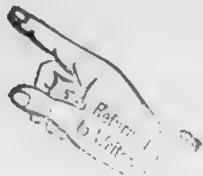
MAR 24 1903

REFER TO M. C. R.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



~~John Keen,~~

~~Carolan, Texas.~~



Unclaimed  
Unknown



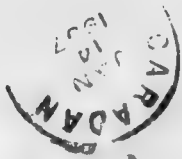
DEPARTMENT OF THE INTERIOR  
Commissioner to the Five Civilized Tribes

FILED

FEB 18 1907

A handwritten signature in dark ink, consisting of several overlapping, slanted strokes.

Commissioner.



No. 3131

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name John Keen

Age 30 Blood  $\frac{1}{32}$

Post Office, Canadian, Texas

Father: Nicholas Keen ✓

Mother: Alzada Keen ✓

Claims through father

~~Children:~~

Claims for himself alone

Stenographer

G. Rosenwinkel

REFER IN REPLY TO THE FOLLOWING:

MCR-3131.

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


Muskogee, Indian Territory, January 11, 1907.

John Keen,  
Caradan, Texas.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the application of yourself is a part.

Respectfully,



Commissioner.

Muskogee, Indian Territory, March 24, 1903.

John Keen,

Caradan, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Dixie*  
Chairman.



Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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)

*Tame Dixie*  
Acting Chairman.

Registered.

COPY

M. C. R. 3131.

Muskogee, Indian Territory, October 21, 1902.

John Keen,

Caradan, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Decie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jernon,	" 3133
Fannie McPherson, et al.,	" 3134
Eschert V. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

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

#2

- Q What relation was Betsey Keen to you? A She was a mother of mine.  
Q And what relation is she to these children of yours? A Their grandmother.  
Q Then the statement that you have made as to your ancestor applies also to your children? A Yes.

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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles W. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901. M.C. 3133a

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3114.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmon, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betsy Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betsy Keen.

The applicant in this case has brown eyes, hair and complexion but his features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He does not personally know his ancestors except his father and mother.

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 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory on July 31, 1901.

*G. Rosenwinkel*

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

*Charles H. Secor*  
Notary Public,

- Q Was her name Betsy Keen in eighteen hundred and thirty? A Yes.
- Q Betsy Keen lived in Mississippi in eighteen hundred and thirty did she? A That I could not tell, it is further back than I can remember.
- Q Have you ever heard where she lived at that time? A No.
- Q Is there anybody living who would know where Betsy Keen was living in eighteen hundred and thirty? A I guess father would
- Q Your father has already made application for identification as a Mississippi Choctaw? A Yes--here.
- Q Would you like to have a copy of his testimony filed in your case? A Yes.
- Q Is there any one living beside your father or some person interested in this case who could testify as to where your grandmother was living in eighteen hundred and thirty and whether she was a Choctaw Indian? A Yes.
- Q Who are they? A My uncle my father's brother.
- Q Daniel Keen has already made application for his own identification and would therefore not be a disinterested party. Is there any one living who is not interested in the outcome of this case who would know whether your grandmother was living in Mississippi in eighteen hundred and thirty and whether she was a Choctaw Indian? A I could not tell you.
- Q Do you intend to try to secure such evidence? A Yes.
- Q Do you know whether Betsy Keen came west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A No. or
- Q Did you ever hear whether she did/not? A No.
- Q Do you know whether she went to the Indian Agent there within six months after the treaty was ratified and told him that she wanted to stay in Mississippi and become a citizen of the United States? A No.
- Q Do you know of any one living who could testify on that point? A No I do not.
- Q Do you understand that even the sworn statement of a party in interest does not carry very much weight unless supported by outside evidence? A Yes.
- Q Did you say that you did not know whether Betsy Keen or Josiah Keen owned any land in Mississippi, Louisiana, Arkansas or Alabama? A I said I did not know.
- Q Do you expect to try to secure evidence along the points that I have asked you about and file it with the Commission do you? A Yes I want to ask for thirty days.
- Q Do you intend to try to bring your witnesses in person before the Commission? A No.
- Q Do you understand that the oral testimony of witnesses is better than their depositions or affidavits? A No I did not understand it that way.
- Q Well that is, if you can bring them here in person it carries more weight with it? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? A No.
- Q Have you any papers that you want to file now? A No.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence the Commission will accept the same and make it a part of the record in your case.

- Q Can you speak Choctaw? A No.

"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 the 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 the ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that those Choctaws who did not want to go West could go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to remain there and they would get land for themselves and there children and if they lived on that land for five years they would get a title to it. By doing this they would not lose the privilege of Choctaw citizens but if they ever removed were not to be entitled to any part of the Choctaw yearly payments of money.

Q Do you claim anything under the provisions of this article of the treaty? A Yes.

Within six months after the treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi and become citizens of the United States but when a man was sent down by the government to locate the land for the Indians it was found that there were a great many Indians who claimed that they had gone to the Agent and told him that they wanted to stay and take land whose names were not found on the rolls made by him so under different Acts of Congress men were sent down there as Commissioners to look into this matter and find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred claims. Some were allowed and some were rejected. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War if the land claimed by the applicants had not already been sold it was given to them; if the land had been sold they were given scrip with which they could buy land from any of the Public Lands in the States of Mississippi Louisiana, Arkansas or Alabama.

Q Did any of your ancestors own any land in any of these States?

A Not that I know of.

Q You know what is meant by the word ancestor? A Yes.

Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty and who was a recognized Choctaw Indian? A That was my grandfather Josiah Keen, and my grandmother Betsy Keen.

Q Your father's father and mother? A Yes.

Q Through which one of his parents did your father get his Choctaw blood? A Through his mother.

Q Do you know what her name was before she was married? No.

#8

- Q Did you or did any one for you in eighteen hundred and ninety six apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by 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 Choctaw Tribal Authorities or the Dawes Commission? 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 a citizen of the Choctaw Tribe? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What do you want to apply for now? A ( no answer )
- Q What kind of an application do you want to make now? A I don't understand it.
- Q Well, what are you applying for now? A ( No answer )
- Q What do you claim to be? A Choctaw.
- Q What kind of a Choctaw? A Mississippi Choctaw.
- Q Do you want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because I have always been taught that I had Indian blood.
- Q You are making your claim now because you have always been taught that you had Indian blood? A Yes.
- Q What kind of Indian blood? A Choctaw.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Nation? A Yes.
- Q What Treaty? A The treaty of eighteen hundred and thirty.
- Q What do you claim under the treaty of eighteen hundred and thirty? A As a citizen.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws gives it power to determine the identity of those Choctaws who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States found that the State of Mississippi was being rapidly filled up with white settlers and that it was getting to be very hard to protect the Choctaws in their tribal Government and decided it would be best to bring them to a country west of the Mississippi River where there were no white people and where they could set up their own Government, so they tried to make a treaty with the Choctaws living in Mississippi and Alabama for the purpose of moving them west of the Mississippi River and giving them land there in exchange for their land in Mississippi and Alabama. Some of the Indians did not want to leave their homes there and the other Indians would not sign any treaty until some provision was made for those Indians who wanted to remain in Mississippi and Alabama, so article fourteen was made a part of the treaty of eighteen hundred and thirty after which the Indians signed the treaty and it was ratified by the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides that:



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 21, 1901.

3131

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

Applicant not represented by Attorney.

John Keen being first duly sworn testified as follows:

) Examination by the Commission -

- Q What is your name? A John Keen --K-e-e-n  
Q What is your age? A Thirty years old.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A I have lived there two years.  
Q Where did you live before you lived there? A Before I lived  
there.  
Q How long did you live in Texas? A I lived in Texas all my life.  
Q Never had a home anywhere else? No.  
Q What is your father's name? A Nicholas Keen.  
Q Is he living? A Yes.  
Q What is your mother's name? A A Izada Keen.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw  
blood? A Father.  
Q How much Choctaw blood do you claim? A I don't know.  
Q How much does your father claim? A One-sixteenth.  
Q If your father is one-sixteenth, about how much do you think you  
would be? A Well, I don't know, I think I could figure it out.  
Q Do you think that would be about one-half as much? A Yes one-  
thirty-second.  
Q Have you evidence of the marriage of your father and mother? A  
A No.  
Q Can you secure such evidence? A (No answer)  
Q Can you get that evidence? A Yes.

"It will be necessary for the Commission to be supplied with  
evidence of the marriage of your father and mother in support of  
the application you make to be identified as a Mississippi  
Choctaw."

- Q Are you married? A No.  
Q You make 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 applied to the Choctaw Tribal Authorities to be  
enrolled as a member of that Tribe? A No.

Choctaw MQR 3131

John Keen

MQR 3131

R. 3130  
Thomas A. Greer

**REFUSED.**

DEPARTMENT OF THE INTERIOR

FEB 13 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 13 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDING ATTORNEY FOR CHOCTAW

FEB 13 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDING ATTORNEY FOR CHOCTAW

FEB 13 1903

RECORD FORWARDED

MAR 21 1903

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

**AUG 26 1904**

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. SEP 22 1904

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

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT. SEP 22 1904

DECISION PREPARED

RECORDED

No. 3130

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name *Thomas A. Greer*

Age *23* Blood *1/32*

Post Office, *105 Central Ave Dallas Tex*

Father: *James Greer*

Mother: *Adeline Greer*

Claims through *father*

~~Children:~~

*Claims for himself alone*

Stenographer

*G. Rosenventel*

M.C.R. 3130

Muskogee, Indian Territory, September 22, 1904.

Thomas A. Greer,  
1053 Central Ave.,  
Dallas, Texas.

Dear Sir:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

T. A. C. # 8.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Manchett, Irene M. Manchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James M. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward B. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley O. Person, Mary Person, Fama Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, 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):

*Tams Bixby.*

Registered.

Acting Chairman.

M.C.R. 3130.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Thomas A. Greer,  
1053 Central Ave.,  
Dallas, Texas.

Dear Sir:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward B. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

Muskogee, Indian Territory, October 4, 1901.

Mr. James Greer,  
#205 Hawkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, in which you advise that your communication of September 5rd, should have referred to the name of Thomas A. Greer instead of Thomas B. Greer.

This correction has been made a matter of record.

Yours truly,

MC 3130



J. C. 92

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

H. C. 3130  
H. C. 3111  
H. C. 3107  
H. C. 3112  
H. C. 3115  
H. C. 3127  
H. C. 3128  
H. C. 3131

Muskogee, Indian Territory, September 18, 1901.

Mr. James Greer,  
#403 Hopkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John G. Greer, W. E. Greer, C. C. Greer, Thomas B. Greer, Ora E. Johnson, Estie E. Miller, and W. E. Hancock.

In reply to your letter you are advised that it does not appear from our records that Thomas B. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Muskogee, Indian Territory, August 17, 1901.

Mr. Thomas A. Greer,

1053 So. Central Ave., Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of written application of Thomas A. Greer and certified copies of affidavits of Tobias Edwards and John Lewis, which you offer for filing in support of your application for identification as a Mississippi Choctaw.

The same will be filed and made a part of the record in this case.

Yours truly,

M.C. 3130

75  
Q Did you know your grandmother? A Yes.  
Q Do you know where she died? A In Dallas Texas.  
Q You don't know whether your great grandmother's name was Delia Greer or Delia McElroy in eighteen hundred and thirty when the treaty was made? A It must have been Delia Greer.

The applicant in this case has blue eyes, and brown hair and brown mustache and moderately fair complexion. His features in general are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He does not know whether his great grandmother Delia McElroy or Delia Greer, through whom he claims the right to identification as a Mississippi Choctaw lived in Mississippi in eighteen hundred and thirty.

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 July 31, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 20<sup>th</sup> day of September 1901.

*David Shelby*  
Notary Public.

SEP 20 1901

41

"It will be necessary for the Commission to be supplied with evidence of the marriage of your father's parents in support of the application you make for identification as a Mississippi Choctaw."

- Q What was John C. Greer's father's name? A James Greer.
- Q And what was John C. Greer's mother's name? A Susan Greer.
- Q What was John C. Greer's mother's name? A John C. Greer's mother's name--- was Delia Greer.
- Q Through which one of your grandfather's parents did he get his Choctaw blood? A Through his mother.
- Q Do you know whether Delia Greer lived in Mississippi in eighteen hundred and thirty? A No I do not.
- Q Do you know where she lived in eighteen hundred and thirty? A No I do not.
- Q Do you know ~~whether she was living in eighteen hundred and thirty and to the fact that she was a Choctaw Indian?~~ ~~to where she was living in eighteen hundred and thirty and to the fact that she was a Choctaw Indian?~~ A Yes I think I do.
- Q Do you intend to bring these witnesses before the Commission? A Yes.
- Q Do you know whether Delia McElroy came west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A I do not.
- Q Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to remain in Mississippi? A No I do not.
- Q Can you secure any evidence on that point? A I think so.
- Q Do you intend to produce that evidence? A I intend to try.
- Q You understand that it is very material to your case that you have evidence as to whether your great grandmother Delia Greer lived in Mississippi in eighteen hundred and thirty in the old Choctaw Nation, and whether she was a Choctaw Indian or not, and whether she went to the Indian Agent within six months after the treaty was ratified and told him that she wanted to take land there. You understand that? A Yes.
- Q You understand that the unsupported statement of a party in interest where valuable property interests are at stake has very little weight unless supported by outside evidence? A I do.
- Q You say you don't know whether Delia Greer owned land in Tennessee or Mississippi. You stated you thought you could secure evidence on that point? A Well, no it was my grandfather.
- Q Your grandfather? A No my great grandfather.
- Q James Greer, the husband of Delia Greer? A Yes that's who I mean.
- Q Do you think you could secure any evidence as to the ownership of that land? A I intend to try.
- Q You understand that it is important that you have evidence as to this matter? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? A No.
- Q Have you any papers that you want to file? A No.

If you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, the Commission will accept the same and make it a part of the record in your case.

- Q Can you speak Choctaw? A No.
- Q Did you know your grandfather John C. Greer? A No.

§ eighteen hundred and thirty provides that:

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

Q Do you make any claim by reason of the provisions of this article?  
A No.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay in that State and become citizens of the United States but when a man was sent down by the United States government to locate the land for these Indians it was found that the names of a great many of those who claimed that they had gone to the agent and told him that they wanted to stay there did not appear on the rolls made by the agent, so under different acts of Congress Commissioners were appointed to go down there and find out which of the Indians were really entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on a great many cases, some were 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 by the Indians had not already been sold it was given to them. If the land had been disposed of they were given scrip. They could use this scrip in the purchase of any of the public land in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did any of your ancestors own land in any of these States?  
A I understand they owned land in Mississippi or Tennessee once.  
Q You don't know whether they owned that land in Mississippi or in Tennessee? A It was one of the two States I don't know which.  
Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty and were members of the Choctaw Tribe? A Delia McElroy or Greer.  
Q What relation was she to you? A She was my great grandmother.  
Q You say you claim your Choctaw blood through your father? A Yes.  
Q What was your father's name? A John C. Greer.  
Q What was your father's mother's name? A Susan Greer.  
Q Through which one of your father's parents did he claim his Choctaw blood? A His father.  
Q His father John C. Greer? A Yes.  
Q Have you any evidence of the marriage between John C. Greer and Susan Greer? A No not here.  
Q Do you intend to secure it? A Yes.

- 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 a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you wish to make now? A Application for citizenship in the Choctaw Nation.
- Q The time for hearing original applications for citizenship in the Choctaw Nation, expired within ninety days after the passage of the act of June 10th, 1896. What kind of a Choctaw do you claim to be? A Mississippi Choctaw.
- Q Do you want to make application to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Well the grandparents through which I claim was originally from Mississippi.
- Q And you are making this application because you have always been taught that you had Choctaw blood? A Yes.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Under the treaty of eighteen hundred and thirty.
- Q Do you claim under any particular part of the treaty of eighteen hundred and thirty or under the whole treaty? A No.
- Q What do you claim under the treaty of eighteen hundred and thirty? A Anything that is beneficial to a citizen of the Choctaw Nation, any of their rights.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the Act of Congress of June 28, 1896, commonly called "Curtis Act" which provides that:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded and entered twenty seventh eighteen hundred and thirty and 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 authorizes the Commission to determine the identity of claimants under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States voted to make a treaty with the Indians who lived in Mississippi and give them land west of the Mississippi River in exchange for their land in that State and move them all to the Country west of the River, so that they could be protected in their tribal government and not be bothered by white people. The State of Mississippi was being rapidly filled up by white people and it was very hard for the United States to protect the Choctaws in their Tribal government in that State and for that reason it was thought best to remove the Indians to the Country west of the Mississippi River but some of the Indians did not want to leave their homes there and the others would not sign any treaty until some provision was made for those who wanted to remain in Mississippi, so article fourteen was made apart of the treaty for the benefit of those Choctaws who wanted to stay in the old Choctaw Nation and after this article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty of

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 31, 1901.

3130

In the matter of the application of Thomas A. Greer for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Thomas A Greer being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Thomas A. Greer.  
Q What is your age? A Twenty-three.  
Q What is your post-office address? A Dallas Texas, 1053 South Central Avenue.  
Q How long have you lived there? A I have lived there all my life.  
Q Were you born there? A Yes.  
Q Never had a residence anywhere else? A No.  
Q What is your father's name? A James Greer.  
Q Is he living? A Yes.  
Q What is your mother's name? A Ada or Adorine Greer.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A About one-thirty-second.  
Q Have you evidence of your father's and mother's marriage? A Well, only the license which was filed here by him yesterday  
\* Marriage license and certificate between James Greer and Adorine Herley offered in evidence in support of the application of James Greer in NU-3111."  
Q Has your father ever been recognized or enrolled as a Choctaw Indian by the Choctaw Tribal Authorities or 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 applied to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A No.  
Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation under the act of June 10th 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.



Choctaw MCR 3130

Thomas A. Greer

MCR 3130

*Sue C. Miller*

*R. 3129*

DECISION RENDERED.

FEB 13 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 12 1903

NOTICE FILED AND FORWARDED  
ATTORNEY FOR APPLICANT

FEB 12 1903

FILED IN REGISTER AND  
BOOK AND INDEXED

FEB 12 1903

RECORD FORWARDED DEPARTMENT

MAR 24 1903

ACTION APPROVED BY  
SECRETARY OF INTERIOR.

AUG 26 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT. SEP 22 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT. SEP 22 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT. SEP 22 1904

DECISION PREPARED

REFER TO M. C. P. III

No. 3129

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name *Aue C. Miller*

Age 21 Blood  $\frac{1}{32}$

Post Office, 203 Hawkins St. Dallas Texas

Father: *John J. Miller* -

Mother: *Mary J. Miller (dead)*

Claims through *mother*

Children:

*Claims for herself alone*

Stenographer

*G. Rosenwintal*

M.C.R. 5129

Muskogee, Indian Territory, September 22, 1904.

Sue C. Miller,

203 Hawkins Street,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 15th day of February, 1903.

Respectfully,

Chairman.

B. O. M. # 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James B. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray W. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Rhana Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, 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,

*Tarns Dixby.*

Acting Chairman.

Registered.

COPY.

Muskegee, Indian Territory, February 13, 1903.

Sue C. Miller,  
 203 Hawkins, Street,  
 Dallas, Texas.

Dear Madam:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchatt, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward E. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Rama Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

J. G. P.

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

H. G. 2120  
H. G. 2121  
H. G. 2122  
H. G. 2123  
H. G. 2124  
H. G. 2125  
H. G. 2126  
H. G. 2127  
H. G. 2128  
H. G. 2129

Muskogee, Indian Territory, September 12, 1901.

Mr. James Greer,  
#203 Hopkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 8rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. S. Greer, C. C. Greer, Thomas B. Greer, Ora E. Johnson, Benie G. Miller, and H. E. Hanchett.

In reply to your letter you are advised that it does not appear from our records that Thomas B. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be



Muskogee, Indian Territory, August 17, 1901.

Sue C. Miller,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Madam:-

Receipt is hereby acknowledged of written application of Sue C. Miller and certified copies of affidavits of Tobias Edwards and John Lewis, which you offer for filing in support of your application for identification as a Mississippi Choctaw.

The same have been filed and made a part of the record in this case.

Yours truly,

M.C. 3189

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3. Nipowinkel 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 July 31, 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 July 1901.

Subscribed and sworn to before me this 20<sup>th</sup> day of September 1901

*Wm. L. Lacey*  
Notary Public

U. S. DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON, D. C.

What was your grandfather's mother's name? A My grandfather's mother's name---Delia Greer.

Q And through which one of your grandfather's parents did he get his Choctaw blood? A Through his mother Delia Greer.

Q Do you know if Delia Greer lived in the old Choctaw Nation in eighteen hundred and thirty? A No I do not.

Q You never heard? A No.

Qv Do you know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay and take land? A No.

Q You never heard about that? A No.

Q Are there any witnesses living who would be able to testify on that point? A Well we think we can get them.

Q You intend to try? A Yes.

Q Do you know whether your great grandmother/<sup>was-</sup>Delia Greer or Delia McBrey in eighteen hundred and thirty? A No I do not.

Q Did you know your grandfather and grandmother John and Susan Greer? A I knew my grandfather but not my grandmother.

Q You know how long he has been dead? A I do not know, exactly.

Q You never have heard? A No.

Q You understand that it is material to your case that you have evidence as to whether your great grandmother Delia Greer lived in Mississippi in eighteen hundred and thirty, and whether she went to the Indian Agent there and told him that she wanted to stay there and take land? A Yes.

Q You understand also that it would be a matter of great importance to your case to get evidence to show whether your great grandmother Delia Greer ever owned any land in Mississippi, Louisiana, Alabama or Arkansas? A Yes.

Q Do you intend to make an effort to get such evidence? A Yes.

Q Do you intend to bring your witnesses before the Commission in person? A I do not know.

Q You understand that is the best form of evidence? A Yes.

Q Is there anything else that you would like to say at this time in support of your application? A No.

Q Are there any papers that you want to file? A Yes.

There is offered in evidence by the applicant, marked exhibit "A" filed and made a part of the record in this case, certified copy of marriage license and certificate between John J. Miller and Mary J. Greer.

If you desire to offer any further evidence in this case, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in this case.

The applicant in this case has brown hair, and eyes and dark complexion. Her features and general appearance are those of a white person.

Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether Delia her great grandmother lived in Mississippi in eighteen hundred and thirty, or not.

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

Q Do you make any special claim under the provisions of this article of the treaty? A Well I don't know.

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there in Mississippi and become citizens of the United States but when a locating Agent was sent down a few years later by the government to locate the land for the Indians, it was found that a great many who claimed to have gone to the Indian Agent and told him that they wanted to remain in Mississippi, whose names did not appear on the list made by him, so under different acts of Congress Commissioners were appointed to go down there into Mississippi and investigate and find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on a large number of claims. Some were allowed and some rejected. In those cases where the claims were allowed by the Commissioners and approved by the secretary of the War and by the President if the land claimed by the Indians had not already been sold it was given to them, and if it had been sold scrip was given to them which could be used in the purchase of land in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Did any of your ancestors own land in any one of these States?

A I do not know.

Q What is the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty and who was a recognized Choctaw Indian? A Well my great grandmother was Delia McElroy.

Q Did she live in Mississippi in the old Choctaw Nation in eighteen hundred and thirty? A I do not know.

Q What was the name of your mother's father? A John Greer.

Q And what was the name of your Mother's mother? A Susan L. Greer.

Q Through which one of your mother's parents does she claim her Choctaw blood? A Through her father.

Q And her father was John Greer? A Yes.

Q Have you any evidence of the marriage of your grandfather and grandmother John and Susan Greer? A No but we expect to get it.

"It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application"

Q Your grandfather's name was John Greer? A Yes.

Q What was his father's name? A James Greer.

- Qc Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Authorities of the United States? 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 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 To be identified as a descendant of a Mississippi Choctaw.
- Q On what do you base your claim to be identified as a Mississippi Choctaw? A Through my grandmother.
- Q Do you claim through her? A Well, she was a Mississippi Choctaw.
- Q You claim then the right to be identified as a Mississippi Choctaw because you have been taught you had Choctaw blood? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A The Treaty of eighteen hundred and thirty.
- Q Do you claim under the whole treaty or under part of it? A The whole treaty.
- Q Do you understand the provisions of the treaty of eighteen hundred and thirty? A Well, I don't know.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws, is found in section twenty-one of the Act of Congress of June 28th, 1898, commonly called the "Curtis Act" and 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 empowers the Commission to determine the identity of applicants claiming under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the State of Mississippi was being filled up with white settlers very rapidly and the United States found it very difficult to protect the Choctaws in their Tribal government and thought it would be better to give them land west of the Mississippi River in exchange for their lands in the States of Mississippi and Alabama and move them all to that Country where there would be no white people to molest them in their tribal form of government but some of the Indians did not want to leave their homes there and the others would not sign any treaty until some provision was made for those of their numbers who did not want to come west, so article fourteen was made a part of the treaty of eighteen hundred and thirty, for the benefit of those Indians who did not want to go west. After this article was made a part of the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Nation. Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, provides as follows:

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 31, 1901.

3129

In the matter of the application of Sue C. Miller for  
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Sue C. Miller being first duly sworn on her oath testified  
as follows:

- Examination by the Commission -

- Q What is your name? A Sue C. Miller.  
Q B-u-e? A Yes.  
Q What is your age? A Twenty-one.  
Q What is your post-office address? A 203 Hawkins Street, Dallas  
Texas.  
Q How long have you lived there? A All my life.  
Q Born in Dallas? A Yes.  
Q Never lived anywhere else? A No.  
Q What is your father's name? A John J. Miller.  
Q What is your mother's name? A Mary J. Miller.  
Q Is she living? A No.  
Q Is your father living? A Yes.  
Q Through which one of your parents do you claim your Choctaw  
blood? A My mother.  
Q About how much do you claim? A About one thirty-second.  
Q Was your mother ever recognized or enrolled as a citizen of the  
Choctaw Nation by the Choctaw Tribal Authorities or the Authori-  
ties of the United States? A Not that I know of.  
Q Are you married? A No.  
Q Are you 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 applied 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 apply to the Dawes Com-  
mission for citizenship in the Choctaw Nation under the act of  
Congress of June 10th 1896? A I don't know.  
Q That was five years ago you would remember. Did you make any  
such application? A No.  
Q Did your father make it for you? A No.  
Q You did not authorize any one to make it? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by the Dawes Commission or the Choctaw Tribal Authorities? A No.

Choctaw MCR 3129

Sue C. Miller

MCR 3129

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name William J Greer

Age 43

Blood 1/16

Post Office, Dallas, Texas

Father: John (d Greer (dead)

Mother: Susan L. Greer (dead)

Claims through father

wife: Addie W. Greer  
(no claim for her)

Children:

Ella Greer 16

James " 14

Kathleen " 10

Addie " 7

Willie May " F 4

Claims for self and 5 children

Stenographer

G. Rosenwinkel



*William A. Greer et al*

USED

*P. 3128*

DECISION RENDERED.

FEB 12 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 13 1903

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANT

FEB 13 1903

NOTICE OF DECISION MAILED APPLICANT  
FOR CHOCTAW AND CHICKASAW NATIONS

FEB 13 1903

RECORD FORWARDED DEPARTMENT

MAR 24 1903

**ACTION APPROVED BY  
SECRETARY OF INTERIOR**

AUG 26 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

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

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

**DECISION PREPARED**

REFER TO M. C. B.

K.C.B. 3128

Muskogee, Indian Territory, September 22, 1904.

William S. Greer,  
Dallas, Texas.

Dear Sir:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of William S. Greer, Ella Greer, James Greer, Kathleen Greer, Addie Greer and Willie May Greer, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

W. S. G. # 2.

Nation under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

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 Greer, Joseph L. Greer, Harrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

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

Respectfully,

*Tame Dixie.*

Registered.

Acting Chairman.

M.C.R. 3128.

COPY.

Muskogee, Indian Territory, February 13, 1903.

William S. Greer,  
Dallas, Texas.

Dear Sir:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James H. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward E. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

I.O., #1.

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

H. C. 3150  
H. C. 3111  
H. C. 3107  
H. C. 3118  
H. C. 3115  
H. C. 3127  
H. C. 3129  
H. C. 3128

Muskogee, Indian Territory, September 12, 1901.

Mr. James Greer,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. E. Greer, C. C. Greer, Thomas B. Greer, Ora E. Johnson, Susie C. Miller, and W. E. Hancock.

In reply to your letter you are advised that it does not appear from our records that Thomas B. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Muskogee, Indian Territory, August 17, 1901.

Mr. William S. Greer,  
Dallas, Texas.

Dear Sir:

Receipt is hereby acknowledged of written application of William S. Greer and certified copies of affidavits of Tobias Edwards and John Lewis, which you offer for filing in support of your application for identification of yourself and children as Mississippi Choctaws.

The same have been filed and made a part of the record in this case.

Yours truly,

M.C. 3128

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- Q Is there anything else that you would like to say at this time in support of your application? A No.
- Q Have you any papers that you want to file? A Yes my Attorney has them?
- Q Do you want to file them later? A Yes.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or other documentary evidence the same will be received and made a part of the record in this case.

- Q Can you speak Choctaw? A No.

The applicant in this case has brown hair and mustache, blue eyes and rather florid complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He does not know whether Delia Greer lived in Mississippi in eighteen hundred and thirty, the ancestor through whom he claims.

Certified Copy of marriage license and certificate between Jefferson W. Johnson and Ora E. Greer offered in evidence marked exhibit "A" filed, and made a part of the record in this case.

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 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on July 31, 1901.

Subscribed and sworn to before me this 20 day of September 1901.

*G. Rosenwinkel*  
*David Shelby*  
Notary Public.



- Q How many years has he been dead, you said about thirty? A I think it was about that.
- Q Well if your father were living now he would be about eighty years old? A If he was living now, Yes, about that.
- Q Then your father must have been born before the year eighteen hundred and thirty? A I don't know.
- Q How long ago was eighteen hundred and thirty? A Why seventy years
- Q Then don't you think that he was born before eighteen hundred and thirty? A He might have been.
- Q Must he not have been born before the year eighteen hundred and thirty? A He must I guess.
- Q Was your father the eldest one of your grandfather's children? A No.
- Q Then was your grandmother's name Delia Greer or Delia McElroy in eighteen hundred and thirty? A That I can't say.
- Q Well now listen here; You say if your father were living he would be at least seventy years old, you said about eighty? A I can't say I was small then.
- Q You say your father was not the oldest of ~~your~~ his father's children? A No, there were three or four older.
- Q Now I asked you if your grandmother was Delia McElroy or Delia Greer at the time the treaty of eighteen hundred and thirty was made? A She might have been.
- Q Do you understand that it is a matter of some importance to find out whether your grandmother was Delia McElroy or Delia Greer in order to know what name she was registered by if she had been registered? A Yes.
- Q Did your grandmother have any Choctaw name? A Not that I know of.
- Q About how much Choctaw blood did your grandmother have? A All I know is that they claim she had about three-fourths.
- Q You say you don't know where she lived in eighteen hundred and thirty? A No.
- Q You don't know what State your father was born in? A Father was born in-----No.
- Q Is there anybody living who could testify as to where your grandmother lived in eighteen hundred and thirty and to the fact that she was a Choctaw Indian? A I don't know.
- Q Do you know whether Delia Greer went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to take land there and become a citizen of the United States? A No.
- Q Do you know anybody that would know? A No.
- Q Do you understand that it is important that you have evidence on this point and as to where she lived in eighteen hundred and thirty and as to whether she went to the Indian Agent there within six months after that treaty was ratified and told him that she wanted to there? A Yes.
- Q You intend to secure evidence if possible? A Yes.
- Q Do you think you will be able to bring your witnesses in person before the Commission? A Yes that is what I want to do.
- Q You understand that is the best do you? A Yes.
- Q You don't know whether Delia Greer owned any land in Mississippi, Arkansas, Louisiana or Alabama do you? A No.
- Q Do you think you will be able to secure any evidence as to whether she owned land in any of these States or not? A I do not know.
- Q You understand that it would be important to your case to find out about that do you? A Yes.

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 annuities."

Q Do you say that you do not make any claim under the provisions of that article? A No, I do not believe I do, No.

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 an Agent was sent down by the United States government to locate the land for these Indians it was found that there were a great many Indians who claimed to have gone to the Indian Agent whose names were not on the roll prepared by him, so under different acts of Congress Commissioners were appointed to go down there and see which ~~xxx~~ of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on a great many cases, some of them were allowed and some 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 had not already been sold it was given to the Indians if the land had been sold they were given scrip which the government issued and which could be used in buying land from any of the public domain in the States of Mississippi Arkansas, Louisiana or Alabama.

Q Did any of your ancestors own any land in any of these States? Not that I know of.

Q You never heard anything about it? A No.

Q Do you know of anyone living who would know? A No I do not.

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 My grandmother.

Q Was she living in Mississippi in eighteen hundred and thirty? I do not know.

Q Well what one of your ancestors did live in the old Choctaw Nation when this treaty was made? A Why my grandmother.

Q Well the question was, the question that I asked you, which one of your ancestors lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made and was a recognized Choctaw Indian? A I do not know.

Q What was your father's father's name? A James Greer.

Q Do you know how long he has been dead? A No.

Q How long has your father been dead? A He has been dead about thirty years.

Q About how old was he when he died? A He was something over fifty I don't remember.

Q What was your father's mother's name? A Delia McElroy.

Q Through which one of your father's parents did he get his Choctaw blood? A Through his mother.

Q Delia Greer? A Yes.

Q Do you remember your grandfather and grandmother? A No.

Q You never saw them? A No, that is I saw my grandmother but don't remember anything about it.

Q Do you know how long your grandmother has been dead? A No.

Q Was she Delia Greer or Delia McElroy in eighteen hundred and thirty when this treaty was made? A I don't know.

Q How old was your father when he died? A He was about fifty.

- Q What makes you think that there is anything in the treaty of eighteen hundred and sixty-six that refers to Mississippi Choctaws? A Well that's what I have been told.
- Q What do you claim under the treaty of eighteen hundred and thirty? A Well, I claim under the provision that Congress appropriated for the benefit of the Mississippi Choctaws.
- Q Well what provision do you claim that Congress appropriated for Mississippi Choctaws in that Treaty? A I am not familiar enough to know.

The law under which the Commission is authorized to hear these applications is found in Section twenty-one of the act of Congress of June 28th, 1898, which is commonly known as the "Curtis Act" and 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 ~~know~~ determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty.

- Q Do you know anything about the provisions of the treaty of eighteen hundred and thirty? A No I do not.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians then living 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 Mississippi River. The State of Mississippi was then being rapidly filled up with white people and it was found hard to maintain the Choctaw Tribal form of government and the United States thought it would be best to move the Indian west where there would be no white people but some of the Indians did not want to leave their homes there in Mississippi and Alabama and the other Indians would not sign any treaty until some provision was made for those of their number who wished to remain in Mississippi and article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay 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 living with him under ten years of age; to adjoin the location of the parent. If they reside on said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or

- Q She is a white woman and makes no claim to Choctaw blood? A Yes.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.
- Q How many? A Five.
- Q Give their names and ages? A Ella Greer sixteen, James Greer, fourteen, Katheline---K-a-t-h-e-l-i-n-a Greer ten, Addie seven, Willie May four.
- Q Is that a boy or girl? A No, girl.
- Q Are these all your children? A I suppose they are.
- Q What is the name of their mother? A Addie A. Greer.
- Q When and where were you married to her? A The 28th day of November 1886.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A By a Methodist Preacher.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A There it is.

Certified copy of marriage license and certificate between W. S. Greer and Addie A. Coleman offered in evidence, marked exhibit "A" filed and made a part of the record in this case"

- Q Is your name or are the names of any of your children on 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 have yourself or your children enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your children make application to the Dawes Commission in eighteen hundred and ninety six for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? 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 have yourself or your children admitted or enrolled as members of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application do you wish to make now? A As a Mississippi Choctaw.
- Q Do you want to be identified as a Mississippi Choctaw? A Yes, I claim it through my grandmother.
- Q What do you claim through your grandmother? A I claim she was a three-quarter Mississippi Choctaw.
- Q You make your claim now because you have been taught that she had Choctaw blood? A Yes.
- Q Do you make any claim for any other reason at this time? A No.
- Q Do you claim under any treaty between the United States and the Choctaw Nation? A Eighteen hundred and thirty and eighteen hundred and sixty-six.
- Q What do you claim under the treaty of eighteen hundred and sixty-six? Whatever Congress appropriated.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, Indian Territory.  
July 31, 1901.

3125

In the matter of the application of William S. Greer for identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

William S. Greer being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A William S. Greer.  
Q What is your age? A Forty-three.  
Q What is your post-office address? A Dallas, Texas.  
Q Have you a Street number? A No.  
Q How long have you lived there? A I have lived there since eighteen seventy, except eight months that I lived in Oklahoma.  
Q What eight months was that? A I don't remember, I think it was in eighteen hundred and eighty eight.  
Q Where did you live before you lived in Texas? A Tennessee.  
Q How long in Tennessee? A About twelve years.  
Q Were you born in Tennessee? A Yes.  
Q And lived there until you moved to Texas? A Yes.  
Q What is your father's name? A John C. Greer.  
Q Is he living? A No.  
Q What is your mother's name? A Susan L. Greer.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A My father's side--My grandmother.  
Q Through which one of your parents? A My father.  
Q How much Choctaw blood do you claim? A I don't really know, I suppose about one-sixteenth.  
Q Has your father ever been recognized or enrolled as a citizen of the Choctaw Nation by the Choctaw Tribal Authorities or by the Authorities of the United States? A No.  
Q Have you evidence of your father and mother's marriage? A No, not now.  
Q Can you secure such evidence? A We might get it later on.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make to be identified as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your wife's name? A Addie A. Greer.  
Q Is she living? A Yes.  
Q You make application for your wife? A No.

Choctaw MCR 3128

William S. Greer

MCR 3128

H. 3127

Ora C. Johnson

RECEIVED

DEPT. OF THE INTERIOR  
FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION  
ATTORNEY FOR APPLICANT

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARD ATTORNEY FOR APPLICANT

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION

MAR 26 1903

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**  
AUG 26 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT  
AND CHECKBOOK PAYMENTS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

DECISION PREPARED

RECEIVED M.C.B. 3111

No. 3127

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name *Ora C. Johnson* F

Age *47* Blood *1/16*

Post Office, *203 Hawkins St Dallas, Tex*

Father: *John C Greer (dead)*

Mother: *Susan L Greer (dead)*

Claims through *father*

*husband, J. H. Johnson*  
*(no claim for him)*

~~Children:~~

*Claims for self alone.*

Stenographer

*G. Rosenwikel*



M.C.R. 3127

Muskogee, Indian Territory, September 22, 1904.

Ora E. Johnson,

203 Hawkins Street,

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray W. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, 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,

ESIGNED

*Tams Bixby.*

Acting Chairman.

Registered.

M.C.R. 3127.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Ora E. Johnson,  
203 Hawkins Street,  
Dallas, Texas.

Dear Madam:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward B. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

J. C. 52.

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

W. C. 5130  
W. C. 5111  
W. C. 5107  
W. C. 5124  
W. C. 5118  
W. C. 5127  
W. C. 5128  
W. C. 5129

Waukegee, Indian Territory, September 12, 1901.

Mr. James Greer,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. B. Greer, C. G. Greer, Thomas B. Greer, Ora E. Johnson, Susie C. Miller, and M. E. Handsett.

In reply to your letter you are advised that it does not appear from our records that Thomas B. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Muskogee, Indian Territory, August 17, 1901.

Ora E. Johnson,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Madam:-

Receipt is hereby acknowledged of written application of Ora Ella Johnson and certified copies of affidavits of Tobias Edwards and John Lewis, which you offer for filing in support of your application for identification as a Mississippi Choctaw.

The same have been filed and made a part of the record in this case.

Yours truly,

M.C. 5127

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, the same will be accepted and made a part of the record in your case.

- Q Is there anything else that you would like to say? A No.  
Q Have you any papers that you would like to file? A Yes, my marriage license and certificate.-----

This applicant has reddish yellow hair, blue eyes and brown complexion. Her features and general appearance are those of a white woman and she shows no traces of Indian blood.

- Q Do you speak Choctaw? A No.

She does not speak the Choctaw language and does not know of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether her grandmother through whom she claims lived in Mississippi in eighteen hundred and thirty.

Q. 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 July 31, 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 July 1901.

Subscribed and sworn to before me this 20 day of September 1901.

*Edw. Shelby*  
Notary Public.

- Q You say your father is dead? A Yes.
- Q How long has he been dead? A Thirty odd years.
- Q How old was he when he died? A About sixty-one or two.
- Q And your grandfather's name was James Greer? A Yes.
- Q Did you ever know him? A No.
- Q Do you know how long he has been dead? A Over sixty years I guess.
- Q Do you know how old he was when he died? A No.
- Q You never heard anything about that? A About his age.
- Q About how old he was when he died? A No he was dead long before I was born.
- Q Did your father get his Choctaw blood through his father or mother? A Through his mother Delia McElroy.
- Q Was his mother Delia McElroy or Delia Greer at the time the treaty of eighteen hundred and thirty was made? A I guess she was named Greer then.
- Q Did she ever have any Choctaw Name? A Not that I ever heard of.
- Q How much Choctaw blood did she claim to have? A Three-quarter I think.
- Q Do you know where Delia Greer lived in eighteen hundred and thirty? A No.
- Q You don't know whether she lived in Mississippi at that time or not? A No.
- Q Do you know of anybody living who could testify as to where your grandmother lived in eighteen hundred and thirty? A No.
- Q Do you know of anybody living who could testify as to whether your grandmother was a Choctaw Indian? A I don't now but we expect to get evidence/
- Q Do you expect to bring your witnesses before the Commission in person to testify? A I do not know.
- Q Do you understand that it is better for your case to bring your witnesses before the Commission in person if possible? A Yes.
- Q If you find it impossible to bring them here in person can you secure their depositions? A Yes.
- Q Did Delia Greer come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A No I think not,--I never heard of it.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A No.
- Q Do you know of anybody living who could testify whether your grandmother went to the Indian Agent and told him that she wanted to stay in Mississippi and take land there? A We think so.
- Q Do you expect to produce that evidence do you? A Yes.
- Q You understand that it is very material to have evidence on that point do you? A Yes.
- Q You stated that your grandmother owned land in Mississippi? A My grandfather.
- Q Which one? A James Greer, Delia's husband, so I have been told.
- Q Do you know how he got that land? A No.
- Q Do you know in what part of the State it is located? A No.
- Q Do you understand that it would be very material evidence in your case to have the records of the land office there in Mississippi examined, as to how your grandfather owned that land, whether he bought it? A Yes.
- Q Do you expect to produce evidence on that point? A We will try to.



73

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and a few of them in Alabama for the purpose of giving them land West of the Mississippi River, and moving them to that Country, in exchange for their land in Mississippi and Alabama. This was to be done because of the State of Mississippi being filled up by white settlers and the United States government finding it hard to protect the Indians in their Tribal government, and the United States thought it best to move them over into a new Country where there were no white people and where they could live in their own way, but some of the Indians did not want to go west and the other Indians would not sign any treaty until something done for those who wanted to remain in the old Choctaw Nation and article fourteen was made a part of the treaty for the benefit of those who wished to stay 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 Choctaw citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuities."

Within six months after the ratification of this treaty a large number of Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi and become citizens of the United States and when a locating Agent was sent down there to locate the land for these Indians it was found that the names of a great many who claimed to have gone to the Indian Agent were not found on the list made by him. Therefore, under different acts of Congress men were appointed to go down there and look into this matter and find out which of the claimants were entitled to land there in Mississippi under the fourteenth article of this treaty of eighteen hundred and thirty. These Commissioners passed on a great many cases; some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land had not already been sold, it was given to them. If the land had been sold, scrip was issued with which they could buy land in Mississippi, Louisiana, Alabama or Arkansas.

- Q Did any of your ancestors ever own any land in any of these States? A Why I think so.
- Q Which one? A My grandfather.
- Q Which State? A Mississippi & Tennessee.
- Q What part of Mississippi? A I can't say.
- Q You don't know what County? A No, I do not.
- Q What was your grandfather's name? A James Greer.
- Q What was your father's father's name? A My father's father's name was James Greer.

- Q Did you or did anyone for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time made application 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 of any kind you have ever made? A Yes.
- Q What kind of an application are you making now? A Well I make application to become a citizen of the Choctaw Nation,-- I don't know how.
- Q Do you understand that the time for making original applications for citizenship in the Choctaw Nation expired within ninety days from the passage of the act of June 10th 1896? A I don't know whether I do.
- Q What kind of a Choctaw do you claim to be? A Mississippi.
- Q Do you want to be identified as a Mississippi Choctaw then? A Well, I reckon so, if that expired I can't put in an application, --not an original application in the Choctaw Nation.
- Q You claimed you were a Mississippi Choctaw, and I asked you if you wanted to be identified as a Mississippi Choctaw? A Yes.
- Q How do you claim the right to be identified as a Mississippi Choctaw? A Through my grandmother Delia McElroy.
- Q Why do you claim through her? A Because I have been taught that she had Choctaw blood.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Nation? A Yes under eighteen thirty and eighteen hundred and sixty-six.
- Q What do you claim under the treaty of eighteen hundred and sixty six? A All that they are entitled too---Choctaw Indians.
- Q What do you claim under the treaty of eighteen hundred and thirty? A The same thing, what they are entitled too.
- Q The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" and 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-seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other necessary thereto and make report to the Secretary of the Interior."

This law under which the Commission is working, authorizes it to determine the identity of those applicants claiming rights in the Choctaw Nation under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, Indian Territory.  
July 31, 1901.

5127

In the matter of the application of Ora E. Johnson for  
identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Ora E. Johnson being first duly sworn testified as follows:

-Examination by the Commission -

- Q What is your name? A Ora--O-r-a E. Johnson.  
Q How old are you? A Forty seven.  
Q What is your post-office address? A Dallas, Texas, 203 Hawkins  
street.  
Q How long have you lived there? A About thirty years.  
Q Where did you live before you lived there? A Tennessee.  
Q How long did you live in Tennessee? About sixteen years.  
Q You were born in Tennessee? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A John C. Greer.  
Q Is he living? A No.  
Q What is your mother's name? A Susan L. Greer.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth I think.  
Q Has your father ever been recognized in any manner or enrolled  
as a Choctaw Indian by the Choctaw Tribal Authorities or the  
Authorities of the United States? A No. --It was through my  
grandmother first.  
Q I asked about your father? A No, my father never has.  
Q Have you evidence of the marriage between your father and mother?  
A I can get it.

It will be necessary for the Commission to be supplied with  
evidence of the marriage between your father and mother in sup-  
port of the application you make for yourself for identification  
as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your husband's name? A Jeff W Johnson.  
Q Is he living? A Yes.  
Q Do you make application for him? A No.  
Q Have you any children under twenty-one years of age and unmar-  
ried for whom you wish to make application at this time? A No.  
Q You make 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.

Choctaw MCR 3127

Ora E. Johnson

MCR 3127

*Jessie Wilson*  
**REFUSED**

**DECISION RENDERED, FEB 11 1903**  
**NOTICE OF DECISION, MAILED APPLICANT.**

*R. 5126* 1903

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

**RECORD FILED IN DEPARTMENT.**

**FEB 27 1903**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**MAY 11 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**MAY 22 1903**

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

**MAY 22 1903**

**REFER TO M. C. R. 2884**

**DECISION PREPARED**

#1242.

No. 3126

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Jesse Wilson

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

Post Office, Collinsville Miss

Father. Hughy Wilson L

Mother. Mattie " L

Claims through ~~both parents~~ father

wife Areola Wilson  
(No claim for wife)

(Claims for self only.)

Children:

Stenographer

R. S. Streit

COPY.

M.C.R. 3126

Muskogee, Indian Territory, May 22, 1903.

Jesse Wilson,

Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 11th 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 Hugh Wilson, et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

*Tamr Bixby*

Chairman.

Jesse Wilson-----2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hugh Wilson, Alma Wilson, Missouri Wilson, Ann Eliza Wilson, Hugh Wilson Jr., Alice Wilson, Roy Wilson, James R. Wilson, William Wilson, Jesse Wilson, Viola Lewis, George Wilson, Commodore Wilson, Wade Wilson, Armina Wilson, Howard Wilson, Onie B. Wilson, Ludie Wilson, Senie Wilson, Rush Wilson, Emma Brooks, Savannah Brooks, Alice Hudson, William Henry Hudson, George Hudson, Johnnie Hudson, Lizzie Hudson, Izzie Hudson, Joseph W. Windham, Louvina Windham, Josiah Windham, Kathleen Windham, Essie Windham, Abraham Windham, Dora Windham and Wellie J. Windham 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,

*Jams. Bixby.*

Acting Chairman

Registered.



COPY.

M.C.R. 3124

Muskogee, Indian Territory, February 11, 1903.

Jesse Wilson,  
Collinsville, Mississippi

Dear Sir:-

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hugh Wilson et al., embracing the following applications for identification as Mississippi

Choctaws:

Hugh Wilson, et al.,	M.C.R. 2884
James R. Wilson,	M.C.R. 2956
William Wilson,	M.C.R. 2988
Jesse Wilson,	M.C.R. 3126
Viola Lewis,	M.C.R. 3140
George Wilson, et al.,	M.C.R. 3285
Emma Brooks, et al.,	M.C.R. 3142
Alice Hudson, et al.,	M.C.R. 3143
Joseph W. Windham, et al.,	M.C.R. 2950
Josiah Windham, et al.,	M.C.R. 3286

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:

James Wilson, S.

R. S. Strait, 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 of said proceedings in said cause upon said date.

Subscribed and sworn to before me, at Meridian, Mississippi  
this 17th day of August, 1901.

*R. S. Strait*

*[Signature]*

Notary Public.

Jesse Wilson, 7.

- Q Are there any further statements you want to make in support of your application? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many A Four.
- Q What are their names? A Jim, William, Hughy and Roy.
- Q The surname of each one of them is Wilson is it? A Yes sir.
- Q Any of them married? A No sir.
- Q Have you any sisters living? A Yes sir.
- Q How many? A Five.
- Q What are their names? A Viola, Adella and Alma Missouri.
- Q The next one? A Ann, Eliza.
- Q Any of them married? A Viola and Ardella.
- Q What is the name of the husband of Viola? A George Lewis.
- Q What is the name of the husband of Ann? A Tom Lewis.
- Q Has your father any brothers or sisters living? A Yes sir, they are all living.
- Q How many brothers has he living? A Four.
- Q What are their names? A Jim, William, Hughy and Roy.
- Q They are your brothers, aren't they? A Yes sir.
- Q I asked about your father's brothers? A Yes sir, he has two brothers living? A
- Q What are their names? A George and Levi.
- Q Are they full brothers of his? A I guess so.
- Q Have they been before the Commission? A My father hasn't; George Wilson has.
- Q Has your father any sisters living? A Yes sir.
- Q What are their names? A Only one, Alice Wilson.
- Q What is her husband's name? A Henry Hutson.
- Q Has your father any brothers dead? A Yes sir.
- Q Are any of the children of any of them living? A Yes sir.
- Q What are their names? A Well, I don't know all of them. I can tell you a whole lot. You mean my father's brother's children? A Yes sir, two.
- Q Two brothers? A Two children; their father is dead.
- Q What are their names? A Wiley and Evaline Wilson.
- Q How old are these children? A I don't know sir.
- Q About how old? A If you will allow me to ask a moment.
- Q Just tell me as near as you can? A I guess the boy is about fifteen and the girl about thirteen as near as I can come at it.
- Q Are any of your father's sisters dead? A Yes sir.
- Q Are any of the children of your father's sisters who are dead, living? A Yes sir.
- Q What are their names? A One of them named Mary Tins, Alma Tins, Evaline Tins, Frederick Tins and Jasper.
- Q What are the names of those children's mother? A Missouri.
- Q She is a full sister of your father? A Yes sir, that's what he claims.
- Q That is the only sister dead? A That's all my father's sisters that are dead that I know of; he has two, one living and one dead.

(This applicant has the appearance of being a negro, and she shows no indication of being possessed of Indian blood; she does not speak or understand the Choctaw language.)

Jesse Wilson.

they were unable to hear but a smaller cent of the cases of individuals who claimed that they were entitled to benefits under this 14th article, and never received them, and accordingly Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and finish up this work; this second commission was duly appointed by the President and came down here to Mississippi and heard a great many more Choctaw cases.

Q Did any of your ancestors appear before either of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.  
Q Do you know anyone living who would likely know about that? A No sir.

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

Q Do you know whether any of your ancestors ever received any scrip under this Act of Congress? A No sir.

Q Did you ever hear of any of them having received any scrip? A No sir.

Q Did you ever see or hear of any deed or patents issued to any of your ancestors for land here in Mississippi? A No sir.

Q Have you any written evidence of any kind you want to offer in support of your application? A No sir.

Q Do you want permission to file some later? A Well, I don't know sir, if it will be necessary of course, I would like to have time.

It is important in your case that your testimony as to your ancestry and the amount of Choctaw blood claimed by you should be supported by someone else. If you see fit to bring witnesses before the Commission to testify in your behalf, we would be glad to give them a hearing; if it is not convenient for you to bring them here, and you prefer it, you can take the evidence of them, and send it to us. We would like for you to have that reach us within thirty days, if it is possible. It would be better to have the witnesses come before the Commission, so we can examine them fully.

(By Applicant) I have witnesses with me this evening.

We will put them on the stand in your case then.

Jesse Wilson, S.

Q Do you know whether any of your ancestors woned an improvement here at that time? A No sir.

Q Did any of your 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 greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A No sir, not as I knows of.

Q Did any of your ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, 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 ever claim or receive any land in from the Government of the United States here in Mississippi under the provisions of article 14 of the treaty? A No sir, I don't suppose they did.

Q You never heard of any of them getting any? A No sir.

Q Do you think it likely you would have known of it if they had gotten any land from the Government? A Yes sir.

Q Did any of your ancestors ever receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article or under the supplement to that treaty? A No sir.

Q Do you know anyone living who would likely be informed in regard to these matters? A I don't know of any one. No sir, not as I knows of.

Q

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the United States Government Directed an agent here in Mississippi to receive the applications of Choctaws who might desire to remain here and become citizens of the ~~States~~ States under the 14th article of the treaty; the records of the Government show that that agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States; on this account, the Government at its public land sales sold land upon which Choctaws had improvements, and on which they lived, and which they thought they would receive under the provisions of article 14 of the treaty of Dancing Rabbit Creek. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here and hear the applications of Choctaws who claimed they had complied with the provisions of article 14 of the treaty, but that their land had been sold by the Government, and that they had in fact received no benefits under that article; this commission was duly appointed by the president and came down here and hear some Choctaw cases, but in the time allowed them by the Act under which they were appointed

Jesse Wilson, 4.

families were permitted to remain here and become citizens and take land, if within six months after the ratification of the treaty, which was on the 24th day of February, 1831, they signified to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain here and become citizens of the States. They were then entitled to a reservation of one section of six hundred and forty acres of land, a piece of land a mile square, and if a man had in his family children over ten years of age at the time of the treaty, he was entitled to an additional 320 acres of that child; and if he had a child under ten years of age, he was entitled to 160 acres more; said land must adjoin the location of the parents and the reservation must include the present improvement of the head of the family or a portion of it. If they lived on that land for a period of five years from February 24, 1831, the day the treaty was ratified, they were entitled to a grant in fee simple to the land; that is, they were entitled to a deed from the Government and from that time on they could dispose of the land to suit their own pleasure. It further provided that persons who claimed under that article; that is, persons who wanted to stay here in Mississippi under that article, should not lose the privilege of a Choctaw citizen, but if they ever removed - if they ever went out west to the new country, should not be entitled to any portion of the Choctaw annuities. The annuities are the annual payments made to the Choctaws by the Government under treaty stipulations.

Q Do you think you understand that? A Yes sir.

Q Do you know whether any of your ancestors ever complied with the provisions of that 14th article of the treaty? A No sir.

Q Do you know anyone living who would know about that? A No sir.

Q Were any of your ancestors living in the old Choctaw nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made, seventy one years ago? A I don't understand anything like that.

Q That is, were any one of your fore-fathers living here in Mississippi and Alabama, in the territory that formerly comprised the old Choctaw nation, in 1830 when this treaty was made, that I have described; that's nearly seventy one years ago? A Yes, I suppose they was.

Q What one of them was living here, do you think, of your Choctaw ancestors? A I suppose my father's grand father and grand mother were living here at that time.

Q What were their names? A Tom Wilson and Edie Wilson.

Q Where were they living? A Neshoba County.

Q Do you know whether either of them were recognized members of the Choctaw tribe here at that time? A No sir, I don't know sir.

Q They were both slaves weren't they? A Yes sir; that's what my father told me.

Q Do you know whether either one of them owned an improvement here at that time? A No sir.

Jesse Wilson, 3.

Q Have you ever made any application of any description prior to to-day? A No sir.

Q This is your first application? A Yes sir.

Q You now desire to make application for identification as a Mississippi Choctaw? entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek?

A Yes sir.

Q Do you understand the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September 1830, between the United States Government and the Choctaw tribe of Indians. At the time it was made, the Choctaws occupied a part of the State of Mississippi and a little part of Alabama, along the western portion. The object of that treaty was to secure the removal of the Choctaws from the country occupied by them here to a new country west of the Mississippi River, which is now occupied by the main body of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to move out to the new country, and preferred to stay here in Mississippi; for the benefit of those who were unwilling to move out west, the 14th article was put in the treaty. That 14th article was 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 entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now clearly? A No sir, I don't understand that thoroughly; no sir.

Well, in the first place, this article was for the benefit of recognized members of the Choctaw tribe who wanted to stay here and become citizens of the States. Heads of

Jesse Wilson, 2.

- Q What is his mother's name? A Edie Wilson.
- Q What was his father's name? A George Wilson.
- Q How much Choctaw blood has your father's mother? A I think father's mother was one half blood. I don't know, of course, what that would make her him; about a quarter wouldn't it?
- Q That would make your father's mother a quarter you say? A I reckon he ought.
- Q How much Choctaw blood did your father's father have? A One half.
- Q How much Choctaw blood did your father's mother have? A She claimed a quarter.
- Q How ~~old~~ is your father's mother now? A I don't know sir.
- Q About how old is she? A She is about seventy years, I guess.
- Q How old would your father's father be if he was living now?
- A I couldn't tell you exactly.
- Q Older than his mother do you think? A No sir.
- Q Younger? A Yes sir.
- Q What was the name of your father's father's father? A His name was Tom Wilson.
- Q What was the name of your father's father's mother? A Charity Wilson.
- Q Did either of them have a Choctaw name? A I don't know sir.
- Q Did you ever see either one of them? A No sir.
- Q Did either one of them speak the Choctaw language? A They say grand father - I don't know.
- Q Did either of your father's parents speak the Choctaw language?
- A No sir.
- Q Have all of your Choctaw ancestors always lived in the State of Mississippi so far as you know? A Yes sir.
- Q None of them ever have gone over to the Territory?? A No sir, not as I know of.
- Q Do you know the names of any of your ancestors on your father's side further back than your great grand father and great grand mother? A No sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Areola.
- Q Is she living? A Yes sir.
- Q Has she any Choctaw blood? A I don't know sir.
- Q Do you make any claim for her? A No sir.
- Q Have you any children? A No sir.
- Q This application then is for yourself alone? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No sir, I don't know sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of the tribe?
- A No sir.
- 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? A No sir.
- Q Then you never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for Indian Territory? A No sir, I don't know.
- Q You know whether you have or not? A No sir.
- Q You have not then? A No sir.



Department of the Interior,  
Commission to the Five Civilized Tribes  
Meridian, Mississippi, July 29, 1901.

In the matter of the application of Jesse Wilson for identification as a Mississippi Choctaw.

Jesse Wilson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jesse Wilson.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Collinsville,  
Q What county? A Lauderdale County.  
Q How long have you lived in Lauderdale County? A Lived in Lauderdale County ten years.  
Q Where did you live before that? A Neshoba County.  
Q How long did you live there? A Fifteen years.  
Q Born in Neshoba County? were you? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Hughy Wilson.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mattie Wilson.  
Q You claim Choctaw blood? A Yes sir.  
Q How much Choctaw blood do you claim to have? A 1/8.  
Q Through which one of your parents do you derive your Choctaw blood? A From both sides., mother and father.  
Q How much Choctaw blood was your mother? A Well, no sir, I am mistaken, just my father's side.  
Q You don't get any through your mother? A No sir, she claims it, but she couldn't prove it.  
Q You claim through your father then? A Yes sir.  
Q How old a man is your father? A I don't know sir; I think about fifty two.  
Q Has he always lived in the State of Mississippi? A Yes sir.  
Q Was he married to your mother under a license? A Yes sir.  
Q Have you that license with you? A No sir.  
Q Where did he get it do you know? A Philadelphia, Neshoba County.

The Commission will give you a reasonable time in which to submit proper evidence of the marriage of your father and mother; we would like to have you submit it within thirty days if you can.

- Q Was your father a slave? A Yes sir.  
Q Was your mother a slave? A Yes sir.  
Q Has your father ever been to the Territory? A No sir.  
Q Through which one of his parents did your father get his Choctaw blood? A I guess from his father and mother.  
Q Both? A Yes sir.  
Q Are either of them living? A His mother is living, but his father is dead.

Choctaw MCR 3126

Jesse Wilson

MCR 3126

*Jennan Johnson Etal*

**REFUSED**

DECISION RENDERED. **OCT 28 1902**

NOTICE OF DECISION MAILED APPLICANT

*R. 3125*

**OCT 28 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**OCT 28 1902**

RECORD FORWARDED DEPARTMENT.

**NOV 13 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR

**FEB 6 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**FEB 21 1903**

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

**FEB 21 1903**

REFER TO M. C. R. *3124*

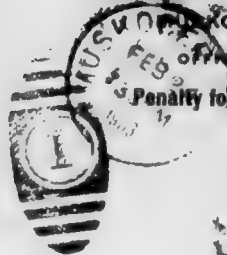
Department of the Interior.

Commission to the Five Civilized Tribes,

MOOREHEAD, MISSISSIPPI.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



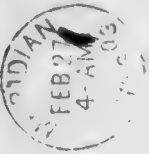
Jenann Johnson,

Meridian, Mississippi.

Mississippi

3125

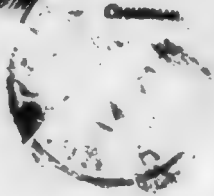
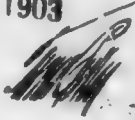
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE PAID CIVILIZED TRIBES.

**FILED**

APR 8 1903





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

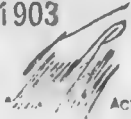
*McClain*

Jenann Johnson,

Meridian, Mississippi.

DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
COMMUNICATION TO THE FIVE CIVILIZED TRIBES.  
**FILED**

JAN 2 1903



ACTING CHAIRMAN



NOV 3 - 1902

Jessie Johnson,

Meridian, Mississippi.

Return registry receipt to M C R 3122.

*File*  
*To Registry Card Return*



#1241

No. 3125

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Jenann Johnson

Age 40 Blood 1/4

Post Office, Meridian Miss

Father: Cy Orrstreet d

Mother: Izetta Rush S.

Claims through father  
Husband Armstead Johnson  
(no claim for husband).

Children:	Holmes	
Stella	<del>Johnson</del>	17
Jetty	Holmes (M)	16
Luella	" "	14
Emma Z. Johnson		12
Lula Jane	"	10
Chaney Eva	"	8
Percy A.	"	4
Jessie Alma	"	1

Stenographer

R. J. Str... over  
(over)

Father of Stella  
and Luella is Richard  
Holmes; no Choctaw  
blood.

Armedead Johnson is  
father of five younger  
children.

Consolidated Case  
of  
Jenann Johnson et al

REFER TO M. C. 31

REFER TO M. C. 31

REFER TO M. C. 3125

Card No. NAME RESIDENCE DISTRICT POST OFFICE Age Sex

Jack Scott (fl)  
(dead)  
(or Notubee)  
(or No Tubby)

Julia Overstreet  
slave (dead)

Cy Overstreet (50?)  
Slave (dead)

wife  
Izetta Rush  
slave (negro)  
(or Zet Rush)  
(married 2<sup>nd</sup> time)

mer  
3125

Jennann Overstreet 40- $\frac{1}{4}$   
(or Jennie Ann " ) slave

↓ mar

- ① Richard Holmes
- ② Armstead Johnson (negro)

mer  
3124

Lenzo Overstreet 36- $\frac{1}{4}$   
wife  
Lou Overstreet  
(negro) - dead

Sallie Overstreet

mer  
3125

- Stella Holmes 17
- " Jetty Holmes 16
- " Luella Holmes 14
- " Emma Z. Johnson 12
- " Lula Jane Johnson 10
- " Chaney Eva Johnson 8
- " Percy A. Johnson 4
- " Jessie Alma Johnson 1

mer  
3124

- Mamie Overstreet 13
- " Caroline " 12
- " Izetta " 9
- " Jack " 8
- " Indiana " 7

*W. C. B.*

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

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

REFER IN REPLY TO THE FOLLOWING  
  
M.C.R. 3125

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

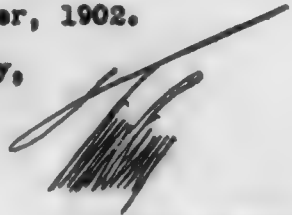
Muskogee, Indian Territory, February 21, 1903.

Jenann Johnson,  
Meridian, Mississippi.

Dear Madam:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jenann Johnson, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,



Acting Chairman

COPY.

M.C.R. 3126

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jenann Johnson et al., of which decision you were advised by mail on the 28th day of October, 1902.

Respectfully,

(SIGNED).

*James B. Buby.*

Chairman

An examination of the records of this office discloses the fact that Jack Scott (Jack Notubbee or Jack Ne Tubby) or Cy Overstreet do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th Article of the Choctaw treaty of 1830, neither does it appear that they applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

These being the facts, it is evident that the decision of the Commission was correct, and this office therefore recommends that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

W. A. Jones,  
Commissioner.

C. T. G.

L.

-:- COPY -:-

Land.  
68331-2902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Jan. 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith, for your consideration, application in the consolidated case of Jenann Johnson, and her eight minor children, Stella, Jetty, Luella Holmes, Emma Z, Lula Jane, Shaney Eva, Percy A. and Jessie Alma Johnson; Lenzo Overstreet and his five minor children, Mamie, Caroline, Izetta, Jack and Indiana Overstreet, for identification as Mississippi Choctaw Indians, wherein a decision adverse to them was rendered by the Commission to the Five Civilized Tribes on October 28, 1902.

The applicants herein claim descent from the same common ancestor, Jack Scott or Jack Notubbee or No Tubby, through Cy Overstreet, his son, it being claimed that Jack Scott (Jack Notubbee or Jack No Tubby) was a member of the Choctaw tribe of Indians in Mississippi in 1830.

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



D.C. 3967  
ITD.382-1903.  
L.R.S.

-- COPY --  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

J.W.H.  
EAF.

February 6, 1903.

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

Gentlemen:

November 13, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Jenann Johnson and her minor children, Stella, Jetty and Luella Holmes, and Emma Z., Lula Jane, Chaney Eva, Percy A. and Jessie Alma Johnson; and of Lenzo Overstreet and his minor children, Mamie, Caroline, Izetta, Jack and Indiana Overstreet.

The applicants claim to be descendants of one Jack Scott (or Jack Notubbee)(or Jack N.Tubby), who is alleged to have been a full 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 Jack Scott, 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 applications October 28, 1902. The Commissioner of Indian Affairs forwarded the papers January 15, 1903, and recommended that your decision be approved. A copy of his letter is inclosed herewith.

Having carefully considered the whole record, the Department hereby affirms your decision.

Respectfully,

Thos. Ryan,  
Acting Secretary

1 inclosure.

COPY.

Muskogee, Indian Territory, November 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jenam Johnson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 28, 1902.

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

Jenam Johnson, et al.,  
Louise Overstreet, et al.,

M.C.R. 3125  
M.C.R. 3126

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,

*James D. Kirby*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. M.C.R. 3125

M No 46-2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenann Johnson, Stella Holmes, Jetty Holmes, Luella Holmes, Emma E. Johnson, Lula Jane Johnson, Chaney Eva Johnson, Percy A. Johnson, Jessie Alma Johnson, Lenae Overstreet, Mamie Overstreet, Caroline Overstreet, Inetta Overstreet, Jack Overstreet and Indiana Overstreet, 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,  
SIGNET

*C. R. Breckinridge*  
Commissioner in Charge.

M C R 3125

Muskogee, Indian Territory, October 28, 1902.

Mansfield, McMurray &amp; Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jenann Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jenann Johnson, et al.,           M C R 3125  
Lenzo Overstreet, et al.,       M C R 3124

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:

J J -8.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenann Johnson, Stella Holmes, Jetty Holmes, Luella Holmes, Emma E. Johnson, Lula Jane Johnson, Chaney Eva Johnson, Percy A. Johnson, Jessie Alma Johnson, Lenso Overstreet, Mamie Overstreet, Eneline Overstreet, Isetta Overstreet, Jack Overstreet and Indiana Overstreet, 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,

W. W. W.

*C. R. Brockinridge*  
Commissioner in Charge.

Registered.

COPY

M C R 3125.

Muskogee, Indian Territory, October 28, 1902.

Jenann Johnson,  
Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jenann Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jenann Johnson, et al.,           M C R 3125  
Lense Overstreet, et al.,       M C R 3124

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 498), which is as follows:

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

Said decision concludes as follows:

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenasa Johnson, Stella Holmes, Jetty Holmes, Luella Holmes, Emma E. Johnson, Lula Jane Johnson, Chasmy Eva Johnson, Percy A. Johnson, Jessie Alma Johnson, Lanza Overstreet, Mamie Overstreet, Caroline Overstreet, Izetta Overstreet, Jack Overstreet and Indiana Overstreet, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

*Tame Bixby.*

Acting Chairman.

SIGNED,

*F. B. Needles.*

Commissioner.

SIGNED,

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

OCT 28 1902

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

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 531).

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 Jack Scott (or Jack Netubbee) (or Jack Netabby), 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., 100) and August 22, 1842 (5 Stats., 513).



J. G. M.  
C. W.

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



In the matter of the application of *Jessie Johnson, et al.*,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

*Jessie Johnson, et al.*                    H. C. R. 2122  
*Leona Overstreet, et al.*                "        2124

— 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 *Jessie Johnson* for herself and her eight minor children, *Stella*,  
*Fetty* and *Leola Malone*, *Emma E.*, *Lula Jane*, *Shanny Eva*, *Ferry A.*,  
and *Jessie Alma Johnson*; and by *Leona Overstreet* for himself and his  
five minor children, *Henri*, *Caroline*, *Luette*, *Jack* and *Indiana Over-*  
*street*, under the following provision of the act of Congress approved  
June 22, 1902 (32 Stat., 408):

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

Jennann Johnson, et al., 7.

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 of said proceedings in said cause upon said date.

*R. J. Street*

Subscribed and sworn to before me at Meridian, Mississippi,  
this 17th day of August, 1901.

*[Signature]*

Notary Public.

Jenann Johnson, et al., 6.

Indian had complied with in all respects with the 14th article of the treaty and his land had been sold by the Government, he should be entitled to select land elsewhere in the State of Mississippi, Louisiana, Alabama or Arkansas from vacant Government land; he was to be given a certificate to that effect; these certificates were called scrip.

Q Do you know whether any of your ancestors ever received any scrip from the Government under this Act of August 23, 1842? A Not as I know of.

Q Do you know any one living who would likely know about that? A No sir.

Q Did you ever see or hear of any deed or patents issued to any of your ancestors covering land in Mississippi, given to them under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Have you any written ~~exam~~ evidence you want to offer at this time? A Yes sir.

The joint affidavit of James Jack and Richard Holmes offered in evidence, identified as Exhibit "A" and made a part of the record in this case.

Q Is this all the written evidence you have that you want to offer at this time? A Yes sir.

Q Do you want permission to offer more written evidence later?

A No sir, if there is no necessity of it; if there is a necessity to have it, I would like to have it, if not, why ---

Of course, this is a matter which is left entirely with you. You will be allowed a reasonable time in which to offer further evidence in your case. We would like, however, for you to submit this evidence within thirty days, if you can conveniently. If you see fit to bring any witnesses before the commission in person, they will be duly examined by the Commission.

Q (This applicant has the appearance of being a negro and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

R.E. 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

Jenann Johnson, et al., 5.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q Do you know any one who would likely know about that? A No sir.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than that 14th article, or under the supplement to that treaty? A No sir, not to my knowledge.

Q Do you know of any one living who would likely know about that?

A No sir, not any one.

In accordance with the provisions of Article 14 of the treaty of Dancing Rabbit Creek, the United States Government directed an agent here in Mississippi to receive the applications of Choctaws desiring to remain here and become citizens of the States. The records of the Government show that this agent failed in many instances to record the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States, and failed to notify the Government of their having signified their intention to remain; on this account, in many instances, land upon which the Choctaws lived and which they owned was sold by the Government at its public land sales. This occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission, whose duty it was to come down here to Mississippi and hear the applications of persons who claimed that they had complied with the provisions of article 14 of the treaty but that their land had been sold by the Government, and that they had not in fact received any benefits under the treaty. This commission was appointed by the president and came down here and heard a few of these Choctaw cases, but in the time allowed them by the Act under which they were appointed, they were unable to hear but a very small percent of the cases, and Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission to come down here and hear the remainder of these Choctaw cases. This commission came down here and heard a great many more of these Choctaw cases.

Q Did any of your ancestors appear before either of these Commissions and attempt to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I don't know sir; I never heard of any.

Q You never did hear of them? A No sir.

Q Do you know any one living who would likely know about that?

A No sir, I don't know anyone.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw

Jennan Johnson, et al., 4.

herein Mississippi and the edge of Alabama. The object of the treaty was to secure their removal from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory. At the time the treaty was made, some of the Choctaws were unwilling to leave the old country here and move out west, and for the benefit of those who desired to stay here, the 14th article was inserted in the treaty; that fourteenth article 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; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with them 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 entitled to any portion of the Choctaw annuity."

Q Do you understand that now? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of that 14th article? A I don't know sir.

Q Do you know anyone living who would likely know whether they ever did or not? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in 1830, when the treaty was made?

A I don't know sir.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know sir.

Q Did any of them own an improvement here in Mississippi and Alabama at the time the treaty was made? A I don't know sir.

Q Did any of your 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 greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A I don't know sir.

Q Did any of your ancestors, within six months after the treaty of Dancing Rabbit Creek was ratified, 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?

Q I don't know sir.

Jennan Johnson, et al., 3.

- Q What ones are staying with your mother? A Luella and Jetty.  
Q You and your husband are living together are you? A Yes sir.  
Q You are the mother of all nine of these children? A Yes sir.  
Q Is Armstead Johnson the father of all of them? A No sir.  
Q Which of these children are those of Armstead Johnson? A Emma X.  
Q Are there any more that is your husband's children? A Yes sir.  
Q What are they? A Lula Jane.  
Q The next one? A Chaney Eva.  
Q The next? A Percy A.  
Q The next one? A Jessie Alma.  
Q These five are by your husband? A Yes sir.  
Q How do you know the name of Stella's father? A Yes sir.  
Q What is his name? A Richard Holmes.  
Q Do you know the name of Jetty's father? A Yes sir.  
Q What is his name? A Richard Holmes.  
Q Do you know the name of Lula Jane's father? A Yes sir, Richard Holmes.  
Q Is Richard living? A I reckon, I don't know sir; I aint seen him for a long time. Yes sir, course he is; he is one of the witnesses.  
Q Has he any Choctaw blood? A No sir.  
Q What surname do these children go by? A By their own name; they aint got no surname.  
Q Well, they mut have some surname? Would you call them Holmes or what? Yes sir; Stella Holmes. They all go by their own father's name.  
Q Is your name, or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?  
A I don't know sir.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be enrolled as members of the tribe? A No sir.  
Q Did you, or any one for you, in the year 1898, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation for yourself or any of these minor children?  
A No sir.  
Q Have you ever made any application prior to this time? A No sir.  
Q You now desire to make application for the identification of yourself and these eight minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand this 14th article of the treaty of Dancing Rabbit Creek? A I think I do, sorter.  
Q

In order that you may clearly understand it, I will read it to you. The fourteenth article of the treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. The Choctaws at that time were living

Jennann Johnson, et al., B.

- Q Were your father and mother married? A Yes sir.  
Q Were they married under a license? A Yes sir.  
Q You are sure of that? A Yes sir, they married like all of them married in slave time.  
Q Then, they didn't marry under a license; you said they were married under a license? A I think they married under a license in slavery time.  
Q Now, how did they marry in slavery time, tell us about it?  
A I don't know; I said I thought they did; I can't remember anything about that.  
Q How long did they live together as man and wife? A Till he died.  
Q How many children did they raise? A Three; my brother younger, and I have got another sister.  
Q Was that your brother on the stand before you? A Yes sir.  
Q What was his name? A Lenzo Overstreet.  
Q What is your sister's name? A Pocohontas; she is married now.  
Q What is her husband's name? A I don't know; I didn't see her after she went off; she is in Chattanooga, Tennessee. I heard she was married; but I don't know what her husband's name is.  
Q Did your father ever go out to the Choctaw Nation? A I don't know sir.  
Q Were you ever out there? A No sir.  
Q Are you married? A Yes sir.  
Q What is your husband's name? A Arnetead Johnson.  
Q Is he living? A Yes sir.  
Q Has he any Choctaw blood? A No sir.  
Q What is he? A Negro.  
Q You make no claim for him then? A No sir.  
Q How many children have you under twenty one years of age and unmarried? A Nine.  
Q What are their names? A nd ages? A Stella.  
Q How old is Stella? A She is seventeen years old.  
Q The next? A Jetty.  
Q How old is Jetty? A He is about - I don't remember exactly - he is about as high as I can remember it - he is about sixteen, I reckon. Along in there somewhere.  
Q The next one? A Luella.  
Q How old is Luella? A She is 14.  
Q The next one? A Emma Z.  
Q How old is Emma Z.? A She will soon be 12 years old.  
Q The next one? A Lula Jane.  
Q How old is Lula Jane? A She is 10 years old.  
Q The next one? A Chaney Eva.  
Q How old is Chaney Eva? A She is eight years old.  
Q The next one? A Percy A.  
Q How old is Percy A.? A He is 4 years old.  
Q The next one? A The baby; she is a year and about eight months old.  
Q What is her name? A Jessie Alma.  
Q Is that all? A Yes sir.  
Q These children are all living with you are they? A Yes sir, some of them staying with my mother; and some with me.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 29, 1901.

In the matter of the application of Jenann Johnson for the identification of herself and eight minor children as Mississippi Choctaws.

Jenann Johnson, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Jenann Johnson.
- Q What is your age? A I am somewhere, as near as I can guess at it, about forty.
- Q What is your post office address? A Meridian, Mississippi.
- Q Have you any local street address? A No sir, I have got none.
- Q You get your mail at the general delivery? A Yes sir.
- Q How long have you lived in the State of Mississippi? A All my life.
- Q Is your father living? A No sir.
- Q What was his name? A Cy Overstreet.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Isetta Rush.
- Q She married the second time? A Yes sir.
- Q How much Choctaw blood do you claim to have? A My father was half claims 1/4.
- Q Your mother has no Choctaw blood? A No sir.
- Q You claim through your father? A Yes sir.
- Q What is your mother? A Figger.
- Q Was she a slave? A Yes sir.
- Q Was your father a slave? A Yes sir.
- Q You were born a slave? A Yes sir, I reckon I am about forty years old.
- Q How long has your father been dead? A He has been dead about twenty eight years, as nigh as I can remember.
- Q D'd he always live in the State of Mississippi? A Yes sir.
- Q Did you ever see his father or mother? A No sir.
- Q Do you know their names? A Yes sir.
- Q What are they? A One named - his father was named Jack Scott he name is Jack Scott - he was called Notubbee; he was a full blood Choctaw, but my father always called himself Jack Scott.
- Q What was your father's mother's name? A Julia Overstreet.
- Q Julia didn't have any Choctaw blood did she? A Not as I know of.
- Q Was she a slave? A Yes sir.
- Q Was Notubbee a slave? A No sir, he wasn't no slave.
- Q Were Notubbee and Julia married? A I 'll tell you the truth; I don't know sir; I just hearn my father talk about him; I dem't know I couldn't tell you.
- Q Your father never told you they were married? A No sir.



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

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

Jenann Johnson, et al                    M.C.R. 3123  
Lense Overstreet, et al                "        3124

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of  
Jenann Johnson, et al.

	(Page)
Original application of Jenann Johnson, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Joint affidavit of James Jack and Richard Holmes .....	3
Original application of Lense Overstreet, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	7
Joint affidavit of James Jack and Richard Holmes .....	13
Certified copy of marriage license of Lense Overstreet and Lou Dabbs .....	17
Certificate of Clerk of Circuit Court of Kemper County, Mississippi .....	18
Decision of the Commission refusing the applications of Jenann Johnson, et al., for identification as Mississippi Choctaws .....	19

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Choctaw MCR 3125

Jenann Johnson

MCR 3125

*Senzo*

*Overstreet Et al*

# REFUSED

DECISION RENDERED. OCT 28 1902

NOTICE OF DECISION MAILED APPLICANT.

*R. 3124*

OCT 28 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

OCT 28 1902

RECORD FORWARDED DEPARTMENT:

NOV 13 1902

ACTION APPROVED BY SECRETARY OF INTERIOR:

FEB 21 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT:

FEB 21 1903

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

FEB 21 1903

REFER TO M. C. R. 3125

#1240

No. 3124

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name *Lenzo Overstreet*

Age *36* Blood *1/4*

Post Office, *Mattox, miss*

Father: *Cy. Overstreet* *d*

Mother: *Ger Rush* *L*

Claims through *father*

Children:

*Mamie Overstreet* *13*

*Caroline* " *12*

*Getta* " *9*

*Jack* " *8*

*Indiana* " (F) *7*

*Mother Lou Overstreet (dead)*

(Claims for self and 5  
minor children)

Stenographer

*R. J. Street*

COPY.

M.C.R. 3124

Muskogee, Indian Territory, February 21, 1903

Lenso Overstreet,

Mattox, Mississippi.

Dear Sir:-

You are hereby notified that on the 6th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jenann Johnson, et al., of which decision you were advised by registered mail on the 28th day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Acting Chairman

L O -2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jenann Johnson, Stella Holmes, Jetty Holmes, Luella Holmes, Emma Z. Johnson, Lula Jane Johnson, Chaney Eva Johnson, Percy A. Johnson, Jessie Alma Johnson, Luzzo Overstreet, Mamie Overstreet, Caroline Overstreet, Izetta Overstreet, Jack Overstreet, and Indiana Overstreet, 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,

(SIGNED)

*C. R. Breckinridge*  
Commissioner in Charge

Registered.

COPY.

M C R 3124

Muskogee, Indian Territory, October 28, 1902.

Lenze Overstreet,  
Mattox, Mississippi.

Dear Sir:

You are hereby advised that on the 28th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jenann Johnson, et al., embracing the following applications for identification as Mississippi Choctaws:

Jenann Johnson, et al.,           M C R 3125  
Lenze Overstreet, et al.,       M C R 3124

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:





Lenzo Overstreet, et al., 6.

Q Have you any written evidence of any description that you want to offer? A Yes sir .

The joint affidavit of James Jack and Richard Holmes offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

Q Is this all the written evidence you have A Yes sir.  
Q Do you want permission to file other written evidence later?  
A Yes sir, I reckon so.

You will be allowed a reasonable time in which to file other written evidence in support of your application. We would like for you to file it within thirty days if you can. If you see fit to bring any witnesses before the Commission to testify in support of your application, the Commission will give them a hearing.

Q Are there any further statements you want to make at this time in support of your application? A No sir, I don't believe so.  
Q Are any of your father's brothers living? A Yes sir, but they aint anywhere about here.  
Q Where do they live? A In the Mississippi bottom.  
Q What are their names? A Ben Houston.  
Q Well, go ahead? A Wess Houston.  
Q Any more? A No sir.  
Q Have they any Choctaw blood? A No sir, only half brothers.  
Q Well, has he any ~~half~~ full sisters living? A No sir.  
Q Did he ever have any full sisters? A No sir.  
Q You only have two sisters? A Yes sir.  
Q And no brothers? A No sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. He does not speak or understand the Choctaw language.)

The decision of the Commission as to the application you make at this time for the identification of yourself and five 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.

Lenko Overstreet, et al., 5.

Q Mississippi and become citizens of the States. On this account, the Government at its public land sales, in many instances sold land upon which Choctaws lived and which they had improvements. This occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3 day of March, 1837, providing for the appointment of a Commission to come down here and hear the cases of Choctaws who claimed they had complied with the provisions of article 14 of the treaty, but that their land had been sold by the Government, and they never in fact received any benefits under that article. This commission was duly appointed and came down here to Mississippi and heard some of these Choctaw cases, but in the time allowed them, they were unable to dispose of but a very few of them, comparatively speaking, and then Congress passed another Act which was approved on the 23rd day of August, 1842, for the appointment of another Commission to come here and finish up these cases. That commission came down here and heard a great many more Choctaw cases which the other commission had been unable to hear.

Q Do you know whether any of your ancestors ever appeared before either one of those commissions and attempted to establish their rights under article 14 of the treaty? A No sir, I don't know.  
Q Do you know anyone living who would likely be informed on the subject? A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty in all respects, and that his land had been sold by the Government and he never received any benefits under article 14 of the treaty, he should be given the privilege of selecting land - other vacant Government land, in the State of Mississippi, Alabama, Louisiana or Arkansas, and these Choctaws were given scrip, or certificates to the effect that they were entitled to select land elsewhere; these certificates were called scrip.

Q Do you know whether any of your ancestors ever received any scrip from the Government under this Act of Congress? A No sir.  
Q Do you know anyone living who would likely know about that? A No sir.  
Q Is there any one living who would be able to support your testimony as to your ancestry and the amount of Choctaw blood claimed by you? A Yes sir.  
Q Who could testify about that? A James Jack; and Rich Holmes.  
Q Are they here before the Commission to-day? A No sir.  
Q Have you any witnesses here before the Commission to-day that you want to introduce? A No sir.

Lenzo Overstreet, et al., 4.

section of land, a piece of land one mile square for himself, and for each child which was living with him over ten years of age he was entitled to an additional 320 acres and for each child which was living with him under ten years of age, a tract of 160 acres; the reservation of the children were required to adjoin the location of the parent; if they lived upon that land for a period of five years after the treaty was ratified, a grant in fee simple was issue to them; that is, they would get a deed to the land, and would then have the right to sell it or dispose of it in any way they might see fit. And it was further provided that persons who claim under that article should not lose the privilege of a Choctaw citizen, but if they ever removed; that is, if they ever went to the new country out west, they would not lose the privilege of a Choctaw citizen, but would not be entitled to any portion of the Choctaw annuities, the annual payments made to the Choctaws.

- Q Do you think you understand that clearly now? A Yes sir.
- Q Do you know whether any of your ancestors ever complied with the provisions of that 14th article of the treaty of Dancing Rabbit Creek?
- A No sir, I don't know.
- Q Do you know anyone living who would likely know about that?
- A No sir.
- Q Were any of your ancestors living in the old Choctaw Nation, here in Mississippi and Alabama in 1830, when the treaty was made? A No sir, I don't think so.
- Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A I don't know sir.
- Q Did any of them own an improvement here in the old Choctaw Nation at that time? A No sir, I don't know sir.
- Q Did any of your ancestors ever move out to the Indian Territory?
- A No sir.
- 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 Choctaw here in Mississippi, their intention to remain in Mississippi and become citizens of the States?
- A I don't know sir.
- Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them ever claim or receive any land under any other article of that treaty or under the supplement to that treaty? A No sir.
- Q

In accordance with the provisions of the 14th article of the treaty, the Government directed any agent here in Mississippi to receive the applications of such Choctaws as desire to remain in Mississippi and become citizens of the States; the records of the Government show that that agent failed to record the names of many Choctaws who did in fact signify to him their intention to remain here in

Lense Overstreet, et al., 3.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw tribe of Indians here in Mississippi, on the 27th day of September, 1830, nearly seventy one years ago. At the time this treaty was made, the Choctaws occupied a portion of the State of Mississippi and a small portion of Alabama, along the western line of the State. The object of the treaty was to procure the removal of the Choctaws from the country occupied by them east of the Mississippi to the country now occupied by the main body of the Choctaw tribe. At that time, some of the Choctaws were unwilling to move west to the new country, and they insisted that provision be made whereby they might remain in Mississippi; according the 14th article was inserted in the treaty for their benefit. The 14th article 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 entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now? A I understand some of it.

Q Well, I will endeavor to explain it so you will understand all of it.

First: An applicant must have been a recognized member of the Choctaw tribe here at that time; he was required by that 14th article to within six months after the treaty was ratified, which was February 24, 1831, signify his to the agent of the Government here in Mississippi his intention to remain here and take advantage of the provisions of the treaty and become a citizen of the States; then he was to be entitled to a reservation of one

Lease Overstreet, et al., 2.

- Q And you two are the only children they have? A Three, but one isn't here.
- Q What is the name of the one that is not here? A Sallie Overstreet
- Q What is the name of this one here? A Jin Ann Johnson; she married a Johnson.
- Q Did your father ever go to the Choctaw Nation, Indian Territory?
- A No sir.
- Q Did his father ever go out there? A Not as I know of.
- Q Are you married? A No sir, my wife's dead.
- Q Have you any children? A Yes sir.
- Q Five? A Yes sir.
- Q What are their names and ages? A My oldest one is Mamie.
- Q How old is Mamie? A Going on 14 years, or thirteen years.
- Q The next one? A Caroline.
- Q How old is Caroline? A 12 years old.
- Q The next one? A Isetta.
- Q How old is Isetta? A Nine years old.
- Q Those three are girls? A Yes sir.
- Q The next one? A Named Jack.
- Q How old is Jack? A Eight years old.
- Q The next one? A Seven years old.
- Q Who is the next one? A Indiana.
- Q Girl or boy? A Girl.
- Q Are these children all living with you now? A Yes sir.
- Q You are the father of all of them? A Yes sir.
- Q What is the name of their mother? A Lou.
- Q Did their mother have any Choctaw blood? A No sir.
- Q What was she? A Negro.
- Q Were you married to her under a license? A Yes sir.
- Q Where did you get your license? A DeKalb.
- Q Have you your marriage license and certificate with you now? A No sir, but I can get them and send them.
- Q Were you married by a regularly ordained minister of the Gospel; were you? A Yes sir.

You will be given an opportunity to send this license and certificate to us within a reasonable time; you should send it within thirty days, if possible.

- Q Is your name, or the name of any one of these children to be found upon any of the Choctaw tribal rolls in Indian Territory?
- A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any of these children to be enrolled as members of the tribe? A I don't know sir.
- Q You know whether you ever made such an application or not, don't you? A This is the only one that I made.
- Q This is the only application of any description that you have ever made? A Yes sir.
- Q No one else has made such an application for you? A No sir.
- Q You now desire to make application for the identification of yourself and these five minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 29, 1901.

In the matter of the application of Lense Overstreet,  
for the identification of himself and five minor children as  
Mississippi Choctaws.

Lense Overstreet, having been first duly sworn, upon his  
oath states as follows:

Examination by the Commission.

- Q What is your name? A Lense Overstreet.  
Q What is your age? A Thirty six.  
Q What is your post office address? A Mattox, Mississippi.  
Q What county? A Kemper County.  
Q How long have you lived in Kemper County, Mississippi? A All my  
life.  
Q Is your father living? A No sir, he is dead.  
Q What was his name? A Cy Overstreet.  
Q Is your mother living? A Yes sir.  
Q What was her name? A Zet Rush.  
Q you claim to have Choctaw blood? A Yes sir.  
Q Through whom do you get your Choctaw blood? A From my father's  
side.  
Q How much Choctaw blood do you claim to have? A 1/4.  
Q How long has your father been dead? A Twenty six years.  
Q How old would he be if he was living now? A I don't know sir.  
Q Did you ever see him? A Yes sir.  
Q You claim to be a half blood Choctaw? A Yes sir.  
Q Did he always live in the State of Mississippi? A Yes sir.  
Q About how old do you think he would be if he was living now?  
A He would be about fifty years old I reckon.  
Q Was he a slave? A Yes sir. He was a slave.  
Q And your mother was a slave? A Yes sir.  
Q Is your father's father living? A No sir, he is dead.  
Q Did you ever see him? A No sir.  
Q Is your father's mother living? A No sir, she is dead.  
Q Did you ever see her? A No sir.  
Q Do you know what her name was? A Julia Overstreet.  
Q Do you know what your father's father's name was? A His name  
was Jack Netubbee, but he called himself Jack Scott.  
Q Your father got his Indian blood through his father? A Yes sir.  
Q Do you know whether your father's mother and father were  
married? A No sir, I don't know.  
Q You have no evidence that they were? A No sir.  
Q Were your father and mother married? A Yes sir.  
Q Married under a license were they? A No sir, they was married  
in slave time, not by license.  
Q They were married according to the custom among slaves? A Yes  
sir.  
Q Did they have any other children besides you? A That girl  
over there, and one more daughter.  
Q Is she older or younger than you are? A Older than I is.

Choctaw MCR 3124

Lenzo Overstreet

MCR 3124

146  
REFUSED

DECISION RENDERED. JUL 26 1902

NOTICE OF DECISION FILED APPLICANT.

R. 3123

JUL 26 1902

NOTICE OF DECISION  
ATTORNEY

WARDEN  
ETC

NOTICE OF DECISION  
FOR DECISION

WARDEN  
ETC

JUL 26 1902

RECORD

MENT

ACTION

WARDEN

NOV 21 1902

NOTICE OF DECISION  
FOR DECISION

WARDEN

ACTION

DEC - 5 1902

NOTICE OF DECISION  
FOR DECISION

ACTION  
APPLICANT

DEC 11 1902

NOTICE OF DECISION  
FOR WARDEN  
AND CHICKALAA NATION

REFER TO MEAS 23



#1239

No. 3123

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Mary Blakely

Age 24 Blood 1/32.

Post Office, Scooba, Miss.

Father: James B. Griffin

Mother: Mary Frances "

L  
S

(Claims through  
husband father  
William Blakely  
(No claim for husband.)

Children:

Mary Edna Blakely 1

(Claims for self and  
one minor child)

Stenographer

J. Skiles

COPY  
M C R 3123

Muskogee, Indian Territory, December 5, 1902.

Mary Blakely,

Scooba, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 28th day of July, 1902.

Respectfully,

(SIGNED).

*Thomas B. Griffin*  
Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED).

*I. E. Meador*

Registered.

COMMERCIAL

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 in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Tunmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

COMMISSIONERS.

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

ALLISON L. AVLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337  
M.C.R. 3123

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Mary Blakely,

Seecoba, Mississippi.


Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

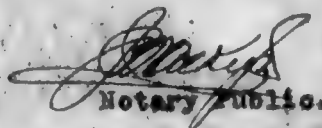
Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Mary Blakely et al--&

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, July 28th, 1901, and that the 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 20th day of August, 1901, at Meridian, Mississippi.



Notary Public.

RECORDED

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of the treaty and that his land had been sold or disposed of by the Government, or that he had never received any benefits under this 14th article, he should be entitled to select land elsewhere in Mississippi, vacant Government land, or land in Alabama, Arkansas or Louisiana. The Government at that time had such vacant land in all four of those States. He was to be given a certificate showing that he was entitled to select this land. These certificates were known as scrip.

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of this act of Congress approved August 23, 1842? A Not as I know of.

Q Do you know anyone living who would likely be informed on these points? A No sir.

Q Have you any witnesses here before the Commission today that you want to introduce? A My father and my aunt.

Q Your father has been before the Commission today, hasn't he?

A Yes sir.

Q What is your aunt's name? A Nancy Buckalew.

Q She appeared before the Commission about a week ago, didn't she?

A Yes sir.

It will not be necessary to introduce her testimony in this particular case because you will get the benefit of her testimony given in your father's case.

Q Have you any written evidence of any kind that you want to offer at this time? A No sir.

Q Do you want permission to offer written evidence at a later date?

A Yes sir.

The Commission will give you permission to file proper written evidence in support of your application within a reasonable time. We would like, however, for you to submit this evidence within thirty days, if you can conveniently. If you discover any witnesses that would be able to support your testimony or would be informed as to whether any of your ancestors ever complied with any of the provisions of article 14 of the treaty, you may bring these witnesses before the Commission and we will hear their testimony at Meridian. You should, of course, bring them before the Commission just as soon as you possibly can, because the session of the Commission at Meridian is indefinite.

Q Have you any brothers or sisters living who are over 21 years of age? A Yes sir, two sisters.

Q What are their names? A Edna and Lillian Griffin.

Q Have they been before the Commission yet? A No sir.

This applicant has the appearance of being a white woman and shows no indications of being possessed of Indian blood. She does not speak or understand the Choctaw language.



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 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 ever claim or receive any land in Mississippi as beneficiaries under the provisions of article 14 of the treaty? A I don't know.

Q Did you ever hear of any of your ancestors ever getting any land from the Government here in Mississippi? A No sir.

Q You never saw any deeds or patents to any land issued to any of your ancestors, did you? A No sir.

Q Do you know whether any of your ancestors ever received any land from the Government under the provisions of any ~~at~~ other article of the Treaty of Dancing Rabbit Creek than the 14th article or ever received any land under the supplement to that treaty? A No sir-I don't know.

Q Do you know anyone living who would likely be informed on these matters? A Not unless my grandfather.

Q What is your grandfather's name? A Thomas Griffin.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of Choctaw Indians who desired to remain in Mississippi and take advantage of the provisions of article 14. The records of the Government show that this Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and take advantage of the provisions of article 14. On this account the Government, at its public land sales here in Mississippi, in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would eventually get under the provisions of the 14th article of the treaty that I have explained to you. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the applications of Choctaw Indians who claimed that they had complied with the provisions of the 14th article but that their land had been disposed of by the Government. This Commission was appointed by the President and came down here to Mississippi, but in the length of time allowed them they were unable to dispose of but a small proportion of these cases and Congress passed another act, approved August 23, 1842, providing for the appointment of another Commission to come here and finish up this work. That Commission was duly appointed by the President and came down here and heard a great many more of these cases.

Q Did any of your ancestors appear before either of those Commissions and attempt to establish their rights to land under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

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

Q Do you think you understand that article clearly? A Yes sir, I reckon I do.

We want you to be sure you understand it. In the first place, it was intended to provide for recognized members of the Choctaw Tribe of Indians. It provided that a Choctaw head of a family could, if he wanted to, stay in Mississippi and get land and become a citizen of the States, in accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, provided he signified his intention to do so to the United States Indian Agent here in Mississippi within six months after the treaty was ratified. The treaty was ratified on the 24th day of February, 1831, that is over 70 years ago; now within six months from that time he must signify his intention to the Agent to remain here. He was then entitled to a reservation of 640 acres of land, and if he had a child in his family over ten years of age who was not married, he could get 320 acres for that child and for such child as was under ten years of age he would get 160 acres. The children's reservations must adjoin the location of the parent and the reservation must include the present improvement of the head of the family. They were, further, required to live on the land for five years after the treaty was ratified, five years from the 24th day of February, 1831, and if they did that they were entitled to the land in fee simple, that is a deed or a patent from the Government giving them the land.

Q Do you think you understand that now? A Yes sir, I understand it.

Q Do you know whether any of your ancestors ever complied with the provisions of the 14th article that I have just described to you?

A No sir, I don't know.

Q Did any of your ancestors live in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made?

A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe here at that time? A I don't know, sir.

Q Did any of your ancestors own an improvement there in the old Choctaw Nation in Mississippi or Alabama at that time? A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1835 and 1838?

A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation here in Mississippi or Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between the years 1835 and 1838?

Mary Blakely et al---2

- Q Has he any Indian blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children? A One.
- Q What is its name? A Mary Edna.
- Q How old is she? A She will be a year and four months old the 15th of August.
- Q Is that all your children? A Yes sir.
- Q This application then is for yourself and one child? A Yes sir.
- Q This child is the child of you and William Blakely, is 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 Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as a member of the Tribe?
- A No sir.
- Q Has anyone else ever made such an application for you? A No sir.
- Q Did you or anyone for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q You never, then, have been admitted to citizenship in the Choctaw Nation by either the Commission to the Five Civilized Tribes, the Choctaw Tribal authorities, or by the United States Court in Indian Territory, have you? A No sir.
- Q Have you ever made any application of any description prior to this time to the Choctaw Tribal authorities or the United States authorities to be admitted or enrolled as a member of the Tribe?
- A No sir.
- Q Do you now desire to make application for the identification of yourself and minor child, as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians on the 27th day of September, 1830., here in Mississippi. At the time this treaty was made the Choctaw Nation occupied a portion of the State of Mississippi and a small portion of Alabama, just along the western border of the State. The object of that treaty was to secure the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Tribe. At the time the treaty was made, some of the Choctaws were unwilling to remove from the old country here out west to the new country and for the benefit of those who desired to remain here article 14 was put into the treaty. That 14th article 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

3123

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 29th, 1901.

In the matter of the application of Mary Blakely for the identification of herself and one minor child as Mississippi Choctaws.

Said Mary Blakely, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Mary Blakely.
- Q What is your age? A Twenty-four.
- Q What is your postoffice address? A Soeoba, Mississippi.
- Q What County? A Kemper County.
- Q How long have you lived in the State of Mississippi? A About four years.
- Q Where did you live before that? A Choctaw County, Alabama.
- Q How long did you live in Choctaw County, Alabama? A All my life.
- Q Is your father living? A Yes sir.
- Q What is his name? A James B. Griffin.
- Q He was before the Commission this morning, was he not? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Mary Frances Griffin.
- Q Through which one of your parents do you derive your Choctaw blood? A My father.
- Q How much Choctaw blood do you claim to have? A I don't know, sir.
- Q How much does your father claim? A I don't know, sir.
- Q Your father swore he had one-sixteenth Choctaw blood? A Then my grandfather had one eighth Choctaw blood.
- Q Then that would make you one-thirty-second, wouldn't it? A Yes sir.
- Q And you claim one thirty-second Choctaw blood, do you? A Yes sir.
- Q Through which one of his parents did your father get his Choctaw blood? A Through his father.
- Q What is his father's name? A Thomas Griffin.
- Q He is living? A Yes sir.
- Q Has he been before the Commission? A Yes sir.
- Q Do you know when he was here? A No sir, I don't know the exact time. It has been a week or two ago I think.
- Q Where does your father live now? A In Meridian.
- Q How long has he lived here? A About four years.
- Q Where did he live before that? A In Choctaw County, Alabama.
- Q How long did he live there? A I don't know, sir.
- Q He lived there before he was married, did he? A Yes sir.
- Q Where did your ~~grandfather~~ ~~xxxx~~ grandfather live before your father was married- his father? A I don't know, sir.
- Q Do you know anything about the residence of any of your ancestors except your father prior to the date of his marriage? A No sir.
- Q Did any of your ancestors ever go out to the Indian Territory? A No sir, not that I know of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A William Blakely.
- Q Is he living? A Yes sir.

Choctaw MCR 3123

Mary Blakely

MCR 3123

#1238

No. 3122

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Allen G. Buckalew.

Age 33 Blood 1/16.

Post Office, Hurricane Creek, Miss.

Father: Joseph Allen Buckalew. d.

Mother: Nancy Buckalew S.

Claims through mother

wife Cora V. Buckalew.  
(no claim for wife.)

(Claims for self and 8 minor children)

Children:

Abbie Janet Buckalew. (F) 11

John Allen " 9

Joseph Griffin " 6

Bonnie McCoy " (M) 4

Prince Albert " 3

Bonnie Lee " (M) 2

Oscar "  $\left. \begin{array}{c} T \\ W \\ S \end{array} \right\} 4 mo$

Arthur "  $\left. \begin{array}{c} T \\ W \\ S \end{array} \right\} 4 mo$

Stenographer

J. S. Miles.

Allen G. Bucklew et al

REFUSED

DECISION RENDERED. JUL 26 1902

P. 3122

JUL 26 1902

NOTE

NAME

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APPEAL

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REFER TO M.C. 2337

COPY  
M C R 3122

Muskogee, Indian Territory, December 8, 1902.

Allen G. Buckalew,

Hurricane Creek, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

*James D. Doby*  
Acting Chairman.



Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

A. E. Justice.

Registered.

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 in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

COMMISSIONERS.

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337  
M. C. R. 3122.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Allen G. Buckalew,

Hurricane Creek, Mississippi.

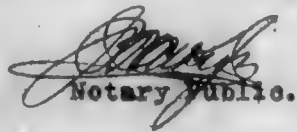
You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Allen G. Beckalew et al---6

taken in said proceedings on said date.

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



Notary Public.

that in case it should be found and determined that a Choctaw Indian had in fact ~~signified~~ complied with all the requirements of the 14th article of the treaty, but who had not received any benefits thereunder and whose land had been taken away from him, he should be entitled to select vacant Government land elsewhere in the State of Mississippi, Alabama, Arkansas or Louisiana, and he was to be given a certificate to that effect. These certificates were known as scrip.

Q Do you know whether any of your ancestors ever received any scrip from the Government under the Act of Congress approved August 23, 1842? A No sir, I don't know.

Q Do you know anyone living who would likely be informed with reference to this matter? A No sir, I don't know unless mother or uncle Tom Griffin would know.

Q Have you anybody before the Commission today who you would like to introduce? A Nobody but mother.

She has already been examined by the Commission, so, of course, you will get the benefit of her testimony in your ~~application~~ application.

Q Did you ever see any deed or patent issued to any of your ancestors covering land given to them by the Government under the provisions of article 14 of the treaty? A No sir.

Q Did you ever hear of any of your ancestors ever having received any benefits of any kind from the Government as Choctaw Indians?

A No sir, No sir, I don't know as I have heard.

Q Have you any written evidence of any kind that you want to offer at this time in support of your application? A No sir.

Q Do you want permission to offer some later? A Yes sir.

You will be permitted to file proper evidence in support of this application within a reasonable time. We would like, however, that you should offer it within thirty days from this date if possible and if you see fit to bring any witnesses before the Commission, they will be examined by the Commission. You understand of course that this is a matter of great importance both to you and to the Choctaw Nation and you should endeavor to bring before the Commission whatever evidence you can in support of your application.

This applicant has every appearance of being a white man and shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

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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, July 29th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes

intention to remain in Mississippi and become citizens of the States? A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I couldn't tell you.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than article 14 or under the supplement to that treaty? A I don't know.

Q Do you know anyone living who would likely be informed on this subject? A Not unless it is mother.

Q Your mother has been before the Commission recently, has she not?

A Yes sir.

Q Are you a brother of the applicant who was just before the Commission? A Yes sir.

Q What was her name? A Lucy Allen.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government of the United States directed an Agent here in Mississippi to receive the applications of Choctaw Indians who desired to remain and take advantage of the provisions of article 14. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaw Indians who did in fact signify to him their intention to remain and take advantage of the provisions of article 14 of the treaty. On this account the Government, at its Government land sales, in many instances sold land upon which Choctaw Indians had improvements and lived and which they supposed they would be permitted to retain under the provisions of article 14 of the treaty. This caused a great deal of dissatisfaction among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come to Mississippi and hear and determine these cases of Choctaws who claimed that they had complied with the provisions of the 14th article of the treaty but had never received any benefits thereunder but whose land had been sold by the Government. This Commission was duly appointed by the President and came to Mississippi and heard a number of these cases, but in the time allowed to them under the Act of Congress they were unable to dispose of nearly all of the cases. Congress passed another act which was approved August 23, 1842, providing for the appointment of another Commission to come down here and finish up the hearing of these Choctaw cases. That Commission was duly appointed by the President and came down here.

Q Did any of your ancestors appear before either one of those Commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.

The Act of Congress approved August 23, 1842, provided

Allen G. Buckalew et al---3

of article 14 of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't.

The treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians in the State of Mississippi on the 27th day of September, 1830. At the time that treaty was made the Choctaws occupied a portion of the State of Mississippi and a small part of Alabama. The object of the treaty was to bring about the removal of the Choctaws from the country occupied by them here in Mississippi and Alabama to the new country West of the Mississippi River, part of which is now occupied by the main body of the Choctaw Tribe. Some of the Indians here at that time were unwilling to move to the new country and for the benefit of those Indians article 14 was inserted in the treaty. Article 14 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."

Q Do you think you understand that clearly? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I couldn't tell you.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A I couldn't tell you.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama 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 greater portion 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 living in Mississippi at that time, their



Allen G. Buckalew et al---2

- Q You make no claim for ~~them~~ her then? A No sir.  
Q When and where were you married to her? A I was married in  
Choctaw County, Alabama.  
Q When? A In 1888.  
Q Married under a license? A Yes sir.  
Q Have you your license and certificate with you here at this  
time? A No sir.

The Commission will give you a reasonable time in which to  
submit proof of your marriage to Cora V. Buckalew, to be  
filed in support of the application you make for your  
minor children.

- Q How many children have you? A Eight.  
Q What are their names and ages? A Abbie Janet.  
Q How old? A Eleven years old.  
Q Next? A John Allen.  
Q How old? A Nine.  
Q Next? A Joseph Griffin.  
Q How old? A Six.  
Q Next? A Bennie McCoy.  
Q Is that a boy or girl? A Boy.  
Q How old? A Four.  
Q Next? A Prince Albert.  
Q How old? A Three.  
Q Next? A Connie Lee.  
Q How old? A Two.  
Q Boy or girl? A Boy.  
Q Next? A Oscar.  
Q How old? A Born March 2, 1901.  
Q Next? A Arthur.  
Q How old? A Born March 2, 1901.  
Q These last two are twins, are they? A Yes sir.  
Q This application then is for yourself and eight minor children?  
A Yes sir.  
Q Are all these children living with you at this time? A Yes sir.  
Q What is the name of their mother? A Cora V.  
Q Are you the father of all of them? A Yes sir.  
Q Is your name or the name of any one of these children to be found  
on any of the tribal rolls of the Choctaw Nation in Indian Terri-  
tory? A I shouldn't tell you.  
Q Did you ever make application to the Choctaw Tribal authorities  
in Indian Territory to be admitted or enrolled as members of the  
Tribe? A No sir.  
Q Did you or anyone for you or for your children in 1896 make appli-  
cation to the Commission to the Five Civilized Tribes for citizen-  
ship in the Choctaw Nation? A No sir.  
Q Then, neither you nor any one of these children have 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 prior to this time to either the  
Choctaw Tribal authorities or to the United States authorities  
for yourself or any of these children to be admitted or enrolled as  
citizens of the Choctaw Nation? A No sir.  
Q Do you now desire to make applic ation for the identification of  
yourself and minor children as Mississippi Choctaws entitled to  
rights in the Choctaw lands in Indian Territory under the provisions

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 29th, 1901.

In the matter of the application of Allen G. Buckalew for the identification of himself and eight minor children as Mississippi Choctaws.

Said Allen G. Buckalew, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Allen G. Buckalew.  
Q What is your age? A Thirty-three.  
Q What is your postoffice address? A Hurricane Creek, Clark County, Mississippi.  
Q How long have you lived in the State of Mississippi? A Little over six months.  
Q Where did you live before you went there? A In Alabama.  
Q What County? A Choctaw.  
Q How long did you live in Choctaw County, Alabama? A Born and raised there.  
Q Is your father living? A No sir.  
Q What was his name? A Joseph Allen Buckalew.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Nancy Buckalew.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim to have? A One-sixteenth I reckon.  
Q Where does your mother live? A She lives among her children and some live in Mississippi and some in Alabama. I believe she calls her home at Choctaw. She is now at Laurel, Mississippi.  
Q How long has she lived in Choctaw County, Alabama? A Been living there ever since I can recollect.  
Q Where did she live before she went there? A In Clark County, Mississippi.  
Q Did she live there all her life until she went to Choctaw County, Alabama? A No sir, I don't think she did.  
Q Do you know where she lived before that? A No sir, I don't know.  
Q Has she ever been out to the Indian Territory? A Not that I know of.  
Q Have you ever been out there? A No sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Her mother.  
Q What was her mother's name? A Harriet Griffin.  
Q What was her maiden name? A I think it was Conner.  
Q Did you ever see Harriet Conner? A No sir.  
Q You don't know where she lived? A No sir.  
Q How much Choctaw blood did she have? A I couldn't tell you. I believe they claimed she was one fourth.  
Q How old is your mother now? A She is seventy-two.  
Q Does she speak or understand the Choctaw language? A No sir.  
Q Do you speak or understand the Choctaw language? A No sir.  
Q Did your grandmother speak or understand the Choctaw language? A I can't tell.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Cora V. Buckalew.  
Q Has she any Indian blood? A No sir.

Choctaw MCR 3122

Allen G. Buckalew

MCR 3122

#1237

No. 3121

For Identification as a Mississippi Choctaw.

Date JUL 29 1901  
 Name Lucy H. Allen  
 Age 32 Blood 1/16.  
 Post Office, Laurel, Miss.  
 Father: Joseph Allen Buckalew d.  
 Mother: Nancy Buckalew. R.

Claims through mother  
 husband John Allen  
 (No claim for husband.)

Children:

James M. Allen	6
Lela R. "	4
Ira E. "	1

(Claims for self and 3 minor children)

Stenographer

J. S. Stiles

et al  
**REFUSED**

DECISION RENDERED. **JUL 26 1902**

*P. 3121*

APPEAL  
**JUL 26 1902**

**NOV 21 1902**

**DEC - 5 1902**

REFER TO M. C. R. 2337

M C R 3121

Muskogee, Indian Territory, December 5, 1902.

Lucy H. Allen,

Laurel, Mississippi.

Dear Madam:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

*Thomas B. Griffin*  
Acting Chairman.

*Remailed Same address*

*July 22, 1902*

*"Lucy" written "Lucy" on envelope*

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Ocllo Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNATURE)

*T. B. Neel*

COMMISSIONER IN CHARGE

Registered.

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 in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,



Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

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

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M. C. R. 3121

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Lucy H. Allen,

Laurel, Mississippi.

Dear Madam:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

Dacy M. Allen et al---5

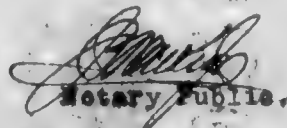
She does not speak or understand the Choctaw language.

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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, July 29th, 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 20th day of August, 1901,  
at Meridian, Mississippi.



Notary Public.

WALDEN  
CO. HOLYOKE, MA

WALDEN

Lucy H. Allen et al---4

another act which was approved August 23, 1842, providing for the appointment of another Commission. This second Commission was appointed by the President and came down here and disposed of a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The act of Congress approved August 23, 1842 provided that in cases where it should be finally determined that a Choctaw had complied in all respects with article 14 of the treaty but that his land had been sold by the Government, he should be entitled to select vacant Government land elsewhere, in the States of Mississippi, Alabama, Arkansas or Louisiana, and should be given a certificate, showing that he was entitled to so select land. These certificates were called scrip.

Q Do you know whether any of your ancestors ever received any scrip from the Government under this act of Congress? A No sir.

Q Do you know anyone living who would be able to support your testimony as to your ancestry and as to the different matters developed in your examination? A No sir, I don't know of anyone that would know about it.

Q Have you any written evidence of any description that you want to offer at this time in support of your claim? A No sir.

Q Do you desire permission to offer written evidence at a later date? A I don't know.

The Commission will allow you a reasonable time within which to file proper written evidence in support of this application. Of course you should have additional evidence of some kind to support your testimony. It would be better for you, if you could get witnesses who are informed as to whether any of your ancestors complied with the provisions of article 14 of the treaty, for you to bring them here in person, but if you can't do that you should get their affidavits. We would like, however, that you should send them within thirty days if you can.

Q Are there any further statements that you desire to make at this time? A No sir.

Q Have you any brothers living? A Two.

Q What are their names? A Ransom B. Buckalew, and Allen Griffin Buckalew.

Q Have you any sisters living? A Two.

Q What are their names? A Harriet Conner Bearfield and Margaret H. Bony.

Q Have any of them been before the Commission- any of your brothers or sisters? A No sir.

This applicant has the appearance of being a white woman. Shows no indications of being possessed of Indian blood.

with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q Do you know anyone living who would be apt to be informed on this subject? A No sir, I have always been taught by the older people where I was raised that I had Indian blood but I never knew how much.

Q You never heard of any of your ancestors having complied with article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.

Q Were any of your ancestors recognized members of the Choctaw Tribe at that time? A I don't know.

Q Did any of your ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama at that time? A My grandfather did.

Q Did he have any Indian blood? A I don't know whether he was Indian or my grandmother.

Q You are sure he owned an improvement here in Mississippi at that time, 70 years ago or over? A No sir, I don't know about that.

Q Do you know whether any of your ancestors removed 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 portion of the Choctaw Tribe of Indians between 1833 and 1838?

A I don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors ever claim or receive any land from the United States Government under the provisions of any other article of that treaty than the 14th article, or under the provisions of the supplement to that treaty? A I don't know.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government directed an Agent here in Mississippi to receive the applications of such Choctaws as might desire to remain here and take advantage of the provisions of the 14th article. The records of the Government show that that Agent failed to record and furnish the Government with the names of many Choctaws who did in fact signify to him their intention to remain and take advantage of the provisions of the 14th article. On this account the Government, at its public land sales, in many instances sold land on which Choctaws had improvements and upon which they lived and the Indians were deprived of their land. This caused a great deal of complaint among the Choctaw Indians in this country and the matter was brought to the attention of Congress. Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the applications of Choctaws who claimed that they had complied with the provisions of the 14th article of the treaty but had not received any benefits under it and that their land had been sold by the Government. This Commission was appointed by the President and came down here and heard a great many cases but they were unable to dispose of all of them. Accordingly, Congress passed

Q Is your name or the name of any one of your children on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.

Q Did you or anyone 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 of these children? A No sir.

Q Have you ever made any application of any description prior to this time to the Choctaw Tribal authorities or to the United States authorities for yourself or these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you now desire to make application for the identification of yourself and these minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek?

A Yes sir.

Q Do you understand the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into on the 27th day of September, 1830, here in the State of Mississippi, between the United States Government and the Choctaw Tribe of Indians. The Choctaws at that time lived here in Mississippi and Alabama. The object of this treaty was to bring about the removal of the Choctaw Tribe from the country occupied by them here in Mississippi and Alabama to the country West of the Mississippi that is now occupied by the main body of the Choctaws out there. At the time this treaty was made, some of the Choctaws were unwilling to remove away from this country to the new country West of the Mississippi and for the benefit of those who desired to remain here, the 14th article was inserted in the treaty. That 14th article is as follows:-

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

Q Do you think you understand that now? A Yes sir, I think so.

Q Do you know whether any of your Choctaw ancestors ever complied

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 29th, 1901.

In the matter of the application of Lucy H. Allen for the identification of herself and three minor children as Mississippi Choctaws.

Said Lucy H. Allen, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Lucy H. Allen.
- Q How old are you? A Thirty-two.
- Q What is your postoffice address? A Laurel, Mississippi.
- Q What County? A Jones County.
- Q How long have you lived in the State of Mississippi? A Ten years.
- Q Where did you live before you came here? A Choctaw County, Alabama.
- Q How long did you live there? A Ever since I can remember; up to ten years ago.
- Q Were you born and raised there? A I have been there ever since I can remember.
- Q Is your father living? A No sir.
- Q What was his name? A Joseph Allen Buckalew.
- Q Is your mother living? A Yes sir.
- Q What is her name? A Nancy Buckalew.
- Q Through which one of your parents do you derive your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim to have? A One-sixteenth, I think. I don't know.
- Q What did your mother claim to be? A I haven't asked her.
- Q How old is your mother? A Seventy-two years old.
- Q Has she been before the Commission? A Yes sir.
- Q When was she before the Commission? A Last week sometime.
- Q Has she always lived in the State of Mississippi? A No sir, she lives in Alabama.
- Q Did she ever live in the State of Mississippi? A Not that I know of.
- Q Through which one of her parents did she derive her Choctaw blood? A I don't know.
- Q You don't know anything about your ancestors further back than your mother, as to their being possessed of Indian blood? A No sir.
- Q Was your mother ever out to the Indian Territory? A I don't know. I think not.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John Allen.
- Q Has he any Choctaw blood? A No sir.
- Q You make no claim for him then? A No sir.
- Q Have you any children? A Three.
- Q What are their names and ages? A James M. Allen.
- Q How old? A Six years old.
- Q Lela R. Allen.
- Q How old is she? A Four years old.
- Q Next? A Ira E.
- Q How old? A One.
- Q Are you the mother of these children? A Yes sir.
- Q What is the name of their father? A John Allen.
- Q Are these children all living with you at your home? A Yes sir.

Choctaw MCR 3121

Lucy H. Allen

MCR 3121



#1236

No. 3120

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name James B. Griffin

Age 51 Blood 1/16

Post Office Meridian Miss  
17th St. & 16th Av.

Father: Thomas B. Griffin

Mother: Liza Jane

L.  
L.

Claims through father.  
wife Mary Frances Griffin  
(no claim for wife.)

Children:

Emma E. Griffin 18

Dessie " 16

Maggie " 10

Jake " 7

Lattie " 4

Eastman " M 2

(Claims for self and 6  
minor children)

Stenographer

J. S. Niles

James B. Griffin et al

RECEIVED

DECISION RENDERED JUL 21 1902

R. 3120

NOV 21 1902

DEC 5 1902

RECEIVED  
IN CHOCATAW

2337

M O R 3120

Muskogee, Indian Territory, December 5, 1902.

James B. Griffin,  
17 St. & 16 Ave.,  
Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

*James B. Griffin*  
Acting Chairman.

Sallie Jacobs, Clyde O. Jacobs, John F. Gunn, Ethel Gunn, Grady Gunn, Oello Gunn, Miriam Gunn, Margaret D. Gunn, Alice Gunn, George W. Gunn, James J. Gunn, Harriett E. Loper, Hattie Loper, Gideon Loper, Alice Loper, Alexander Gunn, John H. Gunn, Alexander Gunn, Jr., Ada G. Gunn, Norman L. Gunn, Ida Gunn, Ruby Gunn, Ruth Gunn, Mattie M. Gunn, Mary E. Gunn, William A. Gunn, William A. Gunn, Jr., Susan E. T. Gunn, Jr., Priddie B. Gunn, James E. Gunn, Elizabeth A. Gunn, Margaret D. Gunn, Norman Gunn, James W. Gunn, George E. Griffin, Pauline Klopner, Paul L. Klopner, Alice Dunmire, Susie Dunmire, Minnie Conkey, Adelbert G. Gunn, Ernest S. Gunn, Robert Gunn, Belle Whitlock, and Essie Carter as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

SIGNED

Registered.

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 in this case is insufficient to determine the identity of Thomas B. Griffin, Nancy Bucklow (Buckalew), John C. Griffin, Vivian E. Griffin, George S. Griffin, Lonnie Griffin, Arthur Griffin, Ada Griffin, Billie Griffin, Norman Griffin, Harriet C. Grimes, Lucy Grimes, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Nommar Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Studie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

Charles R. Gavin, et al.,	M. C. R.	3266
George E. Gavin,	"	3267
David L. Gavin,	"	3268
Lucy Dedwylder,	"	3269
Charles A. Davis,	"	3281
Rosier S. Davis,	"	3282
Edward B. Davis,	"	3283
Evan M. Gavin, et al.,	"	3314
Lillie Jackson, et al.,	"	3320
Sam W. Griffin,	"	3321
Ada Powers, et al.,	"	3322
Fannie Bowles,	"	3323
Lucy J. Slay, et al.,	"	3324
Harriet I. Carmichael, et al.,	"	3325
Mary M. Dunnam, et al.,	"	3333
Deborah Ann McLendon, et al.,	"	3334
John E. McLendon,	"	3335
Rosier A. McLendon,	"	3336
Norman Gunn,	"	3345
Henry S. Gunn, Jr., et al.,	"	3346
Harriet Dedwylder, et al.,	"	3347
Lucy J. Boykin, et al.,	"	3412
Sallie Davis,	"	3413
John C. Nickels, et al.,	"	3432
Maggie Thornhill, et al.,	"	3434
James C. Denham, et al.,	"	3457
Eva Jopes, et al.,	"	3458
Eliza J. Denham, et al.,	"	3459
James W. Raley, et al.,	"	3460
Emma Britton, et al.,	"	3464
Sallie Jacobs, et al.,	"	3477
John F. Gunn, et al.,	"	3558
Margaret D. Gunn,	"	3559
Alice Gunn,	"	3560
George W. Gunn,	"	3563
James J. Gunn,	"	3564
Harriet Loper, et al.,	"	3566
Alice Loper,	"	3567
Alexander Gunn, et al.,	"	3568
Mattie M. Gunn,	"	3569
Mary E. Gunn,	"	3570
William A. Gunn, et al.,	"	3603
George F. Griffin,	"	3604
Pauline Klopner, et al.,	"	3673
Alice Dunmire, et al.,	"	3674
Minnie McConkey,	"	3675
Adelbert G. Gunn, et al.,	"	3962
Robert Gunn,	"	4249
Belle Whitlock,	"	4566
Essie Carter,	"	4572

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

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M. C. R. 3120

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

**James B. Griffin,**

**Meridian, Mississippi.**

**17th St., and 16th Ave.,**

**Dear Sir:**

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Thomas B. Griffin, et al., embracing the following applications for identification as Mississippi Choctaws:

Thomas B. Griffin,	M. C. R. 2337
Nancy Bucklow (Buckalew)	" 3043
John C. Griffin, et al.,	" 3044
George S. Griffin, et al.,	" 3045
Harriet C. Grimes, et al.,	" 3046
Lucy Rollings, et al.,	" 3047
Florence Gray,	" 3048
May Taylor, et al.,	" 3049
Nancy J. Gray,	" 3050
Margaret Williams,	" 3051
James B. Griffin, et al.,	" 3120
Lucy H. Allen, et al.,	" 3121
Allen G. Buckalew, et al.,	" 3122
Mary Blakely, et al.,	" 3123
James W. Griffin, et al.,	" 3225
Harriet Bearfield, et al.,	" 3146
Rosier D. Griffin, et al.,	" 3174
Bessie Riley, et al.,	" 3175
Edna Griffin,	" 3189
Ransom B. Buckalew, et al.,	" 3226
Margaret Emma Boney, et al.,	" 3229
Willery H. Jackson,	" 3262
Edward T. Davis, et al.,	" 3263
Charles M. Davis, et al.,	" 3264
Rosier S. Gavin, et al.,	" 3265

James B. Griffin et al---11

Q Give me the names of all of your children? A Harriet Conner Bearfield, Ransom Beauregard Buckalew, Margaret Emma Boney, Allen Griffin Buckalew, Lucy Hammonds Allen.

Q Are these children all living? A Yes sir.

Q Have any of these children been before the Commission yet? A No sir, there are two here today and I sent for the others.

Witness excused.

By the Commission.

This applicant has the appearance of being a white man, shows no indications of being possessed of Indian blood. He does not speak or understand the Choctaw language.

-----  
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, July 29th, 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.

*Ira S. Miles*  
Subscribed and sworn to before me this the 19th day of August, 1901, at Meridian, Mississippi.

*[Signature]*  
Notary Public.



Q You never heard of any of them that ever did? A No sir.  
Q Did you ever hear of any of them ever getting any land from the Government under any other article of that treaty than article 14 of under the supplement to that treaty? A No sir.

In accordance with the provisions of the 14th article of the treaty the Government of the United States directed an Agent in Mississippi to receive the applications of such Choctaws as might desire to remain here and take advantage of the provisions of the 14th article of that treaty. The records of the Government show that that Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain in Mississippi and become citizens of the States. On this account the Government, at its public land sales, in many instances sold land upon which Choctaws were living and had improvements and which they supposed they would get from the Government under the provisions of the 14th article of the treaty. This occasioned a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an Act, which was approved March 3, 1837, providing for the appointment of a Commission whose duty it was to come here to Mississippi and hear these Choctaw cases. This Commission came to Mississippi, but in the length of time they were allowed, to complete their work, they were unable to hear but very few of the cases. Congress subsequently passed an act which was approved August 23, 1842, providing for the appointment of another Commission to come here to Mississippi and engage in the same work. That Commission was duly appointed by the President and heard a good many more cases.

Q Do you know whether your mother or any other of your ancestors appeared before either one of these Commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A I don't know if they did.

Q Did you ever hear of their having done so? A No sir.

Q You think you would likely have heard of it, don't you? A Yes sir, I think I would have heard something about it.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty, and that his land had been sold by the Government, he would be entitled to select land elsewhere, in Mississippi, Alabama, Arkansas or Louisiana, and he was to be given a certificate, showing that he was entitled to select vacant Government land in one of these States. These certificates were called scrip.

Q Do you know whether any of your ancestors ever received any scrip from the Government? A No sir, I never heard of it.

Q You think that none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir, none that I ever heard of.

Q Have you any children living over 21 years of age? A All my children are over 21.

shall be entitled to one half that quantity for each un married child which is living with him over ten years of age; and a quarter section to such child as may be 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 to be entitled to any portion of the Choctaw annuity."

You will see that it was required of the Choctaw head of a family, in case he desired to stay here, that he should signify to the Agent his intention to do so within six months after the ratification of the treaty, which was on the 24th day of February, 1831. He was then entitled to a reservation of 640 acres of land, or a section, to be bounded by sectional lines of survey, and if he had a child over ten years of age, that child was entitled to one half as much as his father, or 320 acres and for a child under 10 years of age 160 acres. He was further required to live upon that land for a period of ~~six~~ five years after the treaty was ratified and if he did that he was entitled to a patent from the Government, granting him the land in fee simple.

Q Do you know whether any of your ancestors ever complied with the provisions of this 14th article? A No sir, I don't know of anybody that did.

Q Who of your ancestors were living here in Mississippi at the time this treaty was made? A My parents were living.

Q You were living here then, were you? A Yes.

Q Did your mother own an improvement here in the old Choctaw Nation at that time? A No sir.

Q Was she a recognized member of the Tribe at that time? A No sir I don't know that she was.

Q Did she ever go out to the Choctaw Nation in Indian Territory? A No sir.

Q You never went out there? A No sir.

Q Did any of your kin folks ever go out there? A No sir, not that I know of.

Q Do you know whether any of your ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, signified to the United States Indian Agent here in Mississippi their intention to remain here and become citizens of the States? A No sir, I don't know of any of them that did.

Q You have no evidence that any of them did? A No sir.

Q Do you know whether any of your ancestors ever claimed or received any land from the Government here in Mississippi under the provisions of the 14th article of the treaty of Dancing Rabbit Creek?

A No sir.

Q Your mother never got any? A No sir.

Q Do you know whether Thomas B. Griffin ever got any? A No sir, he did not.

- Q How old would she be if she were living now? A 108 years old. She was born in 1794.
- Q Are you sure that she claimed to be a Choctaw? A Yes sir.
- Q Did you ever hear that she claimed to have Cherokee blood? A No sir, only Choctaw.
- Q Never heard her say that she had Creek or Muskegee Indian blood? A No sir, only Choctaw.
- Q Did she speak or understand Choctaw? A No sir.
- Q Did she look like an Indian? A Well, she favored them some.
- Q Did she look any more like an Indian than you do? A I don't reckon she did much. She was very dark skinned though.
- Q Through which one of her parents did she get her Choctaw blood? A Her mother.
- Q What was Harriet Conner's mother's name? A Polly Conner.
- Q Do you know what her maiden name was? A Her maiden name was Harriet Conner.
- Q Whom did she marry? A John Griffin.
- Q She, you claim, had one-half Choctaw blood? A Yes sir.
- Q She never came to Mississippi, did she-Polly Conner? A No sir.
- Q Lived in Georgia all her life, did she? No sir, not in Georgia, but I don't know where she come from to Georgia.
- Q Do you know whether she spoke or understood the Choctaw language? A No sir, I don't know.
- Q Through which one of her parents did Polly Conner get her Choctaw blood? A Through her mother.
- Q Then Polly Conner's mother was a full blood Choctaw Indian? A Yes sir, she couldn't speak English at all and was very dark.
- Q Have you any proof of that, aside from your statement? A No sir, I haven't.
- Q It is merely a matter of family history that your great-grandmother was a full blood Choctaw Indian? A Yes sir, I have always been told that.
- Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly 71 years ago, between the United States Government and the Choctaw Tribe of Indians. At the time the treaty was made, over 70 years ago, the Choctaws occupied a part of the State of Mississippi and a small portion of the Western part of Alabama. The object of the treaty was to secure the removal of those Choctaw Indians from this country, occupied by them here in Mississippi and Alabama, to the new country west of the Mississippi, the greater part of which is now occupied by a portion of the Choctaw Tribe of Indians. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country. For the benefit of those Choctaws who preferred to remain in Mississippi the 14th article of the treaty 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

James B. Griffin et al---?

- Q What are their names? A Mary Griffin, Margaret Williams, Nancy Gray, Cary Ann Grimes and Lucy Rollins.
- Q Is that all? A Yes sir.
- Q You have some children over 21 years of age, have you not? A Yes sir.
- Q What are their names? A Edna Griffin, Mary Blakeley and Lillian Griffin.
- Q Is that all? A Yes sir. Two of them are here this morning, Edna and Mary.
- Q Have you any brothers or sisters dead? A An infant dead.
- Q Has your father any brothers living? A No brothers living.
- Q Has he any sisters living? A Two sisters.
- Q What are their names? A Nancy Buckalew and Margaret Gun; she lives in Alabama.
- Q Nancy has been before the Commission? A Yes sir.
- Q Has Margaret Gun been before the Commission? A Not as I know of.
- Q Has your father any brothers dead? A Yes, two dead.
- Q Are any of the children of either of those brothers living?
- A Yes sir, some of them in Texas; none of them here.
- Q None of them have ever been before the Commission? A No sir.

Nancy Buckalew, being called to testify on behalf of the applicant, and being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Nancy Buckalew.
- Q How old are you? A Seventy-two.
- Q What is your postoffice address? A Bergamot, Cheetaw County, Alabama.
- Q How long have you lived in Cheetaw County, Alabama? A About thirty-six years.
- Q Where did you live before going there? A Clark County, Mississippi; born in Green County, Mississippi and was raised in Clark County.
- Q You claim to have Cheetaw blood? A Yes sir, I have always been told that.
- Q How much Cheetaw blood do you claim? A One-eighth.
- Q Were you acquainted with James B. Griffin? A Yes sir, he is my nephew.
- Q You and his father were sister and brother? A Yes sir.
- Q Is his father living? A Yes sir.
- Q What is his name? A Thomas B. Griffin.
- Q Where does he live? A Lauderdale County.
- Q What was the name of your mother? A Harriet Conner.
- Q And you claim your Cheetaw blood through her? A Yes sir.
- Q You claim she was one fourth Cheetaw? A Yes sir, my great-grandmother couldn't speak a word of English.
- Q Is Harriet Conner living now? A No sir.
- Q How long has she been dead? A Forty-two years.
- Q Did she always live in Mississippi? A Yes sir, she come from Georgia to Mississippi. She died in Mississippi.
- Q How long was Harriet Conner when she came to Mississippi? A About 23 or 24 years old.

Dancing Rabbit Creek. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the cases of those Choctaws who claimed that they had complied with the provisions of article 14 of the treaty and that their land had been sold by the Government. This Commission was appointed by the President and came to Mississippi and found that there were a great many more cases here than they could take care of and they heard and made a report of a few cases. Later, Congress passed another act which was approved August 23, 1842, providing for the appointment of another Commission to come here to Mississippi. That Commission was appointed by the President and came down here and heard a great number of Choctaw cases.

- Q Do you know whether any of your ancestors appeared before ~~right~~ either one of these Commissions and attempted to establish their rights under article 14 of the treaty? A No sir, I don't know.
- Q Do you know anyone living who would likely know anything about that? A No sir.
- Q Your father ought to know about it, hadn't he? A Yes sir and my aunt ought to know, Nancy Buckalew.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all of the provisions of article 14 of the treaty of Dancing Rabbit Creek and that his land had been sold by the Government, he was to be given scrip, which would entitle him to afterwards select vacant Government land in the State of Mississippi, Alabama, Arkansas or Louisiana. ~~This scrip was simply a certificate~~ entitling him to select this land.

- Q Do you know whether any of your ancestors ever received any scrip from the Government under the provisions of this Act of Congress? A I don't know.
- Q Have you any written evidence of any kind that you want to offer now in support of your application? A No sir.
- Q Do you want permission to file written evidence at a later date? A Yes sir.

The Commission will give you a reasonable time in which to file written evidence in support of this application. This claim is a matter of a great deal of importance and ~~such~~ means a great deal to you and to the Choctaw Nation and you ought to have some evidence to support your bare testimony on the question as to your ancestry and as to the other points developed in the examination.

- Q Have you any other statements you want to make in support of your application? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Four.
- Q What are their names? A John C., Samuel W., Rosier, George S.
- Q Have you any sisters living? A Yes sir, five sisters.

Q How old is your brother? A Fifty-six years old.

Q 1830 was 71 years ago, when the treaty was made. Was your father living here then? A I don't know, sir.

Q He would have been somewhere in the neighborhood of ten years old when the treaty was made? A Yes sir.

Q Do you know whether any of your ancestors were recognized members of the Choctaw Tribe here at that time? A No sir, I don't know.

Q Do you know whether any of your ancestors owned an improvement here in the old Choctaw Nation here in Mississippi and Alabama at the time the treaty was made? A No sir, I don't know.

Q Do you know whether any of your ancestors removed from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw Tribe of Indians between 1833 and 1838?

A No sir, I don't know.

Q Your father, you are sure, didn't go out there? A No sir.

Q And you think your grandfather never went out there? A No sir, he never went out there.

Q Do you know whether any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek signified 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, sir.

Q Do you know whether any of your ancestors ever claimed or received any land here in Mississippi under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't think they ever did.

Q Did you ever hear of your father ever getting any land in Mississippi from the Government? A No sir.

Q Did you ever hear of your father's father or mother ever getting any land here in Mississippi under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you think you would likely have heard if they had gotten any? A Yes sir.

Q Did you ever see any deed or patent issued to them by the United States Government for land here in Mississippi? A No sir.

Q Did you ever hear of such a document? A No sir.

Q Did any of your ancestors ever receive or claim any land from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article, or under the supplement to that treaty? A No sir, not that I know of.

Q Do you know anyone living who would likely know about that?

A No sir.

¶ In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek the Government provided an Agent here in Mississippi to hear the applications of Choctaws who desired to remain in Mississippi and become citizens of the States. The records of the Government show that this Agent failed to record and report to the Government the names of many Choctaws who did, in fact, signify to him their intention to remain in Mississippi and become citizens, within six months from the time the treaty was ratified. On this account the Government, in many instances, sold land on which Choctaws had improvements, on which they lived and which they supposed they would receive under the provisions of article 14 of the treaty of

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

Q Do you think you understand that now? A I don't know as I do exactly.

I will try to make it plainer to you. First-a man must have been a Choctaw Indian and a recognized member of the Tribe at that time. A head of a family was required by the 14th article, in case he desired to remain here and become a citizen of the States, to signify his intention to do so to the United States Agent here within six months after the treaty was ratified. The treaty was ratified on the 24th day of February, 1831. He would then be entitled to a reservation of one section, or 640 acres of land, and for each unmarried child who was living with him over ten years of age, he was entitled to one half that quantity. For each child living with him under 10 years of age he was entitled to 160 acres of land. These tracts must be adjacent to each other and they must include the improvement of the head of the family or a portion of it. He was required to live on that land for five years from the time the treaty was ratified. If he did so he was entitled to a patent to his land. The mere fact that he took land under the provisions of the 14th article of the treaty did not forfeit his rights to citizenship in the Choctaw Nation in Indian Territory, except that he was not to be entitled to any portion of the Choctaw annuity, or annual payments. These are the important provisions of article 14.

Q Do you think you understand those clearly now? A Yes sir.

Q Do you know whether any of your ancestors ever complied with the provisions of the 14th article? A I don't think they did; I don't know.

Q You never heard of their having done so? A No sir.

Q Do you know anyone living who would likely be informed on the subject? A Yes sir. I guess Nancy Buckleee would know.

Q She is here before the Commission today, is she? A Yes sir.

Q You want to introduce her in your case? A Yes sir.

Q Do you know whether any of your ancestors were living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty was made? A Yes sir.

Q What one of your ancestors was living here then? A She was living then and my eldest brother says she remembers.

James B. Griffin et al---3

Q Where did you get the license? A Butler, Choctaw County, Alabama.

Q When were you married? A I don't know the date.

Q By whom were you married? A By Mr. Ryan, a preacher.

Q Have you your marriage license and certificate here with you at this time? A No sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage, in support of your application which you make on behalf of your six minor children.

Q Is your name or the name of any one of these children to be found on any of the Choctaw Tribal rolls in Indian Territory? A I don't know, sir.

Q Did you ever make application to the Choctaw Tribal authorities for yourself or any of these children to be admitted or enrolled as members of that Tribe? A No sir.

Q Did you or did anyone for you in 1890 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children? A No sir.

Q Then, neither you nor any of these children have 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 sir.

Q Have you ever made application prior to this time for yourself or any of these children to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q You now desire to make application for the identification of yourself and six minor children as Mississippi Choctaws, entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians? When this treaty was made the main body of the Choctaw Tribe of Indians occupied a part of the State of Mississippi and a small part of the State of Alabama. The object of the treaty of Dancing Rabbit Creek was to bring about the removal of the Choctaw Indians from this country here in Mississippi and Alabama to the new country west of the Mississippi, part of which is now occupied by the Choctaw Tribe. At the time the treaty was made some of the Choctaws were unwilling to remove to the new country. For the benefit of those desiring to remain here the 14th article was inserted into the treaty. That 14th article 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



If she was living now she would be about 108 years old.

Q Where did she spend most of her life? A I couldn't tell you.

Q How much Choctaw blood do you claim she had? A A quarter.

Q Your father's mother was one-fourth? A Yes sir.

Q Did she speak or understand the Choctaw language? A I don't know.

Q Does your father speak or understand the Choctaw language? A No sir.

Q Do you speak or understand Choctaw? A No sir.

Q Did your father ever move out to the Choctaw Nation in Indian Territory? A No sir.

Q Was he ever there at all? A No sir.

Q Was his mother ever there? A No sir, not that I know of.

Q Through which one of her parents did your father's mother get her Choctaw blood? A I couldn't tell but I think it was from her mother.

Q Do you know what her mother's name was? A No sir, only what I have heard.

Q What did you hear it was? A Polly.

Q Polly what? A I don't know.

Q Were your father and mother lawfully married? A Yes sir.

Q What evidence have you of that fact? A Only their own word.

Q Has your father been before the Commission here this year? A Yes sir.

Q Do you know when and where they were married? A No sir.

Q How long have they lived together as man and wife? A They have been married I guess about 58 years.

Q They have raised a family of how many children? A Ten children, five girls and five boys.

Q Are you married? A Yes sir.

Q What is your wife's name? A Mary Frances.

Q Has she any Choctaw blood? A No sir.

Q White woman, is she? A Yes sir.

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

Q Have you any children under 21 years of age and unmarried? A Yes sir, six.

Q Are all these children living with you now? A Yes sir.

Q What are their names and ages? A Emma E. Griffin.

Q How old? A Eighteen.

Q Next? A Cessie.

Q How old? A Sixteen.

Q Next? A Maggie.

Q How old? A Ten.

Q Next? A Jake.

Q How old? A Seven.

Q Next? A Lottis.

Q How old? A Four.

Q Next? A Eastman.

Q Boy? A Yes sir.

Q How old? A Two.

Q This application then is for yourself and six minor children? A Yes sir.

Q What is the name of the mother of these six children? A Mary Frances.

Q She is the mother of all of them? A Yes sir.

Q Are you the father of all of them? A Yes sir.

Q Were you married to Mary Frances under a license? A Yes sir.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 29th, 1901.

In the matter of the application of James B. Griffin for the identification of himself and six minor children as Mississippi Choctaws.

Said James B. Griffin, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James B. Griffin.  
Q What is your age? A Fifty-one.  
Q What is your postoffice address? A Meridian, Mississippi.  
Q Have you any street address? A Seventeenth street and 16th Avenue.  
Q How long have you lived in the State of Mississippi? A Most four years.  
Q Where did you live before you came here? A In Choctaw County, Alabama.  
Q How long did you live there? A I lived most of my life there. I was born in Clark County, Mississippi, but have lived the whole of my life in Choctaw County.  
Q How old were you when you moved from Clark County there? A I don't know, sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Thomas B. Griffin.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Liza Jane Griffin.  
Q Through which one of your parents do you derive your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim to have? A He claims one-eighth.  
Q Your mother has no Choctaw blood? A No sir.  
Q That would make you one-sixteenth, wouldn't it? A Yes sir, I guess so.  
Q How old a man is your father? A Eighty years old.  
Q Where does he live? A In this County, east of here about 16 or 18 miles.  
Q How long has he lived in Lauderdale County? A He has moved about but he has lived in this County about ten or twelve years.  
Where did he live immediately before that? A In Choctaw County, Alabama. Since I was born he has just lived in Choctaw, Lauderdale and Clark.  
Q Where did he live before you were born? A In Clark County.  
Q Do you know how long he lived there before you were born? A He lived there for years I suppose. Our grandfather lived in Clark County.  
Q You don't know where your father was born? A No sir, but he was born in Georgia, I think.  
Q Through which one of his parents did your father get his Choctaw blood? A His mother.  
Q What was her name? A Harriet Griffin.  
Q What was her maiden name? A Conner.  
Q Is she living? A No sir.  
Q Did you ever see her? A Yes.  
Q How long has she been dead? A About 25 years ago I suppose.

Choctaw MCR 3120

James B. Griffin

MCR 3120

*James Page Etal*  
*R. 3119*

**REFUSED.**

**DECISION RENDERED. DEC 29 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**DEC 29 1902**

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

**DEC 29 1902**

**RECORD FORWARDED DEPARTMENT.**

**JAN 14 1903**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**MAR 25 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**APR 2 1903**

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

**APR 2 1903**

**REFER TO M. C. R.** *3119*

#1235

No. 3119

For Identification as a Mississippi Choctaw.

Date

Name James Page

Age 33 Blood 1/8

Post Office, Burns, Miss

Father: dont know. d

Mother: Callie Page. d

Claims through mother  
wife Artetha Page.  
no claim for wife

Children:

Macey	Page	7
Lollie	"	4
Melvin	"	2

(Claims for self and 3 children.)

Stenographer

J. S. Niles

M.C.R. 3119

COPY.

Muskogee, Indian Territory, April 2, 1903.

James Page,

Burns, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nick Tullos, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*  
Chairman.

Charley Tullos, Ida Tullos, George Tullos, Emma R.L. Jackson, Cleveland Jackson, Riley Jackson, Emma Jackson, Charley Jackson, Topay Harris, Douglas Harris, Annie Harris, Harriet B. Manuel, Charley Page, Levi G. Page, Manie Page, Eva Page, James W. Page, Saldonia A. Page, Nancy Page (1), Ethie Page, Roderick Page, Wiley Page, Williard Page, Octavia Page, Maud Page, Frances L. Page, Van Page, James Page, Nancy Page (2), Dollie Page and Melvin Page 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,

(SIGNED)

*Patric L. Dwyer*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 29, 1902.

James Page,

Burns, Mississippi.

Dear Sir:

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

Nick Tulles, et al.,	M.C.R. 3072
General Tulles, et al.,	M.C.R. 3073
Euna R.L. Jackson, et al.,	M.C.R. 3076
Poppy Harris, et al.,	M.C.R. 3074
Harriet B. Manual,	M.C.R. 3075
Charley Page, et al.,	M.C.R. 2862
James V. Page, et al.,	M.C.R. 2861
Van Page,	M.C.R. 3118
James Page, et al.,	M.C.R. 3119

These applications were made under the provisions of the act of Congress of June 16, 1892 (50 Stat., 496) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nick Tulles, Ella Tulles, General Tulles, Martha Tulles,



James Page et al---6


timony as to the important points and possibly some of your witnesses might know. facts in regard to your case that you have no knowledge of.

- Q Have you any brothers or sisters living? A Yes sir.  
Q Full brothers and sisters? A No sir.  
Q By the same mother? A Yes sir.  
Q How many? A Two, a brother and a sister.  
Q What is your brother's name? A Marshall Page.  
Q Where does he live? A In Jasper County.  
Q Has he been before the Commission this year? A No sir.  
Q Is he married? A No sir.  
Q What is your sister's name? A Lugenia.  
Q Is she married? A Yes sir.  
Q What is her husband's name? A Jake Thigpin.  
Q Have either of them been before the Commission this year?  
A ~~Yes sir~~ No sir.  
Q Are you acquainted with the applicant Van Page, who was on the stand just before you? A Yes sir.  
Q What relation is he to you? A My first cousin.  
Q What relation was your mother to his father? A A sister.  
Q Full sister? A Yes sir.  
Q Did your mother ever have a sister? A Yes sir.  
Q What was that sister's name? A Ellen.  
Q Was she a full sister of your mother? A Yes sir.  
Q Did she have any children? A Yes sir.  
Q Are any of them living? A Yes sir.  
Q What are their names? A Monroe Tillis, Charley Smith and Louis Smith.  
Q Is that all? A Yes sir.  
Q Is that the only sister your mother ever had? A Yes sir.  
Q Is the father of Van Page the only brother your mother ever had?  
A Yes sir.

This applicant has none of the physical characteristics of an Indian, though, from his complexion, it would seem that he might have a small proportion of Indian blood. His hair is perfectly straight. He has the appearance of being possessed of white and negro blood.

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, July 29th, 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 19th day of August, 1901 at Meridian, Mississippi.

  
Notary Public.

instances the land on which they lived and which they intended to take under the provisions of article 14 was sold by the Government at its public land sales and the Choctaws were driven from their land and improvements. This caused a great deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek and that their land had been sold by the Government. This Commission was appointed and came down here, but there proved to be a great many cases of this kind and they were unable to dispose of all of them. Consequently, Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come down here to Mississippi and finish up these Choctaw cases. That Commission was duly appointed and came down here and heard a great number of these cases.

Q Do you know whether any of your ancestors appeared before either one of those Commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek? A No sir.  
Q Your mother was a slave, wasn't she? A Yes sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of article 14 of that treaty and that his land had been sold by the Government, he should be given a certificate which would entitle him to select vacant Government land elsewhere, in the States of Mississippi, Alabama, Arkansas or Louisiana. These certificates were called scrip.

Q Do you know whether any of your ancestors ever received from the Government of the United States any scrip under this act of Congress approved on the 23rd day of August, 1842? A No sir.  
Q Do you know whether any of your ancestors ever claimed or received any land from the United States Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article, or ever received any benefits under the supplement to that treaty? A No sir.  
Q Do you know anyone living who would likely be informed on this subject? A No sir.  
Q Have you any written evidence of any kind that you want to offer at this time in support of your application? A No sir.  
Q Have you any witnesses before the Commission now that you want to introduce? A No sir.  
Q Have you any that you want to offer at a later date? A Yes sir.

You will be granted a reasonable time within which to file proper written evidence in support of this application. Of course it would be better for you to bring witnesses in person before the Commission to support your tes-

are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that 14th article now? A Yes sir, I believe I do.

Q Do you know whether any of your Choctaw ancestors ever complied with its provisions? A No sir.

Q Do you know anyone living who would be informed on the subject? A No sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? Any of your forefathers or old folks? A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here at that time? A I don't know, sir.

Q Did any of your ancestors own an improvement upon land embraced within the old Choctaw Nation in Mississippi or Alabama at that time? A I don't know, sir.

Q Did any of your 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 greater portion 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 treaty of Dancing Rabbit Creek was ratified, 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, sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did you ever hear that any of them did? A No sir, I don't know as I did.

Q Did you ever see any deed or patent issued to any of your ancestors, covering land here in Mississippi, given to them under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q You don't know whether any such deed or patent is in existence then? A No sir.

Q Do you know whether there is any written evidence of any kind in existence that would show that any of your ancestors complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the Government instructed an Agent here in Mississippi to receive the applications of such Choctaws, heads of families, who might desire to remain here in Mississippi and become citizens of the States, in accordance with the provisions of that article. The records of the Government show that this Agent failed to record and furnish the Government with the names of many Choctaws who, in fact, signified to him their intention to remain in Mississippi and become citizens of the States in accordance with the provisions of the 14th article of that treaty. On account of the failure of this Agent to notify the Government or to furnish the Government with the names of these Choctaws, in many

Q Did you ever make any application to the Choctaw Tribal authorities in Indian Territory for yourself or any of your children to be admitted or enrolled as a member of the Tribe? A No sir.

Q Did you or anyone 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 of these children? A No sir.

Q Then, neither you nor any of your children have 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 authorities in Indian Territory, have you? A No sir.

Q Have you ever made any application of any description prior to this time either to the Choctaw Tribal authorities or to the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q You now desire to make application for the identification of yourself and three minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

The treaty of Dancing Rabbit Creek was entered into here in the State of Mississippi between the United States Government and the Choctaw Tribe of Indians on the 27th day of September in the year 1830, nearly 71 years ago. At the time this treaty was made the main portion of the Choctaw Tribe of Indians lived here in the State of Mississippi and in a portion of Alabama. The object of the treaty of Dancing Rabbit Creek was to procure the removal of the Choctaw Tribe of Indians from the territory occupied by them in Mississippi and Alabama to the country part of which now composes the present Choctaw Nation in Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to remove from the old country here in Mississippi and Alabama out to the new country west of the Mississippi. For the benefit of those who desired to remain in Mississippi, the 14th article was inserted in the treaty. That 14th article 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

- say that he was. I have his word for it. I never did see him.
- Q Do you know whether Bill Nubbee and your grandfather's mother were lawfully married? A Yes sir.
- Q How do you know that? A I have heard him say they were.
- Q Were they married under a license? A I don't know, sir.
- Q Your grandfather's mother was a slave, wasn't she? A Yes sir.
- Q What was her name? A I don't know, sir.
- Q Do you know whether Charley Page and his wife were lawfully married? A Yes sir.
- Q How do you know that? A I have heard them say they was.
- Q Do you know anyone living who would be able to support your testimony as to the marriages of your grandfather and grandmother, and your grandfather's mother and father? A Yes sir.
- Q Who? A I could get my grandfather for one.
- Q Has Charley Page been before the Commission here? A Yes sir.
- Q How long has your mother been dead? A She has been dead about eighteen years.
- Q Did she ever go out to the Indian Territory? A No sir.
- Q Did Charley Page ever go to the Indian Territory? A No sir.
- Q Did Bill Nubbee ever go out there? A I don't know, sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Arletha Page.
- Q Is she living? A Yes sir.
- Q Has she any Choctaw blood? A No sir.
- Q What is she? A Negro, half white.
- Q You make no claim for her, then? A No sir.
- Q Have you any children? A Yes sir.
- Q How many? A Three.
- Q Is Arletha the mother of all of them? A Yes sir.
- Q Are you the father? A Yes sir.
- Q What are their names and ages? A Maxey Page.
- Q How old? A Seven.
- Q Next? A Dellie.
- Q How old? A Four.
- Q Next? A Melvin.
- Q How old is he? A Two.
- Q Is that all your children? A Yes sir.
- Q This application, then, is for yourself and three minor children? A Yes sir.
- Q Were you married to Arletha by a license? A Yes sir.
- Q Where did you get your license? A Westville, Simpson County, Mississippi.
- Q Who married you—who performed the ceremony? A I can't think of the man's name.
- Q What was he? A An ordained minister.
- Q Have you your marriage license and certificate with you at this time? A No sir.

It is important that proof of the marriage between you and Arletha Page be furnished, for use in support of the application you make for your three minor children. You will be given a reasonable time within which to furnish proof of your marriage. You should attempt to file it however, within thirty days, if possible.

- Q Is your name or the name of any one of these children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 29th, 1901.

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

Said James Page, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A James Page.  
Q What is your age? A Thirty three.  
Q What is your postoffice address? A Burns, Smith County, Mississippi.  
Q How long have you lived in Smith County, Mississippi? A Born and raised there.  
Q Lived there all your life? A Yes sir.  
Q Is your father living? A No sir, I don't know anything about my father.  
Q Do you know what his name is? A No sir.  
Q What was he, a negro, white, or what? A I don't know; never have learned what my father was.  
Q Do you know anyone living who would know about him? A Yes sir, I believe my uncle would know.  
Q Is your mother living? A No sir, dead.  
Q What was her name? A Sallie Page.  
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.  
Q How much Choctaw blood do you claim to have? A One-eighth.  
Q Did your mother always live in Mississippi? A Yes sir.  
Q How old would she be if she were living now? A About forty I believe.  
Q You claim that she was one-fourth Choctaw blood? A Yes sir.  
Q Through which one of her parents did your mother derive her Choctaw blood? A Through her father, Charley Page.  
Q Is he living? A Yes sir.  
Q He, then, is a half blood? A Yes sir.  
Q What is that other half? A Well, I suppose nigger.  
Q He was a slave, then, was he? A Yes sir.  
Q Has Charley Page always lived in the State of Mississippi? A Yes sir.  
Q Does he speak or understand the Choctaw language? A No sir, I think not.  
Q Do you speak or understand the Choctaw language? A No sir.  
Q How old is Charley Page? A Seventy odd years old. I don't know exactly.  
Q Through which one of his parents did Charley Page derive his Choctaw blood? A Through his father, Bill Nubbee.  
Q Do you claim he is a full blood Choctaw? A Yes sir.  
Q Did you ever see Bill Nubbee? A No sir.  
Q Do you know anyone who did ever see him? A No sir.  
Q How long has he been dead? A I don't know, sir.  
Q Where did he live during his life time? A In Smith County, I suppose.  
Q You don't know about it for certain? A No sir.  
Q Could you swear positively that he was a full blood Choctaw Indian? A Yes sir.  
Q How do you know he was? A Well, I have heard my grandfather

Choctaw MCR 3119

James Page

MCR 3119

*Van Page,*  
*R. 3118*

**REFUSED**

**DECISION RENDERED. DEC 29 1902**

**NOTICE OF DECISION MAILED APPLICANT.**

**DEC 29 1902**

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

**DEC 29 1902**

**RECORD FORWARDED DEPARTMENT.**

**JAN 14 1903**

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**MAR 25 1903**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.**

**APR 2 1903**

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

**APR 2 1903**

**REFER TO M. C. R. 3072**



1234

No. 3118

For Identification as a Mississippi Choctaw.

Date JUL 29 1901  
 Name Van Page  
 Age 22 Blood 1/8  
 Post Office, Raleigh, Miss.  
 Father: Wreley Page L.  
 Mother: Frances L.

Claims through father

(Claims for self only)

Children:

Stenographer I. S. Miles

State of Mississippi  
Smith County

J. B. Currie County  
Clerk in and for said County and  
State hereby certifies that all the Public  
Records of this County was destroy-  
ed by fire in the year 1892 when  
the Court house of said County was  
burnt.

J. B. Currie  
Clerk

State of Mississippi  
Smith County

J. J. B. Laurie  
Chancery Clerk of Smith County  
hereby certify that all the Public  
records of said County ~~were~~  
including marriage record  
were all destroyed by fire  
in year 1892

This August 12<sup>th</sup> 1901

J. B. Laurie  
Chancery Clerk  
Smith County  
Miss

M.C.R. 3118

COPY.

Muskogee, Indian Territory, April 2, 1903.

Van Page,

Raleigh, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of March, 1903 the secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Nick Tullos, et al., of which decision you were advised by registered mail on the 29th day of December, 1902.

Respectfully,

(NEED)

*James Bixby.*  
Chairman.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nick Tullos, Ella Tullos, General Tullos, Bertha Tullos, Charley Tullos, Ida Tullos, George Tullos, Emma R.L. Jackson, Cleveland Jackson, Riley Jackson, Emma Jackson, Charley Jackson, Topsy Harris, Douglas Harris, Annie Harris, Harriet B. Manuel, Charley Page, Levi Q. Page, Mamie Page, Eva Page, James W. Page, Caldonia A. Page, Maxey Page (1), Ethie Page, Boderick Page, Wiley Page, Milliard Page, Octavia Page, Maud Page, Frances L. Page, Van Page, James Page, Maxey Page (2), Dottie Page and Melvin Page 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,

(SIGNED) *James Dixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 29, 1902.

Van Page,

Raleigh, Mississippi.

Dear Sir:

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

Nick Tulles, et al.,	M.C.R. 3072
General Tulles, et al.,	M.C.R. 3073
Emma R.L. Jackson, et al.,	M.C.R. 3076
Topsy Harris, et al.,	M.C.R. 3074
Harriet B. Marshall,	M.C.R. 3075
Charley Page, et al.,	M.C.R. 2662
James W. Page, et al.,	M.C.R. 3071
Van Page,	M.C.R. 3118
James Page, et al.,	M.C.R. 3119

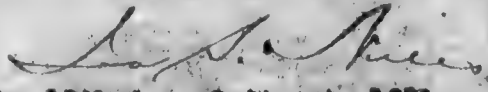
These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

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

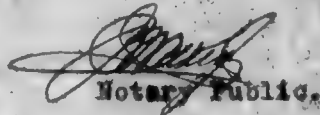
Said decision concludes as follows:

Van Page---9.

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 in the above entitled cause, heard at Meridian, Mississippi, July 29th, 1901, and that the 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 19th day of August, 1901, at Meridian, Mississippi.



Notary Public.

You should attempt to file what written evidence you want to file within thirty days if possible. Of course it is important in your case that you have the testimony of other witnesses to support your own as to the material facts and in case you see fit to bring any witnesses before the Commission in person, you should bring them to Meridian as soon as possible and we will hear their testimony. Otherwise you can send their affidavits and we will receive them. Of course the personal attendance of a witness would perhaps be better for you as we might develop more in an examination in support of your case than an affidavit would show.

- Q Are there any further statements you wish to make at this time in support of your application? A No sir.
- Q Have you any brothers or sisters? A Yes sir.
- Q How many brothers? A Four.
- Q Are any of them of age? A No sir.
- Q All under age? A Yes sir.
- Q Have you any sisters over age? A ~~Yes~~ No sir.
- Q Any of them married? A No sir.
- Q Has your father any brothers living? A No sir.
- Q Any sisters living? A One.
- Q Is her father the same as your father's father? A No sir, different fathers.
- Q Has your father been before the Commission yet this year? A Yes sir.
- Q Your grandfather is living? A Yes sir.
- Q Has he been before the Commission this year? A Yes sir.
- Q When was he here? A On the 5th day of July.
- Q What is your grandfather's wife's name? A Bettie.
- Q Has she any Choctaw blood? A No sir.
- Q What are the names of your brothers and sisters? A Arbena, Ether, Viley, Octavia, Maudie and Frances.
- Q What are your brothers' names? A Wesley, Roderick, and Millard.
- Q Is that all your brothers? A Yes sir.
- Q Has your grandfather any brothers or sisters living, your father's father? A No sir.
- Q Has your father any cousins living? A None as I know of.
- Q Did your father ever have any full brothers or sisters? A Yes sir.
- Q Are any of the children of those full brothers and sisters living? A Yes sir.
- Q What are the names of those children? A Monroe Tillis, Charley Smith, Louis Smith and Jim Page.
- Q Have they been before the Commission this year? A No sir.
- Q Where do they live? A In Jasper County.
- Q They are the children of your father's sisters? A Yes sir.
- Q How deceased? A Yes sir.
- Q What was her name? A Ellen.

This applicant has the appearance of being a negro, has no indication of being possessed of Indian blood and does not speak or understand the Choctaw language. He has none of the characteristics of an Indian.

-----



sales here in Mississippi, sold many tracts of land on which Choctaws lived and owned improvements and which they supposed they would receive in accordance with the provisions of the 14th article of the treaty. Q This action on the part of the Government caused a great deal of complaint by the Indians and the matter was finally brought to the attention of Congress. Congress passed an act which was approved on the third day of March, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek but that their land, which they intended to take under that article, had been sold by the Government. That Commission was appointed by the President and came down here and heard a great many of those Choctaw cases but in the time allowed the Commission to finish the work, they were unable to hear anything like all of the cases that were presented. Congress, accordingly, passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to come here to Mississippi and finish up the hearing of these Choctaw cases. That Commission came down here and heard a great many more of these cases.

Q Do you know whether any of your ancestors ever appeared before either one of these Commissions and attempted to establish their rights under article 14 of the treaty of Dancing Rabbit Creek?

A No sir.

Q Do you know anyone who would likely be informed on this subject?

A No sir.

The act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally determined that a Choctaw had complied strictly with article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be given a certificate which would entitle him to select vacant Government land elsewhere in the States of Mississippi, Alabama, Arkansas or Louisiana. These certificates were known as scrip.

Q Do you know whether any of your ancestors ever received any scrip from the Government under the provisions of the Act of Congress approved August 23, 1842? A No sir, I don't know.

Q You never heard of any of them getting it? A No sir.

Q Do you know of anyone living who would likely be informed on this subject? A No sir.

Q Have you any witnesses here today whom you would like to introduce in support of your application? A No sir.

Q Have you any written evidence of any description that you want to offer at this time in support of your application? A No sir.

Q Would you like permission to offer some at a later date? A Yes sir.

Permission is granted this applicant to file proper documentary evidence in support of this claim at a later date.

Q Do you know anyone living who would likely know about the matter?  
A No sir.

Q Do you know of any written evidence of any kind that would tend to prove that any of your Choctaw ancestors ever complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek?  
A No sir.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know, sir.

Q Were any of your ancestors the owners of an improvement upon any of the land embraced in the old Choctaw Nation in Mississippi or Alabama when this treaty was made? A I don't know, sir.

Q Were any of your ancestors recognized members of the Choctaw Tribe of Indians here 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 greater portion of the Choctaw Tribe of Indians between the years 1833 and 1838? A I don't know, sir.

Q Did any of your Choctaw ancestors, within six months from the ratification of the treaty of Dancing Rabbit 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 States? A I don't know, sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A I don't know, sir.

Q Did you ever hear of any of your ancestors ever ~~going~~ betting any land here in Mississippi under that 14th article? A No sir.

Q Did you ever see any deed or patent to any land issued to your ancestors under this 14th article? A No sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi from the Government of the United States under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article? A No sir.

Q What makes you think they did not? A Well, I haven't seen any that did.

Q You don't know, as a matter of fact, whether any of them got any land under any other article of the treaty, or not, do you? A No sir.

Q Do you know anyone living who would likely know about that?  
A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an Agent of the Government here in Mississippi to hear the applications of such Choctaw Indians as might desire to remain in Mississippi and take advantage of the provisions of that article. As is provided in the 14th article, these persons were required to signify their intention to the Agent, within six months after the treaty was ratified, and the treaty was ratified on the 24th day of February, 1831. The records of the Government show that in many instances that Agent failed to record and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States, in accordance with the 14th article. On this account the Government, at its public land

Q You never, then, have 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 sir.

Q Have you ever made any application of any description to the Choctaw Tribal authorities or to the United States authorities prior to this time to be admitted or enrolled as a citizen of the Choctaw Nation? A No sir.

Q You now desire to make application for identification as a Mississippi Choctaw entitled to rights in the Choctaw lands under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Are you familiar with article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q You don't understand it clearly, then? A No sir.

The treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians in Mississippi on the 27th day of September, 1830, nearly 71 years ago. At that time the Choctaw Tribe of Indians occupied a part of the State of Mississippi and a part of the State of Alabama. The object of the treaty of Dancing Rabbit Creek was to procure the removal of the Choctaws from the country occupied by them here East of the Mississippi to the new country West of the Mississippi, part of which is now occupied by the main body of the Choctaw Tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to move west of the Mississippi to the new country and for the benefit of those who preferred to stay here, article 14 was inserted into the treaty. That 14th article of the treaty of Dancing Rabbit Creek is as follows:-

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

Q You think you understand this 14th article clearly? A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied with the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

- Q Do you know what his name was? A Bill Nubbe.  
Q Was he a full blood Choctaw? A Yes sir.  
Q Did you ever see him? A No sir.  
Q Did your grandfather speak the Choctaw language? A No sir.  
Q Did he look anything like an Indian? A Yes sir.  
Q Describe his appearance? A He has high cheek bones, black-straight hair, scanty mustache.  
Q Where did Bill Nubbe live? A I don't know, sir.  
Q Do you know whether Bill Nubbe and the mother of your grandfather Page were lawfully married, or not? A Yes sir.  
Q How do you know it? A I know that they all say that they was.  
Q Who did you ever hear say it, in particular? A I have heard my grandfather and several old people that knew him.  
Q Name some of them? A Bob Cantwell.  
Q I am speaking about your great-grandfather? A Yes sir.  
Q You say they were married lawfully? A Yes sir.  
Q Do you know how long they lived together as man and wife? A No sir.  
Q How many children did they have? A I don't know, sir.  
Q Were your grandfather, Page, and your father's mother married lawfully? A Yes sir.  
Q How do you know that? A Well, by their saying so. I knowed them both.  
Q Are they living together now? A No sir.  
Q Is she living? A Yes sir.  
Q How long did they live together as man and wife? A I don't know, sir.  
Q Were your father and mother lawfully married? A Yes sir.  
Q What evidence have you of that fact? A Marriage certificate.  
Q Have you it with you? A No sir, I have seen it.  
Q When and where were they married? A In Smith County.  
Q Do you know when? A About 1878, I think.  
Q Do you know anyone living who would be able to support your testimony as to these marriages of your grandfather and grandmother, great-grandfather and great-grandmother? A Yes sir.

If you see fit to bring witnesses to this point before the Commission, you may do so and the Commission will hear their testimony. If you prefer, you may submit proof along this line in the form of documentary evidence. You should attempt, however, to file that evidence not later than thirty days from the date hereof if possible.

- Q Are you married? A No sir.  
Q This application is for yourself alone? A yes sir.  
Q Has your father ever been to the Indian Territory? A No sir.  
Q Have you ever been there? A No sir.  
Q Grandfather ever go out there? A No sir.  
Q Great-grandfather ever go out there? A No sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory to be enrolled or admitted as a member of the Tribe? A No sir.  
Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 29th, 1901.

In the matter of the application of Van Page for the identification of himself as a Mississippi Choctaw.

Said Van Page, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Van Page.  
Q How old are you? A Twenty-two.  
Q What is your postoffice address? A Raleigh, Mississippi.  
Q What County? A Smith County.  
Q How long have you lived in Smith County, Mississippi? A All my life.  
Q Is your father living? A Yes sir.  
Q What is his name? A Wesley Page.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Frances.  
Q Through which one of your parents do you derive your Choctaw blood? A Father.  
Q Mother has no Choctaw blood? A No sir.  
Q What is your mother? A She is mixed with negro and white.  
Q How much Choctaw blood do you claim to have? A One-eighth.  
Q You claim then that your father was one-fourth? A Yes.  
Q What is the balance of his blood? A Mixed with white and negro.  
Q Your parents were both slaves, were they? A No sir, I don't think they were. They was born in slavery time but they were young.  
Q Their parents were slaves? A Yes sir.  
Q Does your father speak or understand the Choctaw language?  
A Little of it, not much.  
Q Does he, in fact speak any? A Yes sir, he can.  
Q You are willing to swear to that, are you? A Yes sir.  
Q Do you understand the nature of an oath? A Yes sir.  
Q How long has your father living in Smith County, Mississippi?  
A Well, about all his life. He has been living there now about thirteen years.  
Q Was he born in Smith County? A No sir, in Jasper County.  
Q About how old a man is your father now? A About forty-four, I think.  
Q Through which one of his parents does he get his Choctaw blood?  
A His father.  
Q What is his father's name? A Charley Page.  
Q Was he half blood? A Yes sir.  
Q Is he living? A Yes sir.  
Q Where does he live? A In Smith County.  
Q How long has he lived there? A Ever since I have known him. I don't know how long.  
Q Do you know where he lived before he went to Smith County?  
A In Jasper County.  
Q What is his other blood beside Choctaw? A Negro.  
Q Was he a slave? A Yes sir.  
Q How old a man is he now? A About seventy-five or eighty, I suppose.  
Q Through which of his parents did he get his Choctaw blood? A His father.

Choctaw MCR 3118

Van Page

MCR 3118

No. 3117

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name Bettie U. Bass

Age 28

Blood

W

Post Office, Direct. Texas

Father: William Moore (dead)

Mother: Lucinda Moore

Claims through mother

husband: Am A. Bass

Children:

Vollie Hardavian Bass 7 mo

Claims for self and child

Stenographer

S Rosewinkel

*Acta A Pars Civil*

REFUSED

DECISION RENDERED. DEC 1902

*P. 3117*

RECORD FORWARDED TO [unclear]

JAN 2

ACTION [unclear]

[unclear]

NOTICE [unclear] ACTION

NOTICE [unclear] ACTION  
FOR [unclear] OF [unclear] LAW  
AND [unclear] [unclear]

[unclear]

RECEIVED N. O. R. 32/a



M.C.R. 3117.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Bettie A. Bass,  
Direct, Texas.

Dear Madam:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Bettie A. Bass, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tommie White, James M. Moore, Rosalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar K. Moore, Royce Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Oma Beatty, Sarah Raney, Montie Lucinda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Betty Lee Raney, Bettie A. Bass, Vellie Bardemand Bass, William J. Moore, Ruth Moore and Neomia Long de Chootaw Indians entitled to rights in the Chootaw 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,

SIGNED

*I. E. Needles*

Commissioner in charge.

Registered.

COPY

Muskogee, Indian Territory, December 20, 1902.

Bettie A. Bass,  
Direct, Texas.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Moore	M.C.R. 3270
Mag Nancy, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 3272
James H. Moore, et al.	M.C.R. 3765
Mary J. Moore, et al.	M.C.R. 3110
Bella Beatty, et al.	M.C.R. 1208
Sarah Nancy, et al.	M.C.R. 3118
Bettie A. Bass, et al.	M.C.R. 3117
William J. Moore, et al.	M.C.R. 1424
Reemie Long	M.C.R. 3109

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stat., 493), which is as follows:

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

The applicant in this case has dark brown hair and eyes and dark complexion, her cheek bones are a trifle high and from her appearance she might be possessed of a small per cent of Choctaw blood although this is very difficult to determine when the features and general appearance resemble those of an ordinary white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not personally know her ancestors farther back than her father and mother and does not know the names of her ancestors farther back than her grandfather and grandmother.

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 July 31, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 20 day of September 1901.

*W. W. Chubb*

Notary Public.

NOTARY PUBLIC

- Q Do you know whether they lived in Mississippi in eighteen hundred and thirty? A I do not know whether they lived there at that time or not.
- Q You know they lived there? A Yes.
- Q Do you know James Browns father's name? A No.
- Q Do you know James Brown's mother's name? A No.
- Q Do you know Jane Brown's mother's name? A No.
- Q Do you know Jane Brown's father's name? A No.
- Q Is your mother here? A Yes.
- Q Would you like to have her testimony taken in your case? A Yes.
- Q Did Jane or James Brown go to the United States Indian Agent in Mississippi within six months after that treaty was ratified and tell him that they wanted to stay in Mississippi and become citizens of the United States? A I do not know.
- Q Did they come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A I do not know when they came.
- Q Did they come west to this Indian Territory? A I don't know where they went to?
- Q Did they go to Texas? A I don't know.
- Q You never heard where they went to? A No I never heard.
- Q Is there anybody living who would know where your grandfather and grandmother were living in eighteen hundred and thirty and if they were Choctaw Indians? A I don't know.
- Q Is there any one living who would know whether they went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and take land there? A I do not know.
- Q You understand that it is a very important matter that you have evidence on that point? A Yes.
- Q Do you know of any one living who would know whether your grand father or grandmother ever owned any land in Mississippi, Arkansas Louisiana or Alabama? A No I do not know.
- Q You never heard anything about that? A No.
- Q Never heard about them owning any land anywhere? No.
- Q Is there anything else that you would like to say in support of your application? A No.
- Q Have you any papers that you want to file? A No.
- Q Do you want to offer any further evidence in support of your application? A What?--
- Q I mean in the future? A Yes we are going to get evidence.
- Q Do you understand that even the sworn statement of an interested party in making application for valuable property rights does not carry very much weight with it unless supported by outside evidence, that is parties not interested? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- Q You understand that oral testimony of witnesses is better than their depositions or affidavits? A Would be better.
- Q Yes; that is to bring your witnesses in here in person and have them examined; that would be better than to file their affidavits or depositions? A Yes.
- Q Do you think you can bring them before the Commission in person? A I do not know.
- Q You intend to do that if possible? A Yes.
- Q Can you speak Choctaw? A No.

"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 intentions 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."

Within six months after the ratification of this treaty a large number of Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi 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 the Indians it was found that the names of a great many of those who claimed that they had gone to the Indian Agent and told him that they wanted to stay were not on the list made by him, so under different acts of Congress Commissioners were appointed and sent down into Mississippi to find out which of the claimants were entitled to land under the fourteenth article of the treaty. These Commissioners passed on a great many cases, some of them were allowed and some were refused and 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 had not already been sold it was given to them applicants, if it had been sold scrip was issued by the government to these Indians. This scrip could be used in buying land from any of the public domain in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now did any of your ancestors own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q Do you know what is meant by the word ancestor? Yes my grandfather.
- Q Well your grandfather or grandmother, great grandfather or great grandmother, or your parents or any of your foreparents back in a direct line.
- 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 James Brown.
- Q What relation was he to you? A My grandfather.
- Q Was he your mother's father? A Yes.
- Q And what was your mother's mother's name? A Jane Brown.
- Q Which one of your mother's parents claimed to be Choctaw? A They were both Choctaw.
- Q Were James Brown and Jane Brown both Indians? A No it was her father.
- Q Then Jane Brown was a white woman? A No I don't know.
- Q Did you never hear what she was? A I think she was---My mother's mother was a Choctaw.
- Q Then Jane Brown was a Choctaw? A Yes.
- Q How much Choctaw did Jane Brown claim to be? A I do not know.
- Q How much Choctaw did James Brown claim to be? A I do not know.
- Q Did you ever know your grandparents? A No.
- Q Do you know how long they have been dead? A No it has been a long time.
- Q Do you know how old they were when they died? A No.

- Q Did you or did any one for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on an appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? 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 have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application you have ever made? A Yes.
- Q What kind of an application are you making now? A I want to be identified as a Mississippi Choctaw?
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Nation? A Yes.
- Q Under which one of the treaties do you claim? A Under the treaty of fourteen hundred and thirty, I think that is it.
- Q You mean the treaty of eighteen hundred and thirty? A Yes.
- Q Do you claim under any particular part of the treaty or under the whole treaty? A I don't know.

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act, and is as follows:

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

Under this law the Commission has the right to determine the identity of those applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty.

- Q Do you know what is meant by a treaty? A No.
- Q Do you know what an agreement is? A Yes I know that.
- Q Well a treaty is an agreement between Nations.

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 remove them to the Country west of the River so that they could be protected in their tribal government and not be bothered by white people but some of the Indians did not want to leave the State of Mississippi or Alabama and the others would not make any treaty until something was done for those Choctaws who wanted to remain in their old homes, so article fourteen was made a part of the treaty for the benefit of those Choctaws who did not want to come west and after this article was made a part of the treaty the Indians signed it and it was ratified by the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides that:

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 31, 1901.

3117

In the matter of the application of Bettie A. Bass for identification of herself and her minor child as Mississippi Choctaw.

Applicant not represented by Attorney.

Bettie A. Bass being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Bettie A. Bass.  
Q How do you spell that? A The Bass part.  
Q Yes? A B-a-s-s.  
Q How do you spell Bettie? A B-e-t-t-i-e.  
Q How old are you? A Twenty-eight.  
Q What is your post-office address? A Direct, Texas.  
Q How long have you lived there? A I lived there all my life except a while last year when I lived in the Indian Territory.  
Q How long did you live in the Indian Territory? A About two months.  
Q Was that in 1900? A Yes.  
Q What is your father's name? A William Moore.  
Q Is he living? A No.  
Q What is your mother's name? A Lucinda Moore.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A One-fourth.  
Q Has your mother ever been recognized in any way 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 William A. Bass.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No.  
Q Have you any children for whom you wish to make application? A I have one.  
Q What is that child's name? A Vellie Hardeman Bass--V-e-l-l-i-e H-a-r-d-e-m-a-n Bass.  
Q How old? A Seven months old.  
Q Is this the only child you have? A Yes.  
Q Is it a boy or girl? A It is a boy.  
Q You are the child's mother? A Yes.  
Q What is the child's father's name? A William A. Bass.  
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.



Choctaw MCR 3117

Bettie A. Bass

MCR 3117

No. 3116

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name Sarah Rarey

Age 30 Blood 1/4

Post Office, Carson, Texas

Father: William Moore (dead)

Mother: Lucinda Moore ✓

Claims through mother

husband: Dock Rarey ✓  
(no claim for him)

Children:

- ~~Montie~~
- Lucinda Rarey 8
- Willie Ann F 6
- Elizabeth 3
- Ruthie 3
- Bettie Lee 4 mo

Claims for self and 4 children.

Stenographer

G Rosenwintzel

Sarah Nancy Etal

RECEIVED

DECEMBER 10 1892

R. 3116

APPROVED

WILLIAM A. ADKINSON  
FURNISHED BY THE  
AND

30116

M.C.R. 3116.

COPY.

Muskogee, Indian Territory, July 14 1903.

Sarah Eaney,

Carson, Texas.

Dear Madam:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tourie White, James M. Moore, Rosalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar K. Moore, Royce Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Oma Beatty, Sarah Raney, Montie Lucinda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Betty Lee Raney, Bettie A. Bass, Vellie Hardenan Bass, William J. Moore, Ruth Moore and Neomia Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Yours truly,

*T. B. Needles.*  
Commissioner in charge.

Registered.

COPY.

Muskogee, Indian Territory, December 20, 1902.

Sarah Raney,

Carson, Texas.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Luinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Luinda Moore	M.C.R. 1270
Mag Raney, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 3272
James M. Moore, et al.	M.C.R. 3755
Mary J. Moore, et al.	M.C.R. 3110
Belle Beatty, et al.	M.C.R. 1309
Sarah Raney, et al.	M.C.R. 3115
Bettie A. Bass, et al.	M.C.R. 3117
William J. Moore, et al.	M.C.R. 1466
Naomia Long	M.C.R. 3109

These applications were made under the provision of the act of Congress of June 18, 1898 (30 stats., 493), which is as follows:

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

D.V.R. 2

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation would accrue to applicants until they have been identified by this Commission as Choctaw Indians entitled to rights in the Choctaw lands under the fourteenth article of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R3116

Muskogee, Indian Territory, June 19, 1902.

D. F. Raney,

Carson, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 10, in which you state that your wife applied to the Commission at Atoka and you wish to know whether you would be safe in removing to the Choctaw Nation and taking up land there for a home.

In reply to your letter, you are advised that it appears from our records that Sarah Raney, thirty years of age, of Carson, Texas, wife of Dick Raney, appeared before the Commission at Atoka, Indian Territory, July 31, 1901, and applied for the identification of herself and four minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to their rights as such Mississippi Choctaws. As soon as a decision is reached they will be notified of the action of the Commission.

Relative to that part of your letter in which you ask whether you can hold land in the Choctaw Nation, your attention is invited to the following provision of the act of Congress of May 31, 1900:



46

- Q What is the name of this witness? A Lewis.
- Q Does Lewis know anything about whether your wife's grandfather and grandmother were Choctaw Indians and lived in Mississippi in eighteen hundred and thirty? A Yes.
- Q Does he know whether they ever took any land in Mississippi? A No, they never took any land in Mississippi.
- Q Did you ask him whether he knew this, I asked you whether he knew and you did not answer my question? A Well I think he does.
- Q You understand that your wife has not made any statement here which would enable the Commission to identify her as a Mississippi Choctaw? A Yes.
- Q And unless you get further evidence along the lines about which she has been asked to day, as to whether he ancestors live in Mississippi and wererecognized Choctaw Indiansat the timethis treaty wasmade and whether they went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay in Mississippi that she will have very little case when the Commission wants to take it up? A Well her mother is here.
- Q Her mother is also an applicant here and an interested party and although her testimony will go to show the ancestors of your wife, it being that of one of the interested parties it will not carry much weight with it. Do you understand that? A Yes.

G. Rosenwinkel being duly sworn in 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 31, 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 July 1901.

*G. Rosenwinkel*

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

*W. W. Kelly*

Notary Public.

Do you understand any of the questions that I have been asking you?

A Yes.

- Q Do you know whether any of your mother's people, her father or mother or grandfather or grandmother lived in Mississippi in eighteen hundred and thirty? A I do not know.
- Q Did you know your grandfather or grandmother, your mother's father and mother? A No.
- Q You never saw them? A No.

Should you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits of any documentary evidence the same will be accepted and made a part of the record in your case.

Q

This applicant has brown hair and grayish eyes and moderately fair complexion. Her features and general appearance are those of a white person and she has not the features or characteristics of one claiming one-quarter Choctaw blood. It would seem from her appearance that she has no traces of Indian blood. It has been very difficult to obtain answers from this applicant as she is paralyzed and it affects her speech and possibly her understanding and the statements of her mother in the application made by her will be filed with the record in this case. This applicant has no knowledge of any of her ancestors except her father and mother and knows nothing of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not know whether they lived in Mississippi at the time of the making of this treaty and does not know the names of her ancestors back further than her mothers and fathers name and does not know which of these claims Choctaw blood. It was therefore impossible to trace her ancestry back further than that from her own testimony. The husband of this applicant is present in person and testified as to the names and ages of their children and the physical condition of the wife.

To husband of applicant.

- Q You understand that unless there is some evidence given in support of this application that your wife's statement will carry very little weight do you? A Yes.
- Q You understand that where valuable property rights are at stake the statement of an interested party unless it is supported by evidence of outside parties, will carry very little weight? A Yes.
- Q Do you know of any witnesses who could testify in your wife's case as to her ancestors or any of these points on which she has been unable to give us any information? A Yes.
- Q Who are they? A I know one of their names but I can't think of the other one. One is an Indian living down here at Sugar Leaf.
- Q What does he know? A Why he is acquainted with her grandparents I think.
- Q Can you get him before the Commission to testify in person? A Why he was to be here I don't know why he didn't come.
- Q Do you intend to bring him here? A Our lawyer says he will have him sworn here at Cadde if we can't get him here.
- Q Well you understand that an affidavit carries very much less weight than oral testimony of witnesses? A No I didn't understand it that way.
- Q Well it carries very much more weight to have the witness come here in person to be examined before the Commission.

74  
"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 to 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."

This means, that if any of those Choctaw Indians who did not want to come west would go to the Indian Agent there within six months after that treaty was accepted and tell him that they wanted to remain in Mississippi and take land there, they could do so and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it and in doing so they would not lose the right of Choctaw citizens but if they ever removed would not get any part of the Choctaw yearly payments on money.

Within six months after the ratification of this treaty a great many Indians went to the Indian Agent and told him that they wanted to remain in Mississippi and take land there but when a man was sent down by the government of the United States to locate this land for these Indians it was found that the names of a great many who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi were not on the list made by him, so under different acts of Congress men, Commissioners, were appointed and sent down into Mississippi and find out which of these Indians were really entitled to land under the fourteenth article of this treaty. These men took up a great many cases and passed on them, some they allowed and some they refused and in those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them; if the land 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 did any of your people, your mother's father or mother or grandfather or grandmother own any land in these states? A I don't know

Q You say you claim your Choctaw blood through your mother? A Yes

Q What was the name of your mother's mother? A Brown.

Q What was her first name? A Jane Brown.

Q What was your mother's father's name? A Jim Brown.

Q Which one of your mother's parents was Choctaw? A I don't know.

Q Do you know anything at all, about your mother's people? No.

Q Is your mother here? A Yes.

Q Is she going to make application? A Yes.

Q Would you like to have your mother's testimony in your case?

A I don't care

#3

- Q Do you claim that you are a Mississippi Choctaw? A Yes  
Q And you came here to be identified as a Mississippi Choctaw?  
A Yes.  
Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A No.  
Q Well what makes you think then that you have a right to come here and make this application? A I don't know.  
Q Do you make your claim because you have Choctaw blood? A Yes.  
Q You don't make any claim you say under any of the treaties? A I don't know.

Q

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" and is as follows:

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

That law gives the Commission power to hear the applications of persons 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.

- Q Do you know what a treaty is? A No.  
Q You know what an agreement is? A No.  
Q Do you know what a bargain is? A No.  
Q Well an agreement is where two people promise together to do certain things. One promises to do something and in return for that the other promises to do something and a treaty is an agreement between two Nations; or the United States and one of the Tribes of Indians. Do you think you understand now what a treaty is? A I don't know.  
Q You think you understand what an agreement is? A I don't know whether I do or not.  
Q Did you ever make an agreement with anybody? A I don't know.  
Q Did you not make an agreement when you were married? A I think not.

Well the United States wanted to make an agreement with the Choctaw Indians and give them land west of the Mississippi River in exchange for their land in the States of Mississippi and Alabama and move them all to the land west of the Mississippi River but some of the Indians did not want to leave their homes in Mississippi and the other Indians would not sign any treaty or agreement until something was done for those who did not want come west and this article fourteen was put into the treaty for the benefit of these Choctaws who wanted to stay there in Mississippi and after that article was put in the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides:

- Q Have you any children for whom you wish to make application?  
 A Yes I have got four.  
 Q Give the names and ages of these children? Mollie Lucinda.  
 Q How old is Mollie? A Not Mollie but Montie.  
 Q How old is Montie? A About eight years.  
 Q What is the next one? A Willie Ann.  
 Q Is that a girl? A Yes.  
 Q How old is she? A Six years.  
 Q Next? Ruthie Lizzie.  
 Q How old? A Three years old.  
 Q Next Betty Lee.  
 Q How old is Betty Lee? A She is four months old.  
 Q These are your children? A Yes.  
 Q What is the name of their father? A Doc Raney.

Applicant excused.

Doc Raney having been called and sworn as a witness in this case testified as follows:

- Q What is your name? A Dock Raney.  
 Q What is your age? A Thrity-eight.  
 Q You are acquainted with the applicant Sarah Raney? A Yes.  
 Q What relation is she to you if any? A She is my wife.  
 Q What is her physical condition? A She is paralyzed?  
 Q Does that effect her mind in any way? A Not that I know of.  
 Q Does it affect her speech? A Yes.  
 Q Did she give the names and ages of her children properly? A Yes.  
 Q They are Montie Lucinda, Willie Ann, Ruthie Lizzie and Betty Lee are they? A Ruthie Elizabeth it should be.

Witness excused--applicant re-called.

- Q In your name or are the names of your 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 to have yourself or your children enrolled as members of that tribe? A No.  
 Q Did you or did any one 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 10th, 1896? A No.  
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or the Authorities of the United States? A No.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? 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 have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.  
 Q Is this the first application you have ever made of any kind? A Yes.  
 Q What kind of an application do you want to make now? A What kind of an application?  
 Q Yes what kind of an application do you want to make now? I don't know.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 31, 1901.

3116

In the matter of the application of Sarah Raney for identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Sarah Raney being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Raney.  
Q How do you spell it? A R-a-n-e-y-  
Q What is your first name? A Sarah.  
Q How old are you? A Thirty.  
Q What is your post-office address? - A Carson.  
Q What State? A Texas.  
Q How long have you lived there? One year.  
Q Where did you live before you lived there? A Over here in the Nation.  
Q How long did you live in the Indian Territory? A Three years.  
Q Where did you live before you lived in the Indian Territory? A Texas.  
Q How long did you live in Texas that time? A All my life.  
Q Were you born in Texas? A Yes.  
Q Never had a home except in Texas and the Indian Territory? A No.  
Q What is your father's name? A Moore.  
Q What is his first name? A William.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Lucinda.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One-quarter.  
Q Has your mother ever been recognized in any manner or enrolled as a citizens of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or by the Authorities of the United States? A No., not that I know of.  
Q Did you ever hear that she was? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A Raney.  
Q What is his first name? A Doc.  
Q D-o-c-k A Yes.  
Q Is he living? A Yes.  
Q Do you make any application for him? No.

Choctaw MCR 3116

Sarah Rancy

MCR 3116

No. 3115

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name Mary C. Hanchett

Age 23 Blood 1/32

Post Office, Dallas Texas  
366 Canton St.

Father: John C. Greer

Mother: Irene Greer

Claims through father

husband, Albert C. Hanchett  
(no claim for him)

Children:

Irene M. Hanchett 2

Claims for self and child

Stenographer

G. Rosenwinkil



Mary E. Hanchett Etal

REFUSED

R 3115

FEB 10 1903

FEB 10 1903

FEB 10 1903

FEB 10 1903

RECORDS FORWARDED TO BUREAU

MAR 10 1903

ACTION APPROVED BY  
SECRETARY OF INTERIOR.  
AT 1904

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT:  
NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORREYS FOR CHOCTAW  
AND CHICKASAW NATIONS.  
NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORREYS FOR APPLICANT.

VISION PREPARED

LETTERS TO M. C. R. 3115

M.C.R. 3115

Muskogee, Indian Territory, September 22, 1904.

Mary E. Hanchett,  
366 Canton Street,  
Dallas, Texas.

Dear Madam:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Mary E. Hanchett and Irene M. Hanchett, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

(Chairman)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Vanchett, Irene M. Manchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, 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,

Registered.

Acting Chairman

Muskogee, Indian Territory, February 13, 1903.

Mary E. Hanchett,  
366 Canton Street,  
Dallas, Texas.

Dear Madam:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward B. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

J. G., #3.

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

M. C. 3120  
M. C. 3111  
M. C. 3127  
M. C. 3112  
M. C. 3115  
M. C. 3127  
M. C. 3125  
M. C. 3122.

RECORDED  
INDEXED  
MAY 19 1900

Muskogee, Indian Territory, September 12, 1901.

Mr. James Greer,  
 #203 Hawkins Street,  
 Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. B. Greer, E. C. Greer, Thomas H. Greer, Ora E. Johnson, Susie G. Miller, and H. P. Hancock.

In reply to your letter you are advised that it does not appear from our records that Thomas B. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Muskogee, Indian Territory, August 17, 1901.

Mary E. Hancock,  
#266 Canton Street,  
Dallas, Texas.

Dear madam:-

Receipt is hereby acknowledged of written application of Mary E. Hancock and certified copies of affidavits of John Lewis and Tobias Edwards, which you offer for filing in support of your application for identification of yourself and children as Mississippi Choctaws.

The same have been filed and made a part of the record in this case.

Yours truly,

M.C.3118

#5

- Q Is there any evidence of the marriage of your grandfather John Greer and your grandmother Susan? A No we have not got it but we are trying to get it.

That should be offered in evidence in support of your application.

- Q Can you speak Choctaw? A No.

The applicant in this case has brown eyes, and hair and is a dark brunette. Her features and general appearance are those of a white person and she shows no Indian characteristics. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen and thirty and she does not know whether her great grandmother through whom she claims lived in Mississippi the date of the making of the treaty of eighteen hundred and thirty.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- Q You understand that if you can procure it, the oral testimony of witnesses before the Commission is better than any other? A Yes.

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 July 31, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 30<sup>th</sup> day of September 1901.

*W. W. Shelby*  
Notary Public.



- was John Greer.
- Q Now your father then claims his Choctaw blood through his father John Greer? A Through his father John Greer.
- Q And your grandfather John Greer claims his Choctaw blood through which one of his parents? A Through his mother.
- Q And his mother's name was? A Delia McElroy.
- Q And what was your grandfather's father's name? A James Greer.
- Q The husband of Delia Greer? A Yes that is the way I understand it.
- Q Do you know your grandfather? A No he died before I was born.
- Q Do you know how long he has been dead? A I have been told that he has been dead thirty odd years.
- Q Do you know about how old he was when he died? A No.
- Q You never heard? A Yes I have been told but I don't remember.
- Q You don't know whether he was a very old man or not? A I don't think he was very old.
- Q Probably about middle-aged? A Yes I suppose so.
- Q How much Choctaw blood did Delia Greer claim to have? I have been taught about three-quarter.
- Q Do you know if she was Delia Greer or Delia McElroy at the time this treaty was made? A No I do not.
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty when this treaty was made? A No I do not.
- Q You never heard? A No I never heard it said.
- Q Do you know whether you can get any evidence to show whether she lived in Mississippi in eighteen hundred and thirty? A Yes I want to ask for time to get further evidence.
- Q Do you think you can get the evidence of some person who knew your great grandmother in eighteen hundred and thirty? A I am going to try.
- Q You understand that it is a very material point in your case and that you should to secure evidence on it? A Yes I understand.
- Q Do you know whether Delia Greer or any other of your ancestors came west to the present Indian Territory with the other Choctaw Indians between 1833 and 1838? A No.
- Do you know whether she or any other of your ancestors went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to remain in Mississippi and take land there and become citizens of the United States? A I do not
- Q Do you know whether you can secure any evidence on that point? A I am going to try.
- Q You understand that this is an important point on which you should have evidence? A Yes.
- Q You understand that where valuable property rights are at stake the unsupported statement of the party in interest, even where it is under oath, carries very little weight unless supported by outside evidence, that is evidence of disinterested parties? A I understand that.
- Q You don't know whether Delia Greer or any of your ancestors owned any land in Mississippi, Louisiana Arkansas or Alabama? A No.
- Q Do you think you will be able to secure any evidence on that point? A I think I can.
- Q Is there any other statement that you would like to make in support of your application? A No.
- Q Have you any papers that you want to file now? A No unless it is my marriage license.

"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, within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to remain in Mississippi and become citizens of the United States and when a locating Agent came down there to locate the land for these Indians it was found that the names of a great many of those who claimed to have gone to the Agent and told him that they wanted to stay there in Mississippi did not appear on the list prepared by the Indian Agent, so under different acts of Congress Commissioners were sent down into Mississippi to look into the matter and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of cases, some were 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 had not already been sold it was given to the claimants; if it had been sold, the government issued scrip to them. This scrip could be used in buying land from the public domain in the States of Mississippi, Arkansas, Louisiana and Alabama.

- Q Did any of your ancestors ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q You have no records in your family to that effect? A No not that I know of.
- Q You never have heard that they owned land in one of these States? A No.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Delia McElroy.
- Q What relation was she to you? A She is my great grandmother.
- Q You say you claim your Choctaw blood through your father? A Yes
- Q What was your father's mother's name? A Susan Greer, --she was a Carruthers.
- Q What was your father's father's name? A James Greer.
- Q Through which one of your father's parents did he get his Choctaw blood? A Through his father.
- Q Now what was the name of James Greer's father? A I don't know James Greer was my great grandfather, ---my grandfather's name was John Greer and my father's name John C. Greer.
- Q I asked you what your father's father's name was and you answered James Greer? A Well excuse me, my father's father's name

- 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 ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever made application before this to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q What kind of an application are you now making? A Application for citizenship as a descendant of the Choctaw Tribe.
- Q Do you claim as a descendant of the Choctaw Tribe who lived in Mississippi in eighteen hundred and thirty and stayed there? A I don't know I claim through my grandfather.
- Q Do you understand that the time for making original applications for citizenship in the Choctaw Nation expired within ninety days after the passage of the act of June 10, 1896 and that the Commission has now no authority to hear original applications for citizenship. If you claim as a descendant of a Choctaw Indian who lived in Mississippi in eighteen hundred and thirty and who complied with the fourteenth article of the treaty of eighteen hundred and thirty, you want to make application for identification as a Mississippi Choctaw. That is what you want to make, is it not? A Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Well under the treaty of eighteen hundred and thirty--anything beneficial to the Choctaw Indians.
- Q Do you claim under any particular part of the treaty of eighteen hundred and thirty? A No particular part.

The law which authorizes the Commission to hear applications for identification as Mississippi Choctaws is found in Section twenty-one of the act of Congress of June 28, 1896, commonly known as the "Curtis Act", and provides that:

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

This law empowers the Commission 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 in order to give them land west of the Mississippi River in exchange for their land in Mississippi and for the purpose of moving them to the land west of the Mississippi River. Some of the Indians did not want to make and the others would not sign any treaty until some provision was made for those of their number who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who wanted to stay there in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 31, 1901.

3115

In the matter of the application of Mary E. Hanchett for the identification of herself and her minor child.

Applicant not represented by Attorney.

Mary E. Hanchett being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Mary E. Hanchett.  
Q How old are you? A I am twenty-three.  
Q What is your post-office address? A Dallas, Texas, 366 Canton street.  
Q How long have you lived there? A I have lived there twenty-three years.  
Q Never had a residence outside of the State of Texas? A No.  
Q What is your father's name? A John C. Greer.  
Q Is he living? A Yes he was in here yesterday morning.  
Q What is your mother's name? A Irene.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A He claims one-sixteenth, that would make me one-thirty-second.  
Q Has your father 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 Have you any evidence of your father's and mother's marriage? A It was filed here yesterday in my father's case.

"Evidence of the marriage between John C. Greer and Irene Mc Lane filed in the case of John C. Greer, M.C.3107."

- Q Are you married? A Yes.  
Q What is your husband's name? A Alvord E. Hanchett.  
Q Is he living? A Yes.  
Q Do you make any application for him? A No, only for my child.  
Q He is a white man and makes no claim to Choctaw blood? A Yes.  
Q What is the name of your child? A Irene M.,  
Q How old? A She is two years old in June.  
Q This is the only child you have? A That's the only one.  
Q You are the mother of the child? A Yes.  
Q What is the name of its father? A Alvord E. Hanchett.  
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 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 Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th 1896? A No.

Choctaw MCR 3115

Mary E. Hanchett

MCR 3115

*James Keen, Et al*  
*Q, 3 114*

**REFUSED**

DECISION RENDERED. **OCT 21 1902**

NOTICE OF DECISION MAILED APPLICANT.

**OCT 21 1902**

NOTICE OF L. ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**OCT 21 1902**

RECORD FORWARDED DEPARTMENT.

**NOV 6 - 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR.

**MAR 14 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**MAR 24 1903**

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

**MAR 24 1903**

REFER TO M. C. R. /803.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.



James Keen,

~~Resop, Oklahoma.~~

Miss. Choctaw Div.



DEPARTMENT OF THE INTERIOR,  
Commissioner to the Five Civilized Tribes

FILED

FEB 18 1907

A handwritten signature in dark ink, appearing to be "W. H. H. H."

Commissioner



No. 3114

For Identification as a Mississippi Choctaw.

Date JUL 31 1901

Name James Keen

Age 34 Blood 1/2 2

Post Office, Petrop Oklahoma

Father: Nicholas Keen ✓

Mother: Algada Keen ✓

Claims through father

wife: Nancy Keen ✓  
(no claim for her)

Children:

Theodore Keen 9

Alice " 7

Claims for self and 2 children

Stenographer

G Rosenmontel

REFER IN REPLY TO THE FOLLOWING:

MCR-3114.

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

Muskogee, Indian Territory, January 11, 1907.

James Keen,  
Retrop, Oklahoma.

Dear Sir:-

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stats., 137), to reopen and reconsider the applications of Jennie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and children are a part.

Respectfully,

Commissioner.

Muskogee, Indian Territory, March 24, 1903.

James Keen,

Retrop, Oklahoma.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(Signed)

*Tams Bixby.*

Chairman.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Wera Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, May Keen, Amanda Jarmon, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Moris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 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)

*Tamo Dobby.*  
Acting Chairman.

Registered.

COPY

M. C. R. 3114.

Muskogee, Indian Territory, October 21, 1902.

James Keen,

Retrop, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Decie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmen,	" 3133
Fannie McPherson, et al.,	" 3134
Herbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3135
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

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."

Miss. Choc. 3114

Muskogee, Indian Territory, February 21, 1902.

James Keen,

Retrop, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between James T. Keen and Miss Deed Wolf, which is offered for filing in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. The same is herewith returned to you for the reason that at the time you appeared before the Commission as an applicant for identification as a Mississippi Choctaw, you gave the name of your wife as "Nancy." Before this marriage license and certificate can be accepted as evidence in your case it will be necessary to have some explanation of this difference in names. The inclosed marriage license and certificate was returned to Nicholas Keen once, with this statement, and has again been received at this office without any explanation of the variance in the names.

Yours truly,

AB 3-21

Commissioner in Charge.

Muskogee, Indian Territory, February 3, 1902.

James Keen,

Retrop, Oklahoma,

Dear sir:

Receipt is hereby acknowledged of the joint affidavit of James T. and Nancy Keen as to the discrepancy in the name of Nancy Keen as it appears in the testimony of James Keen at the time of his application for identification as Mississippi Choctaws of himself and his minor children, and as shown in the marriage license and certificate offered for filing in support of said application, which were returned by the Commission, on January 13, 1902, with a request for explanation of the variance in the names.

Upon the return of the marriage license and certificate, the joint affidavit of James T. Keen and Nancy Keen will receive proper consideration.

Yours truly,

Acting Chairman.

MC 3114

H.H. 2

James T. Keen whose marriage license and certificate are offered in evidence, kindly explain why his wife's name appears as Nancy Keen in his testimony and as "Deed" Wolf, or Keen, in his marriage license and certificate.

Yours truly,

Commissioner in Charge.

MS 3114  
MS 3133  
MS 3134

AB 1-15



Muskogee, Indian Territory, January 13, 1902.

Nicholas Keen,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate of J. W. Keen and Geroline Bradley, which has been offered for filing in support of the application for identification as Mississippi Choctaws of Joe Keen, et al.; certified copy of the marriage license and certificate between W. T. Keen and Miss Ella Hines, offered in support of the application for identification as Mississippi Choctaws of Tom Keen, et al. The same have been made a part of the records in the above named cases and will receive consideration in the determination of the rights of the applicants to identification as Mississippi Choctaws.

There was also offered for filing the certified copy of marriage license and certificate of James T. Keen and Miss Deed Wolf (offered for filing) in support of the application for identification as Mississippi Choctaws of James Keen, et al. The same is herewith returned to you for the reason that at the time James Keen appeared before the Commission and applied for identification as a Mississippi Choctaw he gave his wife's name as Nancy Keen. If this is the same

- Q What relation was Peter Deen to you? A He was a mother of mine.  
Q And what relation is she to those children of yours? A Their grandmother.  
Q Then the statement that you have made as to your ancestor applies also to your children? A Yes.

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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Aduka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles K. Sawyer*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3133.

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901 M.W. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3114.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmon, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betsey Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betsey Keen.

Q Do you speak Choctaw? A No.

The applicant in this case has brown hair, brown eyes, tawny mustache and rather florid complexion. His features and general appearance are those of a white person and he shows no traces of Indian blood. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. He does not know any of his ancestors except his father and mother and knows very little about his ancestors from family history.

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 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*

Notary Public.

#6

- Q Do you know whether Josiah or Betsy Keen came west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A They did not come as I remember.
- Q Do you know whether they lived in the State of Mississippi in eighteen hundred and thirty? A No.
- Q Did you ever hear where they lived in eighteen hundred and thirty? A No except my grandmother living in Lincoln County. ---No I will take that back I don't know.
- Q Well did you ever know your grandmother? A No.
- Q Do you know whether she ever lived in the State of Mississippi? A No. that
- Q Did you ever hear ~~where~~ she died? Yes.
- Q You have been taught that? A Yes.
- Q Is there anybody living who would know where your grandparents were living at that time and whether they came west with the other Choctaws? Here, I suppose so.
- Q Who do you think that would be? A My father I think.
- Q Well your father is only seventy-one years old.
- Q Well my father's brother.
- Q Do you think you could get the evidence of some one not interested in this case as you understand that your father's brother is also an applicant for identification as a Mississippi Choctaw and you understand that the statement of an interested party does not carry very much weight when valuable property rights are at stake? A I don't know that I could right at present.
- Q You understand that it is very material to your case that you have that evidence? A Yes.
- Q Did Josiah or Betsy Keen go to the Indian Agent there in Mississippi within six months after that treaty was made and tell him that they wanted to remain in Mississippi and become citizens of the United States? A I do not know.
- Q Did you ever hear that they did? A No.
- Q Do you know of anyone that could testify on that point? A No I do not.
- Q Do you know that it is important that you have evidence to show whether your grandmother or grandfather did that, do you? A Yes.
- Q Would you like to have a copy of your father's testimony filed in your case? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? A A No I would like to ask for thirty days.
- Q Do you expect to offer any other evidence in support of your application? A No.
- Q Well do you understand that you might just as well never have come here to make application than to come here and give no evidence except your own statement? A Well I was sworn to give evidence and that is all that I can do.
- Q Well that is all that you can do but don't you understand that where valuable property rights are concerned even the sworn statement of a party in interest is not sufficient? A Well I expect to get some.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be made a part of the record in this case.

to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years 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."

Under this fourteenth article a great many Indians went to the Indian Agent within six months after the treaty was ratified and told him that they wanted to stay in Mississippi 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 it was found that the names of a great many of those who claimed to have gone to the Indian Agent and told him that they wanted to stay did not appear on the list which the Indian Agent had made, so under different acts of Congress men were sent down into Mississippi to look into this matter and find out which of the claimants were entitled to land under the fourteenth article of this treaty. These Commissioners took up a great many cases and passed on them, some were allowed and some refused. In those cases where the claims were allowed by the Commission and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if the land had been disposed of they were given scrip which could be used in buying any of the public land in the states of Mississippi, Louisiana, Arkansas and Alabama.

- Q Did any of your ancestors ever own any land in any one of these states? A Not that I know of.
- Q Did any of them ever own any land in these states? A Not that I know of.
- Q You have no records in your family to show that they did? A No.
- Q What was the name of your ancestor (Do you know what is meant by the word ancestor? A I do not know that I understand. My grandmother was named Betsy; Well, you understand what is meant by that word)
- Q Well, now what is the name of your ancestor who lived in the old Choctaw Nation and was a recognized Choctaw Indian in eighteen hundred and thirty when this treaty was made? A I do not know.
- Q You say your father's name was Nicholas Keen? A Yes.
- Q How old is he? A Seventy-one.
- Q What is your father's father's name? A Josiah.
- Q What is your father's mother's name? A Betsy.
- Q Betsy Keene? A Yes.
- Q If your father is seventy-one years old he must have been born about the year this treaty was made? A I don't know.
- Q Well your father and grandmother were married before the year eighteen hundred and thirty? ---Is your father the oldest child in that family? A I do not know.

"The records of the Commission show that Daniel Keen a brother of Nicholas Keen the father of this applicant made application at Meridian Mississippi on April 12th 1901 and gave his age as seventy-eight years. (M.C.R. 1801)"

- Q Do you know which one of your father's parents claimed to be Choctaw? A No I do not.

- Q You never made application to the Choctaw Tribal Authorities or the Dawes Commission did you? A No, not until now.
- Q Well you don't think then that you have ever been admitted to citizenship in the Choctaw Nation on appeal from the decision of either the Choctaw Tribal Authorities or the Authorities of United States, do you? A I don't understand.
- Q Well I asked you if you had ever been admitted by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission and you said "not that I know of" and I asked you that if you had never made application to the Choctaw Tribal Authorities or the Dawes Commission if you thought that you had ever been admitted by a judgment of the Court on appeal from these decisions? A If I understand it right I have not.
- Q You see if you never made application to either the Choctaw Tribal Authorities or to the Dawes Commission here you don't think it very likely that the United States Court would take up the matter and admit you to citizenship? 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 have you self or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well I want to make application under the Choctaw Treaty of eighteen hundred and thirty.
- Q Under the treaty of eighteen hundred and thirty? A Yes.
- Q You want to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you understand anything about the treaty of eighteen hundred and thirty? A No.

In eighteen hundred and thirty the United States was trying to make a treaty with the Choctaw Indians living in the States of Mississippi and Alabama for the purpose of giving them land in a Country west of the Mississippi River in exchange for their land in those States and remove them to the Country west of the River so that they could be protected in their tribal government not be bothered by white people. The States of Mississippi and Alabama were filling up with white settlers so fast that it was hard for the United States to protect the Indians in their tribal form of government. Some of the Indians did not want to leave their home s, there in Mississippi and the others would not sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty of eighteen hundred and thirty for the benefit of those Choctaws who wanted to remain in Mississippi. After that article was made a part of the treaty it was signed by the Indians and was ratified by both the United States and the Choctaw Tribe. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"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;

- Q Have you any evidence of your father's and mother's marriage?  
A No.
- Q Can you secure such evidence? A Well I can get evidence.
- Q Where were your father and mother married? A In Mississippi.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for the identification of yourself and children as Mississippi Choctaws.

- Q Has your father ever been recognized in any manner or enrolled as a citizens of the Choctaw Nation by the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q Are you married? A Yes.
- Q What is the name of your wife? A Nancy Wolf before she was married.
- Q What is her name now? A Nancy Keen.
- Q Do you make application for your wife? A No.
- Q She is a white woman and makes no claim to Choctaw blood? A Yes.
- Q Have you any children for which you wish to make application at this time? A Yes.
- Q Give their names and ages? A Theodore?
- Q How old? A Nine years
- Q Next? Alice.
- Q How old? A Seven years.
- Q Any more? A No.
- Q These are both your children? A Yes.
- Q What is the name of their mother? A Nancy Keen.
- Q When did you marry her? A '91.
- Q Where? Wise County.
- Q Texas? A Yes.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A Minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your minor children.

- Q Is your name or are the names of your 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 to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one 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 10th, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q You understand what is meant by the Choctaw Tribal Authorities?  
A I don't know.
- Q The Choctaw Tribe and legislature? A Yes.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A Not that I know of.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 31, 1901.

#3114

In the matter of the application of James Keen for the identification of himself and his two minor children, as Mississippi Choctaws.

Applicant not represented by Attorney.

James Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Keen.  
Q What is your first name? A James Keen.  
Q How do you spell Keen? A K-e-e-n.  
Q How old are you? A Thrity-four.  
Q What is your post-office address? A Retrop.  
Q What State? A Oklahoma,  
Q How long have you lived there? A Little over two years.  
Q Where did you live before that? A A Chickasaw Nation.  
Q How long? A Seven years.  
Q Where did you live before you lived there? A Texas.  
Q How long in Texas? A Something like fourteen years.  
Q Where did you live before you lived in Texas? A I was born in Mississippi.  
Q What part of Mississippi? A I don't know.  
Q How long did you live in Mississippi? A I lived there a long time.  
Q Where did you go to from Mississippi? A Texas.  
Q How long did you live in Texas that time? A Something like fourteen years.  
Q And you lived seven years in the Chickasaw Nation? A Yes.  
Q And two years in Oklahoma? A Little over two years.  
Q Well that leaves two years that you have not accounted for?  
A Well I don't remember exactly.  
Q What is your father's name? A Nicholas Keen.  
Q Is he living? A Yes.  
Q What is your mother's name? A Alzada Keen.  
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 I don't know.  
Q How much have you been taught you have? A I never have been taught that I had any.  
Q You never have been taught that you had any? A I never have been taught exactly. I have been taught I had Indian blood.  
Q What kind of Indian blood? A Choctaw.  
Q How much did you father claim to have? A One-sixteenth.  
Q How much would that make you if your father had a sixteenth?  
A I don't know, I never thought anything about it.

- Q Can you speak Choctaw? A A little.
- Q Can you carry on a conversation in Choctaw? A No I lived in the Choctaw Nation when they were moving over here.
- Q How long did you live in the Choctaw Nation? A About five years.
- Q You never said anything about that when I asked you about where you had lived. What five years was that? A It was when I was a boy.
- Q In this Choctaw Nation here? A No.
- Q In the Choctaw Nation in Mississippi? A Yes.
- Q Your mother did not come west with the Indians? A No.
- Q Why didn't she? A I don't reckon she wated to.
- Q Did the Choctaw Indians at that time recognize her as a Choctaw? A I don't know whether they did or not.

The applicant in this case has gray hair and beard which may have been black originally, his eyes are blue and complexion moderately fair. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his father and mother were living in the State of Mississippi when the treaty of eighteen hundred and thirty was made.

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 July 30, 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 July 1901.

*G. Rosenwinkel*

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

*Charles H. Sawyer*  
Notary Public.

- Q Your mother then was a married woman and had children at the time this treaty was made in eighteen hundred and thirty? A I think she was.
- Q What was her name? A Elizabeth Keen.
- Q Well did Elizabeth Keen or did Josiah Keen go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to take land there and become citizen of the United States? A No.
- Q You never heard anything about that? A Never heard anything about it.
- Q In what state were you born? A Mississippi.
- Q Then your father and mother lived in the State of Mississippi in eighteen hundred and thirty when this treaty was made? A I guess they did.
- Q Do you remember whether your father or your mother made application to any of these Commissioners who went down there to Mississippi to find out who were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A If they did I never knowed anything about it.
- Q In eighteen hundred and forty-two when the last Commission was appointed you would have been about thirteen years old, would you not? A Well I am seventy-one now.
- Q When were you seventy-one? A In 1901.
- Q You must have been born in 1830 then? A I have always understood that it was in thirty-two.
- Q Well in 1845 when these Commissioners were passing on these claims under the fourteenth article, that I have just been telling you about, you must have been thirteen or fourteen years old? A Yes I expect so.
- Q Well do you remember of hearing anything about whether your father or mother went to these Commissioners and tried to get land under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did your father or mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q How much Choctaw blood did your mother Elizabeth Keen have? A One-eighth.
- Q Do you know of any one living who would be able to testify whether your mother or father got any land in any of these States under this fourteenth article of the treaty of eighteen hundred and thirty? A I have a brother in Mississippi older than I.
- Q Older than you? A Yes.
- Q Was your brother applied to the Commission in Mississippi? A I do not know.
- Q What is his name? A Daniel Keen.
- Q Your brother has already applied? A Has he.
- Q Is there any other statement that you would like to make in support of your application? A No not that I know of.
- Q Have you any papers that you want to file? A I have some papers that I want to file.
- Q Where are they? A Some of the boys have got them.
- Q Well you had better get them and have them made a part of the record? A Some of the boys have got them in their pocket.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

"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."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and become citizens of the United States but when the United States sent a locating Agent down to mark off the land for them it was found that a great many names of those who claimed to have gone to the Indian Agent there and told him that they wanted to stay in Mississippi did not appear on the list made by him. So under different acts of Congress men, Commissioners were appointed to go down there and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold scrip was issued which could be used in buying any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what was the name of your ancestor or who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian?-- Do you know what is meant by the word ancestor?  
A I don't know of I do.
- Q Well it means your father and mother, grandfather and grandmother or any of your ancestors in a direct line back. Now 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 Davis, my grandfather on my mother's side. My grandmother's name was Patsy.
- Q How long has your father been dead? A He has been dead about thirty some odd years.
- Q You must have been born just about the year of that treaty? A I think I must.
- Q How old was your father when he died? A He was about fifty-five or sixty when he died.
- Q When did your father die? A During the time of the War.
- Q Well your father then must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.

- Choctaw Nation, to either the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q This is the first application you have ever made of any kind?  
A Yes
- Q What kind of an application do you want to make now? A I want to make application to get my rights in the Territory to get some of this land.
- Q Well what kind of an application are you making now? A ( no answer)
- Q What do you claim to be? A One-sixteenth.
- Q One sixteenth what? A Indian.
- Q What kind of Indian? A Choctaw.
- Q Are you making your application now because you claim to have Choctaw blood? A Yes.
- Q Do you want to make application for enrollment as a Choctaw by blood or for identification as a Mississippi Choctaw? A As a Mississippi Choctaw by blood.
- Q Do you want to be identified as a Mississippi Choctaw? A  
A I want to be identified as a Choctaw, I don't know whether it is a Mississippi or not, Here is where I want to get my right in the Choctaw or Chickasaw Nation.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth act.
- Q Under what? A The fourteenth.
- Q What do you mean by fourteenth? Fourteenth what? A Ain't it under the treaty.
- Q Under what treaty? A Treaty made with the Choctaw Indians.
- Q There have been a number of treaties made with the Choctaw Indians which one do you want to claim under? A The same one that the balance claim under here.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 20, 1898, commonly called the "Curtis Act" and reads:

"Said Commission shall have authority to determine the identity of Choctaw 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 and make report to the Secretary of the Interior."

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. (By applicant; well, that is where I want mine). The United States in eighteen hundred and thirty wanted to make a treaty with the Choctaw Indians in order to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to a Country West of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of those Indians who did not want to come west. After that article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Tribes. Article fourteen of the treaty of eighteen hundred and thirty provides that:

- Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A none under age.
- Q Did you not say before the examination began that you wanted to make application for your grandchildren? A Yes.
- Q Are they living with you? A Yes.
- Q Are their father and mother both dead? A I reckon so, I don't know anything about their father.
- Q Was their father or mother your child? A Their mother.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got them.
- Q Did you get a license to marry? A Yes.
- Q Have you got that at home? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your grandchildren.

- Q You will get that marriage record and send it to the Commission? A No I expect it has been burned up there in Mississippi.
- Q What are the names and ages of these children that you wish to apply for? A Jessie Walker.
- How old? A Fourteen-- Jesse twelve years old.
- Q Next Jesse, ten years old.
- Q Are those all your grandchildren that you wish to make application for? A No there is another.
- Q What is the name of the other? A Clemmie Walker.
- Q Is that a boy or girl? A Girl.
- Q How old? A Six or seven years old.
- Q What is the name of the mother of these children? A Clemmie Walker.
- Q Is she living? A No she is dead.
- Q What is the name of the father of these children? A George Walker.
- Q Is he living? A No I don't think he is.
- Q Is your name or are the names of your grandchildren on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A My grandfather's name Daniel Davis.
- Q I asked you if your name or the names of your grandchildren were 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 your grandchildren to the Choctaw Tribal Authorities to be enrolled as a member of that tribe? A Not until this time.
- Q Well, this is not the Choctaw Tribal Authorities, this is the Authorities of the United States? A Well I never made any until this time.
- Q Did you or did any one for you or your grandchildren in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you or your grandchildren ~~xxxx~~ been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren 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 made application before this time to have yourself or your grandchildren admitted or enrolled as citizens of the

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3113

In the matter of the application of Nicholas Keen for the identification of himself and his four minor grandchildren, as Mississippian Choctaws.

Applicant not represented by Attorney.

Nicholas Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A N. Keen.  
Q What does that N. stand for? A Nicholas,--N-i-c-h-e-l-a-s.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A Three years.  
Q Where did you live before you lived there? A Lived down on the Red River in the same County.  
Q How long have you lived in Texas? A About forty years.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q How long did you live in Louisiana? A About two or three years, I was born and raised in Mississippi.  
Q Where did you go from to Louisiana? A I went from Texas.  
Q How long did you live in Texas that time? A Only eleven months.  
Q Where did you live before you lived in Texas then? A In Mississippi.  
Q How long did you live in Mississippi? A I think it was in '55.  
Q You went to Mississippi in '55? A No I came to Texas in '55.  
Q You were born in Mississippi and lived there until eighteen hundred and fifty-five? A Yes.  
Q And went from there to Texas? A Yes.  
Q You were about twenty-five years old when you went to Texas? A Yes.  
Q What was your father's name? A Josiah Keen.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Keen.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother's side.  
Q How much Choctaw blood do you claim? A Well I have got it on my papers; My grandfather on my mother's side was one-half Choctaw.  
Q How much do you claim? A Well I don't know how much that would make me, I think about one-sixteenth.  
Q Has your mother 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 Yes.  
Q What is your wife's name? A Alzada--A-l-z-a-d-a.  
Q Is she living? A Yes.  
Q Do you make any claim for your wife? A No.

Choctaw MCR 3114

James Keen

MCR 3114



*has spent, et al*

# REFUSED

DECISION MADE: OCT 9 1902

NOTICE OF DECISION MAILED APPLICANT.

*R. 3113* OCT 21 1902

NOTICE OF DEPARTMENTAL ACTION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

OCT 21 1902

RECORD FORWARDED DEPARTMENT.

NOV 6 - 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 14 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 24 1903

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

MAR 24 1903

REFER TO M. C. R.

*113-1402*

*latest P.O. address,*

*Urdmore*

*J. J.*

For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Nicholas Keen

Age 71 Blood 1/6

Post Office, Comrdam, Texas

Father: Josiah Keen (dead)

Mother: Elizabeth Keen (dead)

Claims through mother,

wife: Alzada Keen  
(no claim for her)

Grand-Children:

Josie Walker 14

Jesse " 12

Jeffie " 10

Lemmie " M 6

Mother: Lemmie Walker (dead)

Father: George Walker (dead)

Claims for self and 4  
grand children

Stenographer

G Rosenwinkal

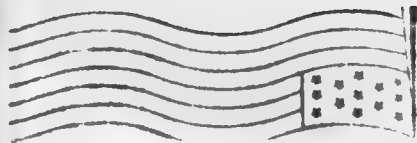
Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.



Nicholas Keen,



~~Indian Territory.~~

DEPARTMENT OF THE  
Commissioner to the Five C

FILED

FEB 18 1907



Commissioner

*496M*

REFER IN REPLY TO THE FOLLOWING:  
MCR-3113.

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

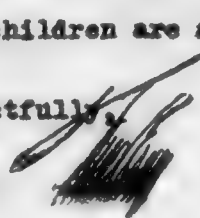
Muskogee, Indian Territory, January 11, 1907.

Nicholas Keen,  
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on December 29, 1906, the Secretary of the Interior denied a motion, filed under the Act of Congress approved April 26, 1906 (34 Stat., 137), to reopen and reconsider the applications of Fannie McPherson et al., applicants for identification as Mississippi Choctaws in the consolidated case of Daniel Keen et al., of which the applications of yourself and grandchildren are a part.

Respectfully,



Commissioner.

C M J 2

sion, was forwarded to the Secretary of the Interior. On March 14, 1903, the Secretary of the Interior approved the decision of the Commission refusing said application, of which departmental action the applicants were duly notified on March 24, 1903. The Commission now considers this case closed.

It does not appear from our records that any persons by the names of J. W. Keen, F. M. McPherson or M. L. Hynes are applicants to this Commission for identification as Mississippi Choctaws, and you are further advised that the time within which persons could present applications to this Commission for identification as Mississippi Choctaws expired March 25, 1903.

Respectfully,

Commissioner in Charge.

M C H 3113  
M C R 3133

Muskogee, Indian Territory, June 2, 1903.

C. M. Joiner,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask if Nicholas Keen, J. W. Keen, Mrs. A. J. Jarman, F. M. McPherson or M. L. Hynes have been "accepted" by the Commission as Mississippi Choctaws.

In reply you are informed that it appears from our records that Nicholas Keen and Amanda Jarmon made application to this Commission for identification as Mississippi Choctaws, said applications being made a part of the consolidated Mississippi Choctaw case of Daniel Keen, et al.

On October 21, 1902, the Commission rendered its decision refusing the applications of the several applicants included in said consolidated case, and on the same date they were notified of the action of the Commission and that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claims.

The fifteen days from October 21, 1902, heretofore granted in this case, expired on November 5, 1902. On November 6, 1902, the record in this case, together with the decision of the Commis-

M.C.R. 3113

Muskegee, Indian Territory, March 24, 1903.

Nicholas Keen,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Daniel Keen, et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Dixby.*

Chairman.



Miss. Choctaw R5113

Muskogee, Indian Territory, November 10, 1902.

J. T. Coleman,

I. R. Mason,

Ardmore, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of November 6, inclosing communication addressed by the Commission to Nicholas Keen, advising him of the decision of the Commission refusing his application for identification as a Mississippi Choctaw, which you say he did not receive until November 6, 1902, and you ask if he will be granted further time in which to introduce argument in their case before the papers are forwarded to the Secretary of the Interior.

In reply to your letter you are advised that the fifteen days from October 21, 1902, expired on November 5, 1902, and on November 6, 1902, the record in the case was transmitted to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

AB 2-10

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Daniel Keen, Docie Richardson, Annie Richardson, Minnie Richardson, Jim Keen, Savilla Richardson, Reuben Richardson, Albert Richardson, Bettie Richardson, Nora Richardson, Nicholas Keen, Josie Walker, Jesse Walker, Jeffie Walker, Clemmie Walker, James Keen, Theodore Keen, Alice Keen, John Keen, Tom Keen, Roy Keen, Ma Keen, Amanda Jarnen, Fannie McPherson, Ruth McPherson, Walter McPherson, Myrtle McPherson, Adline McPherson, Mamie McPherson, Nesbert W. McPherson, Oma McPherson, Joe Keen, Virgil Keen, Morris Keen, Mary Keen, Tom Keen (2), Bob Keen, Clod Keen, Jimmie Keen, Martha Hines, Dora Hines, Maud Hines, Effie Hines, Josiah Keen, Clyde Keen, Herbert Keen, Sallie Keen and Eva Keen, 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 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,

*Tame Dixby.*  
Acting Chairman.

Registered.

COPY

M. C. R. 3113

Muskogee, Indian Territory, October 21, 1902.

Nicholas Keen,  
Caradan, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Daniel Keen, et al., embracing the following applications for identification as Mississippi Choctaws:

Daniel Keen,	M.C.R. 1803
Docie Richardson, et al.,	" 2741
Jim Keen,	" 2742
Savilla Richardson, et al.,	" 2744
Nicholas Keen, et al.,	" 3113
James Keen, et al.,	" 3114
John Keen,	" 3131
Tom Keen, et al.,	" 3132
Amanda Jarmon,	" 3133
Fannie McPherson, et al.,	" 3134
Herbert W. McPherson, et al.,	" 3780
Joe Keen, et al.,	" 3136
Bob Keen, et al.,	" 3136
Martha Hines, et al.,	" 3449
Josiah Keen, et al.,	" 2745

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."

Miss. Choctaw 3113

Muskogee, Indian Territory, September 24, 1902.

M. Keen,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 21, giving the names of the members of your family, and asking what has been done with your applications for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the rights of yourself and your children as Mississippi Choctaws. As soon as a decision is rendered you will each be notified of the action of the Commission and of the forwarding of the record in the case to the Secretary of the Interior.

Respectfully,

Acting Chairman.

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- Q What relation was Betty Keen to you? A She was a mother of mine.  
Q And what relation is she to these children of yours? A Their grandmother.  
Q Then the statement that you have made as to your ancestor applies also to your children? A Yes.

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 in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause had at Atoka, Indian Territory, on August 1, 1901.

*G. Rosenwinkel*

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

*Charles Kesaway*

Notary Public.

NOTARY

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 1, 1901.

In the matter of the application of John Keen for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3131.

In the matter of the application of Tom Keen et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3132.

In the matter of the application of Amanda Jarmon for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3133.

In the matter of the application of Fannie McPherson et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3134.

In the matter of the application of Joe Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901 M.C. 3135.

In the matter of the application of Bob Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 1, 1901, M.C. 3136.

In the matter of the application of James Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 31, 1901, M.C. 3114.

In the matter of the application of Nicholas Keen et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 30, 1901, M.C. 3113.

Nicholas Keen having been called and sworn as a witness in behalf of these applicants testified as follows:

- Q What is your name? A Nicholas Keen.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q You have just made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know John Keen, Tom Keen, Amanda Jarmon, Fannie McPherson, Joe Keen, Bob Keen and James Keen? A Yes.  
Q What relation are they to you if any? A They are children of mine.  
Q And get their Choctaw blood through you do they? A Yes.  
Q Do they get any Choctaw blood from any other source? A No.  
Q Then they get their Choctaw blood from the same common ancestor that you do? A Yes.  
Q What was that ancestor's name? A Daniel Keen and Betay Keen.  
Q Who is Daniel Keen? A He is a brother of mine.  
Q Do your children get any Choctaw blood through him? A No.  
Q Do you get any Choctaw blood through him? A No.  
Q What was the name of the ancestor from whom you get Choctaw blood? A Well I told you Betay Keen.

Q Can you speak Choctaw? A A little.  
 Q Can you carry on a conversation in Choctaw? A No I lived in the Choctaw Nation when they were moving over here.  
 Q How long did you live in the Choctaw Nation? A About five years.  
 Q You never said anything about that when I asked you about where you had lived. What five years was that? A It was when I was a boy.  
 Q In this Choctaw Nation here? A No.  
 Q In the Choctaw Nation in Mississippi? A Yes.  
 Q Your mother did not come west with the Indians? A No.  
 Q Why didn't she? A I don't reckon she wanted to.  
 Q Did the Choctaw Indians at that time recognize her as a Choctaw? A I don't know whether they did or not.

The applicant in this case has gray hair and beard which may have been black originally, his eyes are blue and complexion moderately fair. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his father and mother were living in the State of Mississippi when the treaty of eighteen hundred and thirty was made.

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 July 30, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 2<sup>nd</sup> day of September 1901.

*Charles H. Sawyer*  
 Notary Public.

- Q Your mother then was a married woman and had children at the time this treaty was made in eighteen hundred and thirty? A I think she was.
- Q What was her name? A Elizabeth Keen.
- Q Well did Elizabeth Keen or did Josiah Keen go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to take land there and become citizen of the United States? A No.
- Q You never heard anything about that? A Never heard anything about it.
- Q In what state were you born? A Mississippi.
- Q Then your father and mother lived in the State of Mississippi in eighteen hundred and thirty when this treaty was made? A I guess they did.
- Q Do you remember whether your father or your mother made application to any of these Commissioners who went down there to Mississippi to find out who were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty? A If they did I never knowed anything about it.
- Q In eighteen hundred and forty-two when the last Commission was appointed you would have been about thirteen years old, would you not? A Well I am seventy-one now.
- Q When were you seventy-one? A In 1901.
- Q You must have been born in 1830 then? A I have always understood that it was in thirty-two.
- Q Well in 1845 when these Commissioners were passing on these claims under the fourteenth article, that I have just been telling you about, you must have been thirteen or fourteen years old? A Yes I expect so.
- Q Well do you remember of hearing anything about whether your father or mother went to these Commissioners and tried to get land under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did your father or mother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q How much Choctaw blood did your mother Elizabeth Keen have? A One-eighth.
- Q Do you know of any one living who would be able to testify whether your mother or father got any land in any of these States under this fourteenth article of the treaty of eighteen hundred and thirty? A I have a brother in Mississippi older than I.
- Q Older than you? A Yes.
- Q Has your brother applied to the Commission in Mississippi? A I do not know.
- Q What is his name? A Daniel Keen.
- Q Your brother has already applied? A Has he.
- Q Is there any other statement that you would like to make in support of your application? A No not that I know of.
- Q Have you any papers that you want to file? A I have some papers that I want to file.
- Q Where are they? A Some of the boys have got them.
- Q Well you had better get them and have them made a part of the record? A Some of the boys have got them in their pocket.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.



"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."

Within six months after this treaty was ratified a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and become citizens of the United States but when the United States sent a locating Agent down to mark off the land for them it was found that a great many names of those who claimed to have gone to the Indian Agent there and told him that they wanted to stay in Mississippi did not appear on the list made by him. So under different acts of Congress men, Commissioners were appointed to go down there and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and passed on them. Some were allowed and some were refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been sold it was given to them, if it had been sold scrip was issued which could be used in buying any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q How what was the name of your ancest or who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian?-- Do you know what is meant by the word ancest or?  
A I don't know of I do.
- Q Well it means your father and mother, grandfather and grandmother or any of your ancestors in a direct line back. Now 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 Davis, my grandfather on my mother's side. My grandmother's name was Patsy.
- Q How long has your father been dead? A He has been dead about thirty some odd years.
- Q You must have been born just about the year of that treaty? A I think I must.
- Q How old was your father when he died? A He was about fifty-five or sixty when he died.
- Q When did your father die? A During the time of the War.
- Q Well your father then must have been a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.
- Q Do you claim your Choctaw blood through your father or your mother? A Through my mother.

- Choctaw Nation, to either the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q This is the first application you have ever made of any kind?  
A Yes
- Q What kind of an application do you want to make now? A I want to make application to get my rights in the Territory to get some of this land.
- Q Well what kind of an application are you making now? A ( no answer)
- Q What do you claim to be? A One-sixteenth.
- Q One sixteenth what? A Indian.
- Q What kind of Indian? A Choctaw.
- Q Are you making your application now because you claim to have Choctaw blood? A Yes.
- Q Do you want to make application for enrollment as a Choctaw by blood or for identification as a Mississippi Choctaw? A As a Mississippi Choctaw by blood.
- Q Do you want to be identified as a Mississippi Choctaw? A  
A I want to be identified as a Choctaw, I don't know whether it is a Mississippi or not, Here is where I want to get my right in the Choctaw or Chickasaw Nation.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth act.
- Q Under what? A The fourteenth.
- Q What do you mean by fourteenth? Fourteenth what? A Ain't it under the treaty.
- Q Under what treaty? A Treaty made with the Choctaw Indians.
- Q There have been a number of treaties made with the Choctaw Indians which one do you want to claim under? A The same one that the balance claim under here.

The law which gives the Commission the right to hear these applications is found in section twenty-one of the act of Congress of June 23, 1890, commonly called the "Curtis Act" and reads:

"Said Commission shall have authority to determine the identity of Choctaw 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 and make report to the Secretary of the Interior."

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. (By applicant; well, that is where I want mine). The United States in eighteen hundred and thirty wanted to make a treaty with the Choctaw Indians in order to give them land West of the Mississippi River in exchange for their land in the State of Mississippi and move them all to a Country West of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi and article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. After that article was put in the treaty the Indians signed it and it was ratified by the United States and the Choctaw Tribe. Article fourteen of the treaty of eighteen hundred and thirty provides that:

- Q Have you any children in your family under twenty one years of age and unmarried for whom you wish to make application at this time? A none under age.
- Q Did you not say before the examination began that you wanted to make application for your grandchildren? A Yes.
- Q Are they living with you? A Yes.
- Q Are their father and mother both dead? A I reckon so, I don't know anything about their father.
- Q Was their father or mother your child? A Their mother.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got them.
- Q Did you get a license to marry? A Yes.
- Q Have you got that at home? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your grandchildren.

- Q You will get that marriage record and send it to the Commission? A No I expect it has been burned up there in Mississippi.
- Q What are the names and ages of these children that you wish to apply for? A Josie Walker.
- Q How old? A Fourteen-- Jesse twelve years old.
- Q Next Jaffe, ten years old.
- Q Are these all your grandchildren that you wish to make application for? A No there is another.
- Q What is the name of the other? A Clemmie Walker.
- Q Is that a boy or girl? A Girl.
- Q How old? A Six or seven years old.
- Q What is the name of the mother of these children? A Clemmie Walker.
- Q Is she living? A No she is dead.
- Q What is the name of the father of these children? A George Walker.
- Q Is he living? A No I don't think he is.
- Q Is your name or are the names of your grandchildren on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A My grandfather's name Daniel Davis.
- Q I asked you if your name or the names of your grandchildren were 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 your grandchildren to the Choctaw Tribal Authorities to be enrolled as a member of that tribe? A Not until this time.
- Q Well, This is not the Choctaw Tribal Authorities, this is the Authorities of the United States? A Well I never made any until this time.
- Q Did you or did any one for you or your grandchildren 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 30th, 1896? A No.
- Q Have you or your grandchildren ~~xxxx~~ been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren 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 made application before this time to have yourself or your grandchildren admitted or enrolled as citizens of the

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3113

In the matter of the application of Nicholas Keen for the identification of himself and his four minor grandchildren, as Mississippi Choctaws.

Applicant not represented by Attorney.

Nicholas Keen being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A N. Keen.  
Q What does that N. stand for? A Nicholas,--N-i-c-h-o-l-a-s.  
Q What is your age? A Seventy-one.  
Q What is your post-office address? A Caradan, Texas.  
Q How long have you lived there? A Three years.  
Q Where did you live before you lived there? A Lived down on the Red River in the same County.  
Q How long have you lived in Texas? A About forty years.  
Q Where did you live before you lived in Texas? A In Louisiana.  
Q How long did you live in Louisiana? A About two or three years, I was born and raised in Mississippi.  
Q Where did you go from to Louisiana? A I went from Texas.  
Q How long did you live in Texas that time? A Only eleven months.  
Q Where did you live before you lived in Texas then? A In Mississippi.  
Q How long did you live in Mississippi? A I think it was in '55.  
Q You went to Mississippi in '55? A No I came to Texas in '55.  
Q You were born in Mississippi and lived there until eighteen hundred and fifty-five? A Yes.  
Q And went from there to Texas? A Yes.  
Q You were about twenty-five years old when you went to Texas? A Yes.  
Q What was your father's name? A Josiah Keen.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Keen.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A From my mother's side.  
Q How much Choctaw blood do you claim? A Well I have got it on my papers. My grandfather on my mother's side was one-half Choctaw.  
Q How much do you claim? A Well I don't know how much that would make me, I think about one-sixteenth.  
Q Has your mother 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 Yes.  
Q What is your wife's name? A Alzada--A-l-z-a-d-a.  
Q Is she living? A Yes.  
Q Do you make any claim for your wife? A No.

Choctaw MCR 3113

Nicholas Keen

MCR 3113



REGISTRATION DIVISION  
1903  
TEX  
UN

CHAMBER

*[Handwritten signature]*

APR 7 1903  
FILED  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REGISTERED  
1903  
NO. 1071

REGISTERED  
APR 7 1903

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

**FILED**

APR 7 1903



Original

REGISTRY DIVISION  
FEB 20 1903  
DALLAS, TEX



R. 3112

*Wilson C. Greer Esq*

RECEIVED

*R. 3112*

DECISION PREPARED

FEB 12 1903

NOTICE OF DECISION MAILED APPLICANT

FEB 12 1903

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

FEB 12 1903

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

FEB 12 1903

RECORD FORWARDED TO BUREAU

MAR 2 1903

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

**AUG 26 1904**

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

SEP 22 1904

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

SEP 22 1904

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT:

SFF

DECISION PREPARED

REFER TO M. C. R.

For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Calvin C. Greer

Age 39 Blood 1/16

Post Office, Dallas Texas.

Father: John C. Greer (dead) <sup>213 Hawkins St.</sup>

Mother: Susan Greer (dead)

Claims through father

wife Blanche M Greer  
(no claim for her)

Children:

Georgia A Greer 13

Irene " 11

Fannie E " 8

Msie " 5

Dave " 1

Claims for self and 5 children

Stenographer

G. Rosenwinkel

Chairman.

M.C.R. 5118

Muskogee, Indian Territory, September 22, 1904.

Calvin C. Greer,  
213 Hawkins Street,  
Dallas, Texas.

Dear Sir:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie H. Greer, Susie Greer and Dave Greer, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Valma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Feresloy C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

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

Respectfully,

*Tame Bixby.*

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Calvin C. Greer,  
213 Hawkins Street,  
Dallas, Texas.

Dear Sir:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward E. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5850,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

J.O., #2.

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

M. C. 3120  
M. C. 3111  
M. C. 3107  
M. C. 3112  
M. C. 3113  
M. C. 3127  
M. C. 3128  
M. C. 3129.

Muskogee, Indian Territory, September 12, 1901.

Mr. James Greer,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. L. Greer, C. C. Greer, Thomas H. Greer, Ora E. Johnson, Susie C. Miller, and U. E. Handsett.

In reply to your letter you are advised that it does not appear from our records that Thomas H. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Q Have you any other papers that you want to file now? A No.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so and the same will be filed and made a part of the record in your case.

- Q You understand the importance of getting witnesses to support the statements which you have made this afternoon do you? A Yes.
- Q You understand that the unsupported statement of one of the principle parties in interest does not carry very much weight when application is made for valuable property rights? A Yes. I understand that.
- Q Did you know your grandmother Delia Greer? A No she died when I was very small.
- Q Where did she die? A In Tennessee.
- Q Do you know how long she had been living in Tennessee? A No I don't know.
- Q Can you speak Choctaw? A No.

The applicant in this case has yellowish red hair and mustache blue eyes and florid complexion. His features in general are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

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 July 30, 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 July 1901.

Subscribed and sworn to before me this 20<sup>th</sup> date of September 1901.

*David Shelby*  
Notary Public.



Within six months after this treaty was ratified a great many Indians went to the Indian Agent there and told him that they wanted to stay in Mississippi and take land there but when a few years later the United States sent a locating Agent to locate the land for these Indians he found that the names of a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay there did not appear on the list made by the Indian Agent, so men were appointed under different acts of Congress to go down into Mississippi and look into this matter and find out which of these claimants were really entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a large number of cases and passed on them; some were allowed and some were rejected. 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 which the Indians claimed had not already been sold it was given to them, if the land had been sold scrip was issued to them with which they could buy land from any of the public domain in Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized member of the Choctaw Tribe? A Why of course I don't know -----my grandmother is who I claim through. I understood she lived in Mississippi.
- Q What was your grandmother's name? A Delia McElroy.
- Q What was your grandfather's name? A James Greer.
- Q Did Delia McElroy marry James Greer? A Yes.
- Q Through which one of his parents did your grandfather get his Choctaw blood? A Through my grandmother.
- Q Through his mother? A Yes.
- Q Do you think that Delia McElroy lived in Mississippi in 1830? A I understood so.
- Q Was she married in 1830? A Yes I understood so.
- Q Her name then at the time of the making of this treaty was Delia Greer? A Yes.
- Q Did Delia Greer go to the Indian Agent there in Mississippi within six months after the treaty of eighteen hundred and thirty was ratified and tell him that she wanted to stay there and take land? A I don't know.
- Q Will you be able to secure any evidence on that point? A I think I can.
- Q Do you know what kind of evidence you can get? A No I do not.
- Q Do you think you can bring any witnesses before the Commission in person to testify on that point? A I don't know.
- Q You understand that the oral testimony of witnesses carries more weight than any other kind of evidence? A Yes.
- Q Did Delia Greer come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A I do not know.
- Q Did Delia Greer or any other of your ancestors own any land in Mississippi, Arkansas, Louisiana or Alabama? A My grandfather owned land in Tennessee and Mississippi.
- Q Do you know how he got that land? A No I do not.
- Q Did your grandmother have a Choctaw name? A I do not know.
- Q How much Choctaw blood did she claim? A Three-quarters I think.
- Q Is there any other statement that you would like to make in support of your application at this time? A I would like to have more time to get some evidence.

- Q Are you making your claim for any other reason? A No.  
 Q You are trying to be identified as a Mississippi Choctaw? A Yes.

The law which gives the Commission authority to hear these applications is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the "Curtis Act" which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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 witness, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This is the law under which the Commission is acting in hearing applications of claimants under the fourteenth article of the treaty of eighteen hundred and thirty? A I don't claim anything under that fourteenth article.

- Q You don't claim anything under that fourteenth article, do you know what that fourteenth article is? A I don't believe I do.

In eighteen hundred and thirty the State of Mississippi was being filled up with white settlers and the United States found it hard to protect the Choctaws in their Tribal government. The white people were coming in and crowding them out and it was thought best to remove the Indians to a Country West of the Mississippi River where there would be no white people to bother them and where they could keep up there Tribal Government. So, at that time the United States were trying to make a treaty with the Choctaws in order to give them land west of the Mississippi River in exchange for their land in the State of Mississippi and move them all to the Country west of the Mississippi River but some of the Indians did not want to leave their home there and the rest of the tribe would not sign any treaty until some provision was made for those who wanted to stay in Mississippi. Article fourteen was made a part of the treaty for the benefit of these Choctaw Indians who wanted to stay in Mississippi and after this article was inserted in the treaty the Indians signed it alright and it was ratified by both the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides 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 portion of the Choctaw annuity."

- Q What is the next? A Irene.  
 Q How old? A Eleven.  
 Q Next? A Fannie E.,  
 Q How old? A She is about eight.  
 Q Next? A Susie.  
 Q How old? A She is five.  
 Q Next? A Dave.  
 Q How old? A He is one year.  
 Q These are all your children? A Yes.  
 Q What is the name of their mother? A Blanche M. Greer.  
 Q When and where were you married to Blanche? A In Dallas, 1887.  
 Q Did you obtain a marriage license to marry? A Yes.  
 Q Where you married by an ordained minister or an official? A Minister.  
 Q Have you your marriage license and certificate with you and do you wish to offer the same in evidence? A Yes.

"Certified copy of marriage license and certificate between Calhoun C. Greer and Blanche M. Jennings, offered in evidence, marked exhibit "A", filed and made a part of the record in this case?"

- Q You gave your name a little while ago as Calvin. How does it happen that your marriage license gives it as Calhoun? A I don't know, that is a mistake, my name is Calvin Calhoun and I gave it to them and don't know how they got it in that way.  
 Q You are the identical man who was married under this license? A Yes.  
 Q Is your name or are the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No not that I know of.  
 Q Have you ever made application to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.  
 Q Did you or did any one for you or your children 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.  
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or the Dawes Commission? A No.  
 Q Have you or your children been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? 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 have you self or your children admitted or enrolled as citizens of the Choctaw Nation? A No.  
 Q This is the first application of any kind you have ever made? A Yes.  
 Q What kind of an application are you now making? A A Under the treaty of eighteen hundred and thirty.  
 Q Under any particular part of the treaty? A No.  
 Q What do you claim under the treaty of eighteen hundred and thirty? A I claim the right through my father's side, he had Indian blood. His mother was Delia McElroy.  
 Q Are you making your claim now because you have always been taught that you had Indian blood? A Yes.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3112

In the matter of the application of Calvin C. Greer for himself and his five minor children for identification as Mississippi Choctaws.

Applicant not represented by Attorney.

Calvin C. Greer being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Calvin C. Greer.  
Q What is your age? A Thirty-nine.  
Q What is your post office address? A Dallas.  
Q Street number? A 213  
Q What street? A 213 Hawkins, street.  
Q How long have you lived there? A About thirty-one years.  
Q Where did you live before that? A In Tennessee.  
Q How long did you live in Tennessee? A I was born there.  
Q And lived there all of your life until you moved to Texas? A Yes.  
Q What is your father's name? A John C. Greer.  
Q Is he living? A No.  
Q What is your mother's name? A Susan Greer.  
Q Is your mother living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A One-sixteenth.  
Q Has your father 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 not that I know of.  
Q Have you any evidence of your father's and mother's marriage? A I have'nt it here?  
Q Can you secure it? A I think I can.

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your wife's name? A Blanche M. Greer.  
Q Do you make application for her? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A Yes.  
Q have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes Five.  
Q Give the names and ages of them? A Georgia A.,  
Q How do you spell that? A G-e-o-r-g-i-a.  
Q G-e-o-r-g-i-a? A Yes.  
Q How old is she? A Thirteen.

Choctaw MCR 3112

Calvin C. Greer

MCR  
3112

For Identification as a Mississippi Choctaw.

Date JUL 30 1931

Name James Greer  
Age 56 Blood 1/16

Post Office, 105 3/4 Central Ave. Dallas Tex

Father: John C. Greer (dead)

Mother: Susan Greer (dead)

Claims through father  
wife: Sarah A. Greer  
(no claim for her)

Children:

- |                 |    |
|-----------------|----|
| Joseph L. Greer | 20 |
| Marietta "      | 18 |
| Oruella "       | 16 |
| James E. "      | 14 |
| Katie. "        | 10 |

Claims for self and 5 children

Stenographer

G. Rosenwikel

Tom Greer

Mamie Greer

Delia Greer  
dead

mar  
Smythe

Neoph Smythe

Delia M<sup>c</sup> Elroy (1/2?)

mar  
James Greer  
w.

Caroline Greer

(or Jim)  
James Greer

mar  
5785

Delia Person 40- $\frac{1}{8}$

mar

J. C. Miller  
-w-

mar  
5785

Lena Person 30- $\frac{1}{8}$

mar

William Evens  
-w-

mar  
5550

Sallie P. Persons 38- $\frac{1}{8}$

mar  
5784

Presley P. Person 36- $\frac{1}{8}$

mar

Emma Stewart  
-w-

mar  
5784

Mary Person 2 m

mar  
5787

Emma Person 34- $\frac{1}{8}$

mar

William Dyer  
-w-

mar  
5787

Lillian Dyer 12

" Artell " 10

" Person " 1

mar  
5786

Martha Person 32- $\frac{1}{8}$

mar

James F. Gordon  
-w-

mar  
5551

Henrie Person 28- $\frac{1}{8}$

Delia M<sup>rs</sup> Elroy (1/2?)  
mar  
James Greer  
-w-

Martha Greer (66?)  
dead

mar

Presley P. Person  
dead



mar  
3032

James N. Greer 48- $\frac{1}{16}$

mar  
(or Ripley)

Alice Ripley -w-

mar  
3032 (or Owen)

Oran Greer 15

" Luther " 12

(+ 16 on slip)

mar  
3033

Henry Wise Greer 43- $\frac{1}{16}$

mar

Ida L. Huffines -w-  
(or Huffines)

mar

Ruth Greer 7

" Valma " 2

Delia M. Elroy  $\frac{3}{4}$   
dead

William H. Greer  
dead

mar  
James Greer  
(or Uncle Jimmie)

wife  
Sarah A. Greer -w-

mar  
3034

Edward E. Greer 40- $\frac{1}{16}$

mar

Minnie Frazer -w-

mar

Clifford Edward Greer 5

" Henry Verner Greer 2

mar  
2947

Edward W. Greer 32- $\frac{1}{4}$

mar

Rowena Dean

mar  
2947

Mark Andrew Greer 5m

mar  
2936

Josie Greer 26- $\frac{1}{16}$

Eugenia P. Greer

mar

— Beggs

Cont'd  
Ansi A. Greer

mcr  
2711

William H. C. Greer 47- $\frac{1}{2}$

mar

① Effie Brashear  
dead

② \* (or Leonora)  
Leo Garnaud  $\frac{1}{4}$  or  $\frac{1}{3}$

(\* Father, Adam Garnaud,  
mother, Len. Garnaud (Choc) See mcr 2797  
Father of Leo is Levi Brashear whose father is John Brashear  $\frac{3}{4}$   
mother " " " is Permelia Brashear

mcr  
2711

Ina V. Greer 15

Ray W. " 3

mcr  
2734

Thomas P. Greer 40- $\frac{1}{16}$

mar

Lula Brazil  
(w & Choc)

mcr  
2734

Jennie Greer 10

mcr  
2735

Jeff D. Greer 37- $\frac{1}{16}$

mar

Nettie Weese

mcr  
2735

Flossie May Greer 3

William H. " 10m

mcr  
2733

Lafayette Greer 35- $\frac{1}{16}$

(or Adelia)  
Delia M<sup>c</sup> Elroy  $\frac{3}{4}$   
dead  
mar

(AMS OR AMZIP OR AMZY)  
Amzi A. Greer  $\frac{1}{2}$  ?  
dead

(or Uncle Jennie)  
James Greer  
dead

mar  
(or Jennie)  
Jane C. Greer

mer 2125

William S. Greer 45- $\frac{1}{16}$   
mar

Addie A. Coleman  
-w-

mer 2125	Ella Greer	16
	" James "	14
	" Katheline "	10
	" Addie "	7
	" Willie May "	4

Slip has Kathleen

mer 3112

Calvin C. Greer 39- $\frac{1}{16}$   
mar

Blanche M. Jennings  
(or Blanche)

mer 3112

mer 3112	Georgia A. Greer	13
	" Irene "	11
	" Fannie E. "	8
	" Susie "	5
	" Dave "	1

Cont'd  
John P. Greer

Mary J. Greer  
dead  
mar  
John J. Miller

mer 3129

Sue P. Miller 21- $\frac{1}{32}$

James Greer 55  
wife  
Delia E. Greer  
dead  
(or Delia Elizabeth)

mer 3035

Willie D. Greer 30- $\frac{1}{16}$   
mar  
William E. Walton  
-w-

mer 3035

Olga Walton 5

mar  
3111  
James Greer 56 1/16  
mar  
(or Adeline or Ada)  
Sarah A. Kerley  
-w-

mar  
3111  
Joseph L. Greer 20  
Marietta " 18  
Orabella " 16  
James E. " 14  
Katy " 10  
mar  
3130  
Thomas A. Greer 23 1/32

+ Katie on slip

mar  
3107  
John C. Greer 55 1/16  
mar  
(or Mrs. Lane)  
(Irene M. Lane)  
-w-  
(+ Claims - wife  
S. W.)

mar  
3107  
John S. Greer 16  
Calvin J. " 14  
Harry C. " 11

(1104)  
Delia M. Elroy 3/4  
dead  
mar  
(or Uncle James)  
James Greer  
(dead) -w-

John C. Greer  
dead  
mar  
Susan L. Carruthers  
dead

mar  
3115  
Mary Ellen Greer 23 1/32  
mar  
(or Albert E.)  
Alvord E. Hauchett  
-w-  
Irene M. Hauchett

mar  
3127  
Ora E. Greer 47 1/16  
mar  
Jefferson W. Johnson

see MR 3035

✓ John C. Greer

- p 1-2-

✓ Amzi Greer

- p - 3-4

William H. Greer

- p - 5

Delia M. Elroy

mar

James Greer

Martha Greer

- p -

Tom Greer

p 7

Caroline Greer

p. 7

James Greer

p. 7.

M.C.R. 3111

Muskogee, Indian Territory, September 22, 1904.

James Greer,

1053 Central Ave.,

Dallas, Texas.

Dear Sir:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of James Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer and Katy Greer, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.

M.C.R. 3111

Muskegee, Indian Territory, September 22, 1904.

Thomas & Harrison,

Attorneys at Law,

Muskegee, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of August, 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 James Greer, et al., of which decision you were advised by mail on the 13th day of February, 1903.

Respectfully,

Chairman.



Muskogee, Indian Territory, September 22, 1904.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 26th day of August, 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 James Greer, et al., of which decision you were advised by mail on the 13th day of February, 1903.

Respectfully,

Chairman.

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

Respectfully,

*Tams Bixby*  
Chairman

Through the  
Commissioner of Indian Affairs

2 inclosures: MCR 3111.

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 James Greer, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 13, 1903.

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

James Greer, et al.,	M.C.R. 3111
Thomas A. Greer,	M.C.R. 3130
John C. Greer, et al.,	M.C.R. 3107
Mary E. Hanchett, et al.,	M.C.R. 3118
Ora E. Johnson,	M.C.R. 3127
William S. Greer, et al.,	M.C.R. 3128
Calvin C. Greer, et al.,	M.C.R. 3112
Eue C. Miller,	M.C.R. 3129
Willie D. Walton, et al.,	M.C.R. 3035
William H.C. Greer, et al.,	M.C.R. 2711
Thomas C. Greer, et al.,	M.C.R. 2734
Jeff D. Greer, et al.,	M.C.R. 2735
Lafayette Greer,	M.C.R. 2733
Edward W. Greer, et al.,	M.C.R. 2947
Josie Greer,	M.C.R. 2736
James N. Greer, et al.,	M.C.R. 3032
Henry Wise Greer, et al.,	M.C.R. 3033
Edward E. Greer, et al.,	M.C.R. 3034
Dellia Miller, et al.,	M.C.R. 5785
Sallie C. Person,	M.C.R. 5550
Presley C. Person, et al.,	M.C.R. 5784
Emma Dyer, et al.,	M.C.R. 5787
Martha Gordon,	M.C.R. 5786
Henrie Person,	M.C.R. 5551

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 Greer, Joseph L. Greer, Marrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

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

Respectfully,

*Tamm B. Baker*

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 13, 1903.

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

Gentlemen:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.	M.C.R. 3025,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward E. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

These applications were made under the provision of the Act of Congress of 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."

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 Greer, Joseph L. Greer, Harrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 13, 1903.

Thomas & Harrison,  
Attorneys at Law,  
Muskogee, Indian Territory.

Gentlemen:

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

James Greer, et al.,	M.C.R. 3111,
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Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward E. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

J. G. # 3.

the Commissioner of Indian Affairs.

Respectfully,

WEDNESDAY

*James Bixby.*  
Acting Chairman.

Registered.



"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Marietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward H. Greer, Mark Andrew Greer, Josie Greer, James H. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, 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

M.C.R. 3111.

COFY.

Muskogee, Indian Territory, February 13, 1903.

James Greer,

1053 Central Ave.,

Dallas, Texas.

Dear Sir:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James N. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward R. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

J. G. #2.

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

M. C. 3150  
M. C. 3151  
M. C. 3157  
M. C. 3112  
M. C. 3115  
M. C. 3157  
M. C. 3120  
M. C. 3159.

Muskogee, Indian Territory, September 12, 1901

Mr. James Greer,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. H. Greer, C. C. Greer, Thomas B. Greer, Ora E. Johnson, Susie C. Miller, and W. B. Hamchett.

In reply to your letter you are advised that it does not appear from our records that Thomas B. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Muskogee, Indian Territory, August 17, 1901.

Mr. James Greer,  
#1053 So. Central Avenue,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of written application of James Greer and certified copies of affidavits of Tobias Edwards and John Lewis, which you offer for filing in support of your application for identification of yourself and children as Mississippi Choctaws.

The same have been filed and made a part of the record in this case.

Yours truly,

M.C. 3111

Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James H. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Salie C. Person, Frazley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John G. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

Tams Bixby.  
Acting Chairman.

SIGNED:

T. B. Needles.  
Commissioner.

SIGNED:

C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,

FEB 13 1903

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 Delia (or Adelia) Greer, nee McKelroy, or John Brashears, or Effie D. Greer, nee Brashears, 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 James Greer, Joseph L. Greer, Marietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John B. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave

ippi 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 the said applicants except the wife and minor children of the principal applicant in M. C. R. 2711, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants or of having married a descendant of Delia ( or Adelia) Greer, nee McElroy, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in 1830; that Leo Greer, wife of the principal applicant in M. C. R. 2711, claims said rights by reason of being a descendant of John Brashears, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in 1830; that Ray H. Greer, one of the minor applicants in M. C. R. 2711, claims said rights by reason of being the descendant of both of the above named ancestors and that Ina V. Greer, one of the minor applicants in M. C. R. 2711 claims such rights by reason of being the descendant of the aforesaid Delia ( or Adelia) Greer, nee McElroy, and Effie D. Greer, nee Brashears, who is alleged to have been an one-sixteenth 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



(2).

sion by James Greer for himself and his five minor children, Joseph L., Marrietta, Oraella, James E. and Katy Greer; by Thomas A. Greer for himself; by John C. Greer for himself and his three minor children, John S., Calvin J. and Harry C. Greer; by Mary E. Hanchett for herself and her minor child, Irene M. Hanchett; by Ora E. Johnson for herself; by William S. Greer for himself and his five minor children, Ella, James, Katheline, Addie and Willie May Greer; by Calvin C. Greer for himself and his five minor children, Georgia A., Irene, Fannie E., Susie and Dave Greer; by Sue C. Miller for herself; by Willie D. Walton for herself and her minor child, Olga Walton; by William H. C. Greer for himself, his wife, Lee, and his two minor children, Ina V. and Ray N. Greer; by Thomas C. Greer for himself and his minor child, Jennie Greer; by Jeff D. Greer for himself and his two minor children, Flossie May and William H. Greer; by Lafayette Greer for himself; by Edward W. Greer for himself and his minor child, Mark Andrew Greer; by Josie Greer for herself; by James H. Greer for himself and his two minor children, Ora and Luther Greer; by Henry Wise Greer for himself and his two minor children, Ruth and Velma Greer; by Edward E. Greer for himself and his two minor children, Clifford Edward and Henry Verner Greer; by Della Miller for herself and her sister, Lena Evans; by Sallie C. Person for herself; by Presley C. Person for himself and his minor child, Mary Person; by Emma Dyer for herself and her three minor children, Lillian, Artell and Person Dyer; by Martha Gardner for herself; by Maurie Person for himself; and by John G. Greer for the identification of his wife, Irene Greer, as an intermarried Missian-

*F. W. L.*  
*C. W.*

COPY.

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

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

James Greer, et al.....	M. C. R.	3111
Thomas A. Greer.....	M. C. R.	3130
John C. Greer, et al.....	M. C. R.	3107
Mary E. Handsett, et al.....	M. C. R.	3115
Ora E. Johnson.....	M. C. R.	3127
William S. Greer, et al.....	M. C. R.	3128
Calvin C. Greer, et al.....	M. C. R.	3112
Sue C. Miller.....	M. C. R.	3129
Willie D. Walton, et al.....	M. C. R.	3035
William H. C. Greer, et al.....	M. C. R.	2711
Thomas G. Greer, et al.....	M. C. R.	2734
Jeff D. Greer, et al.....	M. C. R.	2735
Lafayette Greer.....	M. C. R.	2733
Edward W. Greer, et al.....	M. C. R.	2947
Josie Greer.....	M. C. R.	2736
James H. Greer, et al.....	M. C. R.	3032
Henry Wise Greer, et al.....	M. C. R.	3033
Edward E. Greer, et al.....	M. C. R.	3034
Delia Miller, et al.....	M. C. R.	5785
Sallie C. Person.....	M. C. R.	5880
Presley G. Person, et al.....	M. C. R.	5784
Emma Dyer, et al.....	M. C. R.	5787
Martha Gordon.....	M. C. R.	5786
Henry Person.....	M. C. R.	5881.

--: DECISION :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commis-

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

-----

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

James Greer, et al.,	M.C.R.	2111
Thomas A. Greer,	"	2120
John C. Greer, et al.,	"	2107
Mary E. Hanchett, et al.,	"	2115
Ora E. Johnson,	"	2127
William S. Greer, et al.,	"	2122
Calvin C. Greer, et al.,	"	2112
Sue C. Miller,	"	2129
Willie D. Walton, et al.,	"	2025
William H. C. Greer, et al.,	"	2711
Thomas C. Greer, et al.,	"	2734
Jeff D. Greer, et al.,	"	2735
Lafayette Greer,	"	2733
Edward V. Greer, et al.,	"	2947
Josie Greer,	"	2756
James H. Greer, et al.,	"	3022
Henry Wise Greer, et al.,	"	3032
Edward H. Greer, et al.,	"	3034
Delia Miller, et al.,	"	2725
Sallie C. Person,	"	2520
Presley C. Person, et al.,	"	2724
Ezra Byer, et al.,	"	2727
Martha Gordon,	"	2726
Henrie Person,	"	2521

----- I N D E X -----

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Original application of James Greer,  
et al., to the Dawes Commission for  
identification as Mississippi Choctaws, - - - - -

Page.

Greer, Hue C. Miller, Willis D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray N. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James N. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward E. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Ballie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henriette Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FORWARDED:

James Bixby

Acting Chairman.

FORWARDED:

T. B. Needles

Commissioner.

FORWARDED:

C. R. Breckinridge

Commissioner.

Muskogee, Indian Territory,

FEB 13 1903

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 Delia (or Adelia) Greer, nee McElroy, or John Brashears, or Effie D. Greer, nee Brashears, 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 James Greer, Joseph L. Greer, Harrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary E. Hanchett, Irene M. Hanchett, Ora E. Johnson, William B. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave

ippi 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 the said applicants except the wife and minor children of the principal applicant in M. C. R. 2711, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants or of having married a descendant of Delia ( or Adelia) Greer, nee McKelroy, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in 1830; that Leo Greer, wife of the principal applicant in M. C. R. 2711, claims said rights by reason of being a descendant of John Brashears, who is alleged to have been a three-quarter blood Choctaw Indian and to have resided in Mississippi in 1830; that Ray H. Greer, one of the minor applicants in M. C. R. 2711, claims said rights by reason of being the descendant of both of the above named ancestors and that Ina V. Greer, one of the minor applicants in M. C. R. 2711 claims such rights by reason of being the descendant of the aforesaid Delia ( or Adelia) Greer, nee McKelroy, and Effie D. Greer, nee Brashears, who is alleged to have been an one-sixteenth 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

(2).

sion by James Greer for himself and his five minor children, Joseph L., Marietta, Oraella, James E. and Katy Greer; by Thomas A. Greer for himself; by John C. Greer for himself and his three minor children, John B., Calvin J. and Harry C. Greer; by Mary E. Hanchett for herself and her minor child, Irene E. Hanchett; by Ora E. Johnson for herself; by William S. Greer for himself and his five minor children, Ella, James, Katheline, Addie and Willie May Greer; by Calvin C. Greer for himself and his five minor children, Georgia A., Irene, Fannie E., Susie and Dave Greer; by Sue C. Miller for herself; by Willie D. Walton for herself and her minor child, Olga Walton; by William H. C. Greer for himself, his wife, Lea, and his two minor children, Ina V. and Ray N. Greer; by Thomas C. Greer for himself and his minor child, Jennie Greer; by Jeff D. Greer for himself and his two minor children, Flossie May and William H. Greer; by Lafayette Greer for himself; by Edward W. Greer for himself and his minor child, Mark Andrew Greer; by Josie Greer for herself; by James E. Greer for himself and his two minor children, Gran and Luther Greer; by Henry Wise Greer for himself and his two minor children, Ruth and Velma Greer; by Edward E. Greer for himself and his two minor children, Clifford Edward and Henry Verner Greer; by Delia Miller for herself and her sister, Lena Evans; by Sallie C. Persen for herself; by Presley C. Persen for himself and his minor child, Mary Persen; by Emma Dyer for herself and her three minor children, Lillian, Artell and Persen Dyer; by Martha Gerand for herself; by Henri Persen for himself; and by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississ-

J. W. L.  
C. W.

OPY.

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

-----:-----

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

James Greer, et al.....	M. C. R.	3111
Thomas A. Greer.....	M. C. R.	3130
John C. Greer, et al.....	M. C. R.	3107
Mary E. Wanchett, et al.....	M. C. R.	3115
Ora E. Johnson.....	M. C. R.	3127
William S. Greer, et al.....	M. C. R.	3128
Calvin C. Greer, et al.....	M. C. R.	3112
Sue C. Miller.....	M. C. R.	3129
Willie D. Walton, et al.....	M. C. R.	3038
William H. C. Greer, et al.....	M. C. R.	2711
Thomas C. Greer, et al.....	M. C. R.	2734
Jeff D. Greer, et al.....	M. C. R.	2733
Lafayette Greer.....	M. C. R.	2733
Edward W. Greer, et al.....	M. C. R.	2947
Jonie Greer.....	M. C. R.	2736
James N. Greer, et al.....	M. C. R.	3032
Henry Wise Greer, et al.....	M. C. R.	3033
Edward E. Greer, et al.....	M. C. R.	3034
Delia Miller, et al.....	M. C. R.	5785
Sallie C. Person.....	M. C. R.	5550
Presley C. Person, et al.....	M. C. R.	5784
Ema Dyer, et al.....	M. C. R.	5787
Martha Gordon.....	M. C. R.	5786
Henrie Person.....	M. C. R.	5551.

---: DECISION :---

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commis-

4  
J. Rosenwassel 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 July 30, 1901, and that the above is a full, true and correct transcript of his stenographic notes in said cause on said date of July 1901.

*J. Rosenwassel*

Subscribed and sworn to before me this 20<sup>th</sup> day of September 1901.

*Edward Shelby*  
Notary Public.

#5

- Q Did you know your grandmother Delia McElroy? A Yes.
- Q Is she dead? A Yes.
- Q How long has she been dead? A Thirty years.
- Q How old was she when she died? A In the neighborhood of eighty.
- Q How long has your father been dead? A About thirty-one years.
- Q Your father died about the same time your mother did? A Just a short time after.
- Q How old was he when he died? A About fifty-two or somewhere about that.
- Q Did Delia McElroy go to the United States Indian Agent to the Choctaw Indians in Mississippi within six months after the treaty was ratified and tell him that she wanted to stay and take land in Mississippi? A I can't say that.
- Q Did she come west between 1833 and 1838 to the present Choctaw Nation with the other Choctaw Indians? A No.
- Where did you know your grandmother? A In Tennessee and Mississippi.
- Q About in what year can you first remember your grandmother? A Well I don't know, it has been a good long time ago since I first saw her. I suppose thirty-five or forty years.
- Q Where did she live at that time? A In Tennessee.
- Q And moved to Mississippi after that? A Yes.
- Q Did she live in Mississippi before you first knew her? A I think she did.
- Q Do you think you can secure evidence on that point? A I think so.
- Q Is there any one living who would know whether your grandmother Delia McElroy went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to take land? A I don't know if there is.
- Q Did your grandmother Delia McElroy own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know that she did.
- Q You have no record of her ever owning any? A She owned land in Tennessee.
- Q Do you know whether they got that land from the government? A No.
- Q Was this your grandfather or grandmother's land? A It was my grandfather's.
- Q Is there any other statement that you would like to make at this time? A No I do not think there is, I would like to have a little time to get further evidence in this case.
- Q Have you any papers that you want to file now? A Yes I have them at the hotel where I am stopping, I haven't them with me.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence the Commission will accept the same and make it a part of the record in your case.

- Q Can you speak Choctaw? A No.
- Q Did your grandmother Delia McElroy have any Choctaw Name? A I never knew much about it.

The applicant in this case has brown hair, blue eyes and sandy mustache and naturally a rather fair complexion. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.



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 one quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If the reside upon said lands 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 land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

Q Now you say you make no claim under that article? A Well I will claim under that then.

Within six months after this treaty was ratified a large number of Choctaws who wanted to stay in Mississippi went to the Indian Agent there and told him that they wanted to take land in Mississippi but when a locating agent was sent down there to mark off the land for them it was found that the names of a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay were not found on the list which the Indian Agent had prepared. So under different acts of Congress Commissioners were appointed to go down into Mississippi and find out which of the Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of cases. Some were allowed and some refused. In those cases where the Commissioners allowed the claims and they were approved by the Secretary of War and by the president if the land which the Indians claimed had not already been sold it was given to them. If it had been sold scrip was issued to them. This scrip could be used in buying land from any of the public lands in the states of Mississippi, Arkansas, Louisiana and Alabama.

- Q Now what was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty who was a recognized Choctaw Indian  
A Well I don't know any one except my grandmother Delia Mc Elroy who was the wife of James Greer my grandfather.
- Q Did Delia Mc Elroy live in the old Choctaw Nation in eighteen hundred and thirty? A I don't know, it is my understanding.
- Q Was she a Choctaw Indian? A Yes.
- Q How much Choctaw blood did she have? A Three-quarters.
- Q Can you get any evidence to show that she was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty  
A Yes I think so.
- Q What will that evidence be? A I don't know whether it will be oral or written.
- Q You understand that oral testimony of witnesses carries more weight with it than any other form of evidence? A Yes.
- Q Do you know who these witnesses are who could testify on these points? A I think so.
- Q Well mention their names? A I don't know that I could mention their names but I think I can get such evidence by having some time.
- Q Do you think you can bring your witnesses before the Commission in person to testify? A I do not know.
- Q If you cannot do this can you get their depositions? A I think so.

- Q What kind of an application are you making now? A I am making application for citizenship as a Mississippi Choctaw Indian.
- Q You mean you are making application to be identified as a Mississippi Choctaw? A Yes.
- Q You understand that the time for making original applications for citizenship expired within ninety days after the passage of the act of June 10th, 1896? A Yes.
- Q You are making this application to be identified as a Mississippi Choctaw? A Yes.
- Q How do you claim your rights to be identified as a Mississippi Choctaw? A Under the treaty of eighteen hundred and thirty.
- Q You claim under the whole treaty or a part of it? A Well, I claim under everything that would be favorable to my interests in this case. I do not understand it and do not know much about it.

The law which authorizes the Commission to hear applications for identification as Mississippi Choctaws is found in section twenty-one of the Act of Congress of June 28, 1898, commonly called the "Curtis Act", and is as follows:

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

Under this law the Commission is authorized to hear applications and determine the identity of claimants under the fourteenth article of the treaty of eighteen hundred and thirty.

- Q Do you make any claim under the fourteenth article of the treaty of eighteen hundred and thirty? A I do not---In part I do.
- Q Just make a statement of your understanding of this fourteenth article of the treaty of eighteen hundred and thirty? A I understand that unless I know that my ancestors are on the roll I could not claim under the fourteenth article and I do not know that they are on the roll.
- Q Well do you claim under the provisions of that article? A Well, I don't know, anything that is favorable to me.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians and give them land west of the Mississippi River in exchange for their land in the old Choctaw Nation and move them west of the Mississippi River in order that they might be protected in their tribal government and not be bothered by white settlers but when they met together there in eighteen hundred and thirty the Indians would not sign any treaty until some provision was made for those of them who did not want to leave their homes in Mississippi and article fourteen was made a part of the treaty for the benefit of those Choctaw Indians who wanted to stay in the State of Mississippi. After this article was made a part of the treaty the Indians signed it alright and and it was ratified by the United States and the Choctaw Tribe. 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

It will be necessary for the Commission to be supplied with evidence of the marriage of your father and mother in support of the application you make for identification as a Mississippi Choctaw.

- Q Are you married? A Yes.  
 Q What is your wife's name? A Sarah A. Greer, they call her Sarah or Adarens or Ada.  
 Q Is it Sarah A.,? A Yes you can put it down that way.  
 Q Is she living? A Yes.  
 Q Do you make application for her? A No.  
 Q She is a white woman and makes no claim to Choctaw blood? A No.  
 Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes Five.  
 Q Give the names and ages of these children? A Joseph L., about twenty years, Marrietta, eighteen years, Oraella-O-r-a-e-l-l-a, sixteen,  
 Q Next? A James E., fourteen, Katy, is ten. That is the youngest, that is about their ages I could not give the exact dates.  
 Q You are the father of these children? A Yes.  
 Q What is the name of their mother? A Sarah A. Greer.  
 Q When and where were you married to Sarah A. Greer? A In Dallas County.  
 Q When? A In 1877 I believe.  
 Q Did you obtain a license to marry? A Yes.  
 Q Were you married by an ordained minister or an official? A By a minister.  
 Q Have you your marriage license and certificate and desire to offer same in evidence? A Yes.

Certified copy of marriage license and certificate between James Greer and Adorene Kerley offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Is your name or are the names of your 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 to have yourself or your children enrolled as members of that tribe? A No.  
 Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.  
 Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.  
 Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Tribe? A No.  
 Q Is this the first application you have ever made of any kind? A No, there was a case about one month ago where William H. G. Greer made application for the Greer claimants.  
 Q Well no one could make application except for himself and his wife and minor children? A Well then this is the first.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

#3111

In the matter of the application of James Greer for identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

James Greer being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A James Greer.  
Q What is your age? A What?  
Q How old are you? A Fifty-six.  
Q What is your post-office address? A 1053 South Central Avenue, Dallas, Texas.  
Q How long have you lived there? A About 31 or 32 years.  
Q Where did you live before you lived there? A Waco.  
Q How long did you live in Texas? A I came there in '68; that would make it about thirty-three years.  
Q Where did you live before you lived in Texas? A In West Tennessee.  
Q How long did you live in Tennessee? A Well, I was raised there but did not live there all the time.  
Q Where was you born? A I was born in Hanover, Indiana.  
Q How long did you live there? A About one month.  
Q Where did you go to, from there? A To West Tennessee.  
Q And how long did you stay there in Tennessee? A I stayed there until I was about eighteen years old.  
Q How long did you live in Indiana did you say? A About one month.  
Q Did you ever live in Mississippi? A Yes.  
Q When? A I lived there off an'en, two or three years, back and forth from Tennessee and from there to Texas.  
Q What is your father's name? A John G. Greer.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Susan Carruthers.  
Q Susan Greer? A Yes.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one-sixteenth, I don't know exactly.  
Q Has your father 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 Have you evidence of your father's and mother's marriage? A No I have not.  
Q Do you think you could get such evidence? A I think so.

Choctaw MCR 3111

James Greer

MCR 3111

See MCR 3130, 3107, 3115, 3127  
3128, 3129, 3035, 2711, 2734, 2735  
2733, 2947, 2730, 3032, 3033, 3034  
5786, 5550, 5784, 5787, 5786, 5551  
3112

Mary J. Moore Et al  
R. 3110

DECISION ... 20 1902

No. 3110

For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Mary J. Moore

Age 35 Blood 1/4

Post Office, Direct. Texas

Father: William Moore (dead)

Mother: Lucinda Moore

Claims through mother

Husband: John A. Moore  
(no claim for him)

Children:

Roscoe Moore	15
Oscar K. "	12
Royce Otho "	10
Stirling "	8
Clayton Laureator.	6

Claims for self and 5 children

Stenographer

G. Rosenwinkel

M.C.R. 3110.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Mary J. Moore,

Direct, Texas.

Dear Madam:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Luinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

SIGNED

*T. B. Needles.*

Commissioner in Charge.



Mary J. Moore, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tommie White, James M. Moore, Rosalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar K. Moore, Royce Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Oma Beatty, Sarah Raney, Montie Lucinda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Betty Lee Raney, Bettie A. Bass, Vellie Hardeman Bass, William J. Moore, Ruth Moore and Neomia Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the 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 case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*H. A. Woodlee*

Commissioner in charge.

Registered.

Muskogee, Indian Territory, December 30, 1902.

Mary J. Moore,

Direct, Texas.

Dear Madam:

You are hereby advised that on the 30th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Moore	M.C.R. 3270
Mag Raney, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 3272
James M. Moore, et al.	M.C.R. 3755
Mary J. Moore, et al.	M.C.R. 3110
Belle Beatty, et al.	M.C.R. 1309
Sarah Raney, et al.	M.C.R. 3116
Bettie A. Bass, et al.	M.C.R. 3117
William J. Moore, et al.	M.C.R. 1466
Neomia Leng	M.C.R. 3109

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. Rosecrance being duly sworn on his oath states that as stenographer to the Commission in the Five Civilized Tribes he has read in full all the proceedings had in the above entitled cause on July 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 of July 1901.

*W. Rosecrance*

Subscribed and sworn to before me this 20th day of September 1901.

*Wm. Luby*

Notary Public

been a long time back.

Q Yes seventy years? A No I don't know.

Q Did Jane or James Brown or any other of your ancestors come west to the present Choctaw Nation with the other Choctaw Indians between 1833 and 1838? A I do not know what time they came here but they came west. They lived in Mississippi and then moved to Alabama and then came west?

Q How far west? A I don't know.

Q You do not know whether they ever came to the Territory or not? A No not for certain.

Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to become citizens of the United States? A I don't know.

Q Do you know of any witnesses who would know about that? A No.

Q How much Choctaw blood did your grandfather and grandmother have? A My grandmother was full blood but we never found out what grand-pa Brown was.

Q You don't know what your grandmother's name was? A No.

Q Do you know whether she had an Indian, Choctaw name? A No.

Q Did any of your ancestors ever own any land in Arkansas, Louisiana, Mississippi or Alabama? A No, I do not know.

Q You never heard anything about that? A No I never did.

Q Do you think you can get any evidence on these points that I have asked you about? A I think I can.

Q You intend to try? A Yes.

Q You understand that it is much better to have the oral testimony of witnesses here before the Commission than to offer depositions or affidavits? A Yes.

Q Is there anything else that you want to say in support of your application? A No.

Q You say your mother is here? A Yes.

Q You want to have her testify in your case? A Yes.

Q Have you any papers that you wish to file at this time? A No.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, the same will be accepted and made a part of the record in your case.

Q Can you speak Choctaw? A No.

The applicant in this case has dark brown eyes, and hair and dark complexion.

Q Have you any Spanish or French blood in you? A Not as I know of.

Her cheek bones are a trifle high but her general appearance is that of a white woman. It might be possible that she shows a slight trace of Indian blood. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830, hundred and thirty. She does not know her ancestors except her father and mother and does not know whether they lived in Mississippi in 1830 and thirty.

Now a great number of the Indians who wanted to stay in Mississippi went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States, but when the United States sent a locating agent down to mark out their lands for them it was discovered that the names of a great many of these people who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi did not appear on the list made by the Indian Agent, so under different acts of Congress men were appointed and were sent down into Mississippi to look into this matter and find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a large number of cases and passed on them. Some were allowed and some 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 which the Indians claimed had not already been sold it was given to them. If it had been sold, scrip was issued which could be used in buying any of the public lands in Mississippi, Arkansas, Louisiana or Alabama.

- Q Now what was the name of your ancestor,--(do you know what the word ancestor means? A No; Well it means your father and mother, your grandfather and grandmother, your great grandfather and great grandmother and any of your ancestors back in a direct line) Now, what was the name of your ancestor who lived in the old Choctaw Nation in Mississippi in eighteen hundred and thirty who was a recognized Choctaw Indian? A Brown, --James Brown.
- Q What relation was he to you? A He was my grandfather.
- Q You say you claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father's name? James Brown.
- Q What was your mother's mother's name? A Jane Brown.
- Q Which one of your mother's parents was a Choctaw Indian? A Well both claimed Choctaw on her mother's side and father's side too. Her mother's name was Butler before she was married to Brown.
- Q What was your grandfather's father's name? A don't know.
- Q Do you know what his mother's name was? A No.
- Q Do you know which one of his parents he claimed Choctaw blood? A No.
- Q What was your grandmother Jane Brown's father's name? A I don't know what his name was only Butler.
- Q Do you know what her mother's name was? A Jane.
- Q Was your grandmother named after her mother? A No I do not know what her name was. My own grandmother's name was Jane but I don't know what her mother's name was.
- Q Did James Brown or Jane Brown live in Mississippi in 1830? A Yes--Well I don't know whether they lived in Mississippi in eighteen hundred and thirty. They came from Mississippi to Alabama.
- Q Did you know your grandfather? A No.
- Q Do you know how long your grandparents have been dead? A Well I think that my grandfather has been dead about twenty-one or twenty-two years.
- Q Have you any evidence that they lived in Mississippi in 1830? A No I don't think I have only my mother.
- Q Did your mother know them in eighteen hundred and thirty? A do not know.
- Q Are there any witnesses living at this time who knew your grandfather and grandmother in 1830? A Not that I know of that has.

73

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, commonly called the Curtis act, and is as follows;

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

Under that law the Commission hears these applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty.

- Q Now do you know what that fourteenth article of the treaty of eighteen hundred and thirty is? A Why that's where you claim from.
- Q Do you understand anything about it? A No I don't understand that.

In eighteen hundred and thirty the United States wanted to make a Treaty with the Choctaw Indians who were living then in Mississippi and a few of them in Alabama. The state of Mississippi was being rapidly filled up by white settlers and the United States found it hard to protect the Indians there in their tribal government and the United States thought it would be better to move them to a Country west of the Mississippi River and give them land there in exchange for their land in Mississippi and Alabama but some of the Indians did not want to leave their homes there in Mississippi and the other Indians would not sign any treaty until some provision was made for those Indians who wanted to remain in Mississippi and article fourteen was made a part of the treaty for the benefit of those Choctaws who did not want to leave Mississippi. After this article was made a part of the treaty the Indians accepted it and it was ratified by the Choctaw Tribe and the United States. Article fourteen of the treaty of eighteen hundred and thirty provides that:

"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 a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Next? A Clayotn Lancaster.
- Q How do you spell that middle name? A L-a-n-c-a-s-t-o-r.
- Q How old? A Six.
- Q Any more? No.
- Q Are these all your children? A Yes.
- Q What is the name of their father? A John A. Moore.
- Q When and where were you married to him? A I married at Paris, Texas.
- Q Is your name or are the names of your children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities to have yourself or your children enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your children in eighteen hundred and ninety six make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? 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 have you self or your children admitted or enrolled as citizens of the Choctaw Nation? No.
- Q Is this the first application you have ever made? A Yes.
- Q What kind of an application are you making now? A Mississippi Choctaw.
- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A That's what I have been taught.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Nation? A All Mississippi Treaties.
- Q What treaties were those? A Brown's.
- Q Do you know what the word treaty means? A No.
- Q Well a treaty is an agreement between Nations. You know what a Nation is? A Yes the Choctaw Nation.
- Q How do you make any claim under any of the treaties between the United States and the Choctaw Indians? A I don't understand what that is.
- Q Well I told you what a treaty is, it is an agreement or a contract A I have never made one before.
- Q Well when you come here now, do you make any claim under any of the treaties that have been entered into between the Indian, the Choctaw Nation, and the United States? A I want to claim in the Choctaw Nation.
- Q I am not asking you that. I want to know if you are making your claim now because of any treaties or agreements, that the United States and the Choctaw Indians have made in time past? A Why I said Yes I reckon.
- Q You don't know anything about any of the treaties that have been made between the United States and the Choctaw Indians? A I don't believe I do.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

3110

In the matter of the application of Mary J. Moore for the identification of herself and her five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Mary J. Moore being first duly sworn testified as follows.

-Examination by the Commission-

- Q What is your name? A Mary J. Moore.  
Q M-o-o-r-e? A Yes.  
Q What is your age? A I am thirty-five.  
Q What is your post-office address? Durect, Texas.  
Q How long have you lived there? A All my life.  
Q Born in Texas? A Yes.  
Q Never lived anywhere else? A Well when I was little we went to Arkansas but went back to Texas.  
Q What is your father's name? A William Moore.  
Q Is he living? A No.  
Q What is your mother's name? A Lucinda Moore.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother's side.  
Q How much Choctaw blood do you claim? A About one-fourth. She claims one-half.  
Q You think you are one-fourth? A That's what they claim.  
Q Has your mother ever been recognized in any manner or enrolled by the Choctaw Tribal Authorities or by the Authorities of the United States as a Choctaw Indian? A No.  
Q Are you married? A Yes.  
Q What is your husbands name? A John A Moore.  
Q Is he living? A Yes.  
Q Do you make application for him? A No.  
Q He is a white man and makes no claim to Choctaw blood? A No.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.  
Q Give the names and ages of your children? A Rescoe he will be fifteen next month.  
Q Next? A Oscar K.,  
Q How old? A Twelve.  
Q Next? A Royes Arthur.  
Q How do you spell it? A R-o-y-e-s.  
Q What is his middle name? A Arthur.  
Q How old? A Ten.  
Q Next? Stirlin--S-t-i-r-l-i-n  
Q How old? A Eight--No, Ten.  
Q Are he and Royes twins? A No.  
Q Well you stated that Royes was ten? A No it is eight.



Choctaw MCR 3110

Mary J. Moore

MCR 3110

Neomia Long

R.3109

DECISION RENDERED

DLU 20 1912

REG. No. : M. 4. 2,3170

No. 3109

For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Neomia Lang

Age 20 Blood

Post Office, Direct, Texas

Father: William Moore (dead)

Mother: Lucinda Moore ✓

Claims through mother

husband: Lewis Lang ✓  
(no claim for him)

~~Children:~~

Claims for self alone

Stenographer

G. Rosenwinkel

M.C.R. 3109.

COPY.

Muskogee, Indian Territory, July 14, 1903.

Neomia Lang,

Direct, Texas.

Dear Madam:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

SIGNED

*I. B. Needles.*

Commissioner in Charge.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucinda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tommie White, James M. Moore, Rosalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar K. Moore, Royes Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Oma Beatty, Sarah Raney, Montie Lucinda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Betty Lee Raney, Bettie A. Bass, Vollie Hardeman Bass, William J. Moore, Ruth Moore and Noemia Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*T. D. Needles.*

Commissioner in charge.

Registered.

Muskogee, Indian Territory, December 30, 1908.

Necmia Long,

Direct, Texas.

Dear Madam:

You are hereby advised that on the 30th day of December, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucinda Moore	M.C.R. 3270
Mag Raney, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 3272
James M. Moore, et al.	M.C.R. 3755
Mary J. Moore, et al.	M.C.R. 3110
Belle Beatty, et al.	M.C.R. 1209
Sarah Raney, et al.	M.C.R. 3116
Bettie A. Bass, et al.	M.C.R. 3117
William J. Moore, et al.	M.C.R. 1466
Necmia Long	M.C.R. 3109

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."

4. Rosenwinkel being first duly sworn, upon his oath states that he stenographed to the Commission to the Five Civilized Tribes heretofore in full all the proceedings had in the above entitled cause on July 30, 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 July 1901.

*Rosenwinkel*

Subscribed and sworn to before me this 20<sup>th</sup> day of September 1901.

*Wm. H. H. H.*

Notary Public

- Q Do you know through which one of his parents he got his Choctaw blood? A No.
- Q Did you ever see James Brown? A No.
- Q What was the name of your grandmother Jane Butler's father? A I do not know.
- Q What was the name of Jane Butler's mother? A I do not know.
- Q Do you know through which one of her parents your grandmother got her Choctaw blood? A No.
- Q Is your grandmother Jane Butler dead? A Yes.
- Q Do you know how long she has been dead? A No.
- Q Never heard how long she has been dead? A No I don't know.
- Q Do you know anything about, how old a woman she would be if she were living now? A No.
- Q Did Jane Butler or James Brown live in Mississippi in eighteen hundred and thirty? A I do not know.
- Q Did they ever live in Mississippi? A I do not know that either.
- Q Do you know of any one who would be able to testify about that? A My mother is here, she can I believe.
- Q Would you like to have your mother testify in your case? A Yes.
- Q Do you know whether James Brown or Jane Butler came west to the present Indian Territory with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A No.
- Q Do you know whether either one of them went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to become citizens of the United States? A No, I do not know.
- Q Do you know of any witnesses living who would know? A No I do not.
- Q Is there anything else that you would like to say at this time in support of your application? A No.
- Q Have you any papers that you want to file at this time? A No.

Should you desire to offer any further evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

- Q You understand that it is necessary to have evidence on the matters that I have asked you about to day? A Yes.
- Q How much Choctaw blood do you claim? A Why I don't know how much.
- Q Can you speak Choctaw? A No.

The applicant in this case has black hair, dark eyes and dark complexion. Her features and general appearance, although she has dark hair, are those of a white person. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She does not personally know any of her ancestors except her father and mother and knows nothing about any of her ancestors from family history. It has been very difficult to secure any answers from this applicant.



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

Q Do you make any claim under the provisions of this article of this treaty? A ( No answer )

A great many Indians went to the United States Indian Agent within six months after this treaty was ratified and told him that they wanted to stay there in Mississippi and become citizens of the United States and when a locating Agent was sent down by the government to locate the land for the Indians it was found that the names of a large number of those who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi did not appear on the list made by him, so under different acts of Congress Commissioners were appointed to go down there and determine which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These men took up a large number of cases and passed on them; some were allowed and some rejected. 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 which the Indians claimed had not already been sold it was given to them. If the land had been sold, scrip was issued by the government to the applicant. This scrip could be used in buying any of the public land in the States of Mississippi, Arkansas, Louisiana or Alabama.

Q Now what was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian at that time? A I do not know.

Q Do you know what the word ancestor means? A No.

Q It means your father and mother, grandfather and grandmother, great grandfather and great grandmother. Now do you know the name of your forparent who lived in Mississippi in eighteen hundred and thirty who was a Choctaw Indian? A Do I know what?

Q Do you know the name of this forfather who lived in Mississippi in eighteen hundred and thirty? A I do not know.

Q What was your mother's father's name? A Brown.

Q What was his given name? A James Brown.

Q What was your mother's mother's name? A Jane Butler.

Q Jane Brown after she was married? A I do not know.

Q What was your mother's mother's name, was it Butler or Brown? A She was a Butler before she married.

Q Which one of your mother's parents did she claim her Choctaw blood through? A She claimed through both some.

Q Do you know what James Brown's father's name was? A No I don't know.

Q Do you know what James Brown's mother's name was? A No.

- for enrollment? A No, I did not.
- Q Did your parents? A No.
- Q Well do you think then that you are enrolled here in the Indian Territory by the Choctaw Tribal Authorities? A ( No answer )
- Q Did you or did any one for you in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever made application before this to either the Choctaw Tribal Authorities or the Authorities of the United States to be enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application you have ever made? A Yes.
- Q What are you making application for now? A I don't know.
- Q You don't know what you came here for then or why you came? A ( No answer )
- Q Do you make any claim under any of the treaties between the the United States and the Choctaw Indians? A Yes.
- Q Under which one of the treaties do you claim? A Choctaw.
- Q There are several treaties, which one? A ( No answer )

The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws, authorizes it to determine the identity of those applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. That law is found in section twenty-one of the act of Congress of June 28, 1898 and is as follows:

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

This law gives the Commission the right to hear applicants who claim under the fourteenth article of the treaty of eighteen-hundred and thirty. In eighteen hundred and thirty the United States was trying to make a treaty with the Choctaw Indians in the States of Mississippi and Alabama for the purpose of moving them from the old Choctaw Nation in Mississippi and Alabama to a Country west of the Mississippi River and give them land there in exchange for their land in those states so that they could be untroubled by white people and be protected in their tribal government. A good many of the Indians did not want to leave their homes and the others would not sign any treaty until some provision was made for those who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Indians who wanted to remain in Mississippi. After that article was made a part of the treaty it was signed by the Indians and ratified by both the United States and the Choctaw Nation. Article fourteen of the treaty of eighteen hundred and thirty provides as follows:

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

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

#3109

In the matter of the application of Neomia Long for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Neomia Long being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Neomia Long.  
Q How do you spell that? A N-e-o-m-i-a.  
Q How do you spell Long? A L-o-n-g.  
Q What is your age? A Twenty.  
Q What is your post-office address? A Direct, Texas.  
Q How long have you lived there? A All my life.  
Q Were you born there? A Yes I was born in Fannin County.  
Q And never had a home anywhere but in Texas? A Yes I lived in the Indian Territory last year and then went back to Texas.  
Q What is your father's name? A William Moore.  
Q Is your father living? A No.  
Q What is your mother's name? Lucinda Moore? A Yes.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A Both parents.  
Q -----No it is on my mother's side.  
Q You claim through your mother's side? A Yes.  
Q Are you married? A Yes I am married.  
Q What is your husband's name? A Louis Long.  
Q Is he living? A Yes.  
Q Do you make any claim for him? A No.  
Q He is a white man and makes no claim to Choctaw blood? A I don't know whether he has any Choctaw blood or not.  
Q Have you any children for whom you wish to make application at this time? A No.  
Q You are making this application for yourself only? A Yes.  
Q Has your mother ever been recognized in any manner enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? A No she has not.  
Q Is your name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A I do not know.  
Q Have you any reason to think that it is? A I don't know whether I have or not.  
Q Well do you think it is on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Well, I guess not.  
Q Did you ever live in the Indian Territory? A I lived here about a year.  
Q Did you make any application to the Choctaw Tribal Authorities

Choctaw MCR 3109

Neomia Long

MCR 3109

## For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Cora M. Davage

Age 23 Blood 1/8

Post Office, Knox, Texas

Father: J. F. Miller

Mother: Margaret A. Miller

Claims through father

Husband: John J. Davage  
(no claim for him)

Children:

Longden J. Davage 2

Claims for self and  
child

Stenographer

G. Rosenwintal

COPY

MCR-3108.

Muskogee, Indian Territory, January 15, 1907.

Cora N. Savage,  
Knox, Texas.

Dear Madam:-

You are hereby notified that on January 5, 1907, the Secretary of the Interior denied a motion, filed June 20, 1906, by L. D. Horton, for a reopening of the consolidated Mississippi Choctaw case of John L. Miller et al., of which the application for the identification of yourself and child is a part.

Respectfully,

SIGNED *Wm. S. By.*

Commissioner.

COPY  
M. C. R. 3106.

Muskogee, Indian Territory, October 14, 1902.

Cora N. Savage,  
Knox, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated base of John L. Miller, et al., of which decision you were advised by registered mail on the 10th day of June, 1902.

Respectfully,

*I. B. McLean.*

Commissioner in Charge.

C. N. S. #2

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 L. Miller, Benjamin F. Miller, Eddie Miller, Tommie Miller, Elijah Miller, Mattie Miller, Sarnie Miller, Charlie Miller, J. Manie Miller, William Miller, Joseph Lavina Weaver, Benjamin Wesley Weaver, Cora May Weaver, James L. Miller, Richard Floyd Miller, Mary Lee Horton, Luther Dudley Horton, Jess S. Miller, Della Peek, Lula G. Peek, Robert A. Peek, Edna Peek, Dowey E. Peek, Mary Jane Ashlock, Tully O. Ashlock, Minerva J. Ashlock, James Oliver Ashlock, Daniel R. Miller, James Miller, William Miller, Elijah Miller, Mary Miller, Annie Miller, Auba Phillips, Ora Phillips, Annie Belle Phillips, Robert Barbee, David J. Edwards, George H. Edwards, David C. Edwards, Leslie Edwards, Leanie Edwards, Cora N. Savage, Longden J. Savage, Annie Fleming, William A. Edwards, Fletcher Edwards, Clarence Edwards, Lou Mitchell Edwards, Benjamin A. Edwards, Jesse T. Edington, Minnie Edington, Rubie Edington, Mary Edington, Lewis Edington, Albert Caswell Edwards, Merida Roshel Edwards and Worthy Anderson Edwards 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. Needles*

Registered.

Commissioner in Charge.



COPY. A.C.R. 3108

Muskogee, Indian Territory June 10, 1902.

Cora H. Savage,

Knox, Texas.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John L. Miller, et al., embracing the following applications for identification as Mississippii Choctaws:

John L. Miller,	A.C.R.	85
Benjamin F. Miller, et al.,	F.C.R.	86
Joseph Lavina Weaver, et al.,	F.C.R.	87
James L. Miller, et al.,	F.C.R.	227
Mary Lee Horton, et al.,	M.C.R.	228
Jess S. Miller,	M.C.R.	230
Nella Peck, et al.,	M.C.R.	293
Mary Jane Ashlook, et al.,	M.C.R.	610
Daniel R. Miller, et al.,	M.C.R.	931
David J. Edwards, et al.,	M.C.R.	1395
Cora H. Savage, et al.,	M.C.R.	3108
Annie Fleming,	M.C.R.	3627
William A. Edwards, et al.,	M.C.R.	3817
Benjamin A. Edwards,	M.C.R.	3818
Jesse J. Edington, et al.,	M.C.R.	3836
Albert Caswell Edwards, et al.	F.C.R.	4068

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 498) which is as follows:

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

C. H. S. #2.

witnesses, as you may desire to present in person in support of your application.

Yours truly,

M.C.3108.

Muskogee, Indian Territory, October 5, 1901.

Gera N. Savage,  
Knox,  
Texas.

Dear Madame:-

In the matter of the application for identification as Mississippi Choctaws of Della Peaks et Al., you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded to the Department for approval, with instructions that opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

Our records show that you appeared before this Commission at Atoka, Indian Territory, on July 30, 1901, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with such instructions you are hereby notified that at the Office of the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, on Monday, November 11, 1901, at eleven o'clock A. M. there will be heard the testimony of such

E. D. Hay, Jr.

not for re-hearing on the same date and place.

Yours truly,

Muskogee, Indian Territory, October 5, 1901

W. L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

You are hereby notified that at the Office of the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, on Monday, November 11, 1901, at eleven o'clock A. M., the Commission will hear testimony of such witnesses as present themselves in person in support of the applications for identification as Mississippi Choctaws of the following named persons:

Cora N. Savage  
Annie Fleming.

These cases are connected with the cases of the following:

John L. Miller et Al.,  
Joseph L. Weaver et Al.,  
Mary Lee Horton et Al.,  
Della Peaks et Al.,  
Daniel R. Miller et Al.,  
Benjamin F. Miller et Al.,  
James L. Miller et Al.,  
Jess E. Miller et Al.,  
Mary J. Ashlock et Al.,  
David J. Edwards et Al.

Muskogee, Indian Territory, October 5, 1901.

Messrs. Mansfield, Molhurray & Cornish,  
Attorneys at Law,  
Speth McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that at the Office of the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, on Monday, November 11, 1901, at eleven o'clock A. M., the Commission will hear testimony of such witnesses as present themselves in person in support of the applications for identification as Mississippi Choctaws of the following named persons:

Cora N. Savage  
Annie Fleming.

Yours truly,

A Yes.

- Q Do you understand that it would put your case in a great deal better shape if you had evidence as to your ancestors ever owning land there in Mississippi and how they owned it? A Yes.
- Q Will you make an effort to get what evidence you can on that point? A Get evidence on that.
- Q Yes, will you try to get such evidence can on that point? ( No answer)
- Q Have you any papers that you want to file now? A Yes.

Written application of Cora M. Savage offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Is there anything else you would like to say at this time? A No.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence you will be permitted to do so, and the same will be made a part of the record in this case.

- Q Can you speak Choctaw? A No.

The applicant in this case has curly reddish colored hair, blue eyes and fair complexion. Her features in general are those of a white woman. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty. She knows very little about her ancestors and it has been difficult to secure such answers has have been elicited.

(Referred for trial with the cases of John Miller, Benjamin F. Miller, David J. Edwards and Martha Jackson.)

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 in the above entitled cause on July 30, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 20<sup>th</sup> day of September 1901.

*Walter Shelby*  
Notary Public.

- Q Through which one of your father's parents did he get his Choctaw blood? A Through both of them.
- Q Both of your father's parents claimed to be Choctaw? A Yes.
- Q What was Israel Miller's father's name? A I do not know.
- Q Do you know what Israel Miller's mother's name was? A No.
- Q Do you know which one of his parents he got his Choctaw blood from? A No.
- Q Do you know what Polly Miller's father's name was? A Edwards-- William Edwards.
- Q Do you know what Polly Miller's mother's name was? A No.
- Q Through which one of Polly Miller's parents did she get her Choctaw blood? A Through her father I think.
- Q Did you know either one of your grand parents, Israel or Polly Miller? A I knew Polly Miller.
- Q Are they dead? A Yes.
- Q How long ago did they die? A I don't know how long ago is had been, about 13 or 14 years since grandmother died.
- Q About how old was she when she died? A Well, I don't remember how old she was when she died. She was way up in sixty or seventy somewhere.
- Q You don't know anything at all about your grandfather Israel Miller's parents? A No.
- Q Or where they lived? A They lived in Mississippi.
- Q You don't know which one of them was a Choctaw Indian? I don't know.
- Q William Edwards was your grandmother Polly Edwards' father? A Yes.
- Q Did William Edwards or Polly Miller live in Mississippi in eighteen hundred and thirty? A No.
- Q Do you know of anyone living who could tell whether they lived in Mississippi at that time or not? A No not unless my father could tell.
- Q Well is your father old enough to have known them? A Yes he is sixty-four I think.
- Q Well he did not know them did he? A Not that I know of.
- Q Did William Edwards or Polly Miller or Israel Miller come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1839? A Not that I know of.
- Q Did either of them go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and take land there? A I don't know whether they did or not.
- Q Do you know whether you can secure any evidence on that point or not, any witness who would know whether any of your ancestors went to the Indian Agent there in Mississippi and told him that they wanted to take land there? A What year.
- Q In eighteen hundred and thirty, within six months after that treaty was ratified? A No I do not know of any.
- Q Did any of your ancestors, William Edwards, Polly Miller or Israel Miller own any land in Mississippi, Arkansas, Louisiana or Alabama? A It seems like they owned some in Mississippi.
- Q Do you know in what part of Mississippi? A I know but I can't call it now.
- Q Do you know how they got the land? A No.
- Q Do you think you could secure the records from the Court House or the land office there in Mississippi in regard to that land, as to how it was owned and who owned it? A Not as I know of.
- Q Don't you think you could write to the Court House in the County in which that land was situated and find out whether they got it from the government or not? A Yes I think I could.
- Q Do you understand that it would be a matter of considerable importance to your case to have evidence on that fact?



fee simple shall issue; said reservation shall include the 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 citizens but if the ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you claim anything under this article of this treaty? A I claim I am a Mississippi Choctaw.
- Q Well do you claim anything because this article was made a part of the treaty? A # No answer)
- Q Do you claim as a descendant of one of these Choctaw Indians who stayed in Mississippi and went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to become citizens of the United States? A ( No answer )
- Q If you do not know you can say that? A Well I don't know. I am weak and nervous and cannot answer.
- Q Well I would not get weak and nervous, there is nothing to get excited about, we are not trying to confuse you but simply want to know what you do know for the benefit of your case? A I can't help it, I am weak.
- Q Well, within six months after this treaty of eighteen hundred and thirty was ratified a great many Indians went to the Indian Agent and told him that they wanted to stay in Mississippi and take land there but when a locating Agent was sent down to Mississippi to mark out the land for the Indians it was found that the names of a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay there were not found on the list which the Indian Agent had made, so Commissioners were appointed by acts of Congress and men went down into Mississippi to find out which of the claimants were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up a great many cases and allowed or rejected them. In those cases where the claims were allowed and approved by the Secretary of War and by the President if the land which the Indians claimed had not already been disposed of it was given them, if the land had been sold scrip was issued by the government. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama. Now what was the name of your ancestor? Do you know what the word ancestor means? A No; well, it means your father or mother, your grandfather or grandmother, your greatgrandfather or great grandmother or any of your foreparents in a direct line back) Now 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 In Mississippi.
- Q Yes? A Grandfather Edwards.
- Q Do you know what his given name was? A William.
- Q Did he live in Mississippi in eighteen hundred and thirty? A I do not know.
- Q Was he a Choctaw? A Yes he was a Choctaw.
- Q Was he a full blood? A I don't remember.
- Q You say you claim your Choctaw blood through your father? Yes
- Q What was your father's father's name? A Israel Miller, it seems like that was it.
- Q What was your father's mother's name? A Polly it seems like was her name?

- Q Why do you come here now to make this application, what kind of an application do you want to make? A Application for a Mississippi Choctaw.
- Q Do you want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A What makes me what?----
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A I have been taught that by my father.
- Q What have you been taught by your father? A ( No Answer)
- Q What answer did you make to that question? A I made no answer at all.
- Q Well we can't make a record of your case unless you answer the questions. If you do not know, you can say that, but they must be answered in some kind of a way? A I do not know.
- Q You do not know then why you come here to make this application? A I know but I can't say.
- Q What makes you think that the Commission will hear applications for identification as Mississippi Choctaws? A Applications for identification as Mississippi Choctaws?
- Q Yes applications like you are making now? A ( No answer)
- Q The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the act of Congress of June 28, 1898, and is as follows:

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

- Q That is the law which gives the Commission the right to hear these applications, of claimants 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 in the State of Mississippi and Alabama for the purpose of moving to a Country west of the Mississippi River where there were no white people and give them land there in exchange for their land in the old Choctaw Nation but some of the Indians did not want to come west and the other Indians would not sign any treaty until some provision was made for those Indians who did not want to come west. Article fourteen was made part of the treaty for the benefit of those Choctaws who wanted to stay in Mississippi and after that article was made a part of the treaty it was signed by the Indians and ratified by both the Choctaw Nation and the United States. Article fourteen of the Treaty of eighteen hundred and thirty provides that :

Each Choctaw head of a family being desirous to remain and become a citizens 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

#2

- Q Have you any evidence of your father's and mother's marriage? ?  
A No.
- Q Did your father file any evidence of his marriage when he made application? A I do not know.
- Q It will be necessary for the Commission to be supplied with evidence of the marriage between your father and mother in support of your application for identification as a Mississippi Choctaw.
- Q Was your father ever recognized in any way or enrolled as a Choctaw Indian 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 John T. Savage .
- Q Do you make application on behalf of your husband? A No.
- Q He is a white man? A Yes.
- Q Have you any children for whom you wish to make application? A Yes one.
- Q What is the name and age of that child? A Longden J. Savage, age) two)
- Q How do you spell it? A L-o-n-g-d-e-n.
- Q You are the mother of this child? A Yes.
- Q What is the name of its father? A John T. Savage.
- Q When and where were you married to John T. Savage? A Bonham, Texas, the 30th of July two years ago.
- Q Is your name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A I don't understand that.
- Q Is your name on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A No, not that I know of.
- Q Did you ever make 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 eighteen hundred and ninety six make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th eighteen ninety-six? A No not that I know of.
- Q That was five years ago, you would remember. Did you make any application then? A No.
- Q Did your father make any such application for you? A Not that I know.
- Q Would you not remember? A No I hardly would, it seems like he did but I don't remember.
- Q You don't know then whether your father made application for you in eighteen hundred and ninety six? A He has since.
- Q Made application for you? A Yes two years before I was married.
- Q Where? A I don't remember now.
- Q That would be five years ago? A I don't remember, it ain't been very long ago.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever made application before this to either the the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your child admitted or enrolled as members of the Choctaw Tribe? A No.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application are you making now? A (No answer)

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

#3108

In the matter of the application of Cora N. Savage for identification of herself and her minor child as Mississippi Choctaws.

L. D. Horton, attorney representing applicant.

Cora N. Savage being first duly sworn testified as follows:

-Examination by the Commission -

- Q What is your name? A Cora N. Savage, S-a-v-a-g-e.  
Q What is your age? A Twenty-three.  
Q What is your post-office address? A Knox, Texas.  
Q How long have you lived there? A Two years.  
Q Where did you live before you lived there? A Indian Territory.  
Q How long did you live in the Indian Territory? A eight years.  
Q Where did you live before you lived in the Indian Territory? A I lived in Hunt Texas. I was born and raised there until 8 years ago.  
Q How long did you say you lived in the Indian Territory? A I lived there 8 years, about 7 years, it will soon be 8 years.  
Q When did you go back to Texas? A About two years ago.  
Q And lived there until about ten years ago? A Yes I came to the Indian Territory when I was 15 years old.  
Q How long did you live in the Indian Territory? A I lived here 7 years.  
Q Well, did you live in the Indian Territory 7 years? A Yes.  
Q How old did you say you were? A Twenty-three.  
Q That would make you about twenty-four or five? A Well it will not be long until I am twenty-four.  
Q You never had a residence anywhere except the Indian Territory and Texas? A Yes in Mississippi.  
Q When did you live in Mississippi? A I did not live in Mississippi.  
Q Why did you say you had a residence in Mississippi? A I misunderstood you.  
Q You never have had a home then outside of the Indian Territory and Texas? A No.  
Q What is your father's name? A Benjamin Franklin Miller.  
Q Is your father living? A Yes.  
Q What is your mother's name? A Margaret A Miller.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A 1/8th I believe. I don't remember now.  
Q How much have you been taught you have? A ( No answer)  
Q How much Choctaw blood have you been taught you had? A I forgot now.  
Q How much Choctaw blood did your father claim? A I don't know.  
Q Has your father ever applied for identification as a Mississippi Choctaw? A Yes.  
Q When? A In 1900.

Choctaw MCR 3108

Cora N. Savage

See MCR 85

MCR 3108

R. 3107

*John C. Greer et al*

*R. 3107*

**REFUSED.**

DEPARTMENT OF THE INTERIOR

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 11 1903

NOTICE OF DEPARTMENTAL ACTION

FEB 11 1903

**ACTION APPROVED BY  
SECRETARY OF INTERIOR,  
AUG 26 1904**

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

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

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT:

DECISION PREPARED

REFER TO M. C. R. 3107

No. 3107

For Identification as a Mississippi Choctaw.

Date JUL 30 1907

Name John C. Greer

Age 53 Blood 1/16

Post Office, Dallas Texas  
366 Canton St.

Father: J. C. Greer (dead)

Mother: Susan Greer (dead)

Claims through father

wife: Irene Greer 46  
father: J. McClain (dead)  
mother: Emily McClain (dead)

Children:

John C. Greer 16  
Calvin J. " 14  
Harry " 11

Claims for self and three children and for wife as intermarried.

Stenographer

G. Rosemunkel

M.C.R. 3107

Muskogee, Indian Territory, September 22, 1904.

John C. Greer,

366 Canton Street,

Dallas, Texas.

Dear Sir:

You are hereby notified that on the 26th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of John C. Greer, Irene Greer, John S. Greer, Calvin J. Greer and Harry C. Greer, included in the consolidated case of James Greer, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

Chairman.



J. C. G. # 2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that 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 Greer, Joseph L. Greer, Harrietta Greer, Oraella Greer, James E. Greer, Katy Greer, Thomas A. Greer, John C. Greer, John S. Greer, Calvin J. Greer, Harry C. Greer, Mary H. Hanchett, Irene M. Hanchett, Ora E. Johnson, William S. Greer, Ella Greer, James Greer, Katheline Greer, Addie Greer, Willie May Greer, Calvin C. Greer, Georgia A. Greer, Irene Greer, Fannie E. Greer, Susie Greer, Dave Greer, Sue C. Miller, Willie D. Walton, Olga Walton, William H. C. Greer, Leo Greer, Ina V. Greer, Ray H. Greer, Thomas C. Greer, Jennie Greer, Jeff D. Greer, Flossie May Greer, William H. Greer, Lafayette Greer, Edward W. Greer, Mark Andrew Greer, Josie Greer, James H. Greer, Oran Greer, Luther Greer, Henry Wise Greer, Ruth Greer, Velma Greer, Edward H. Greer, Clifford Edward Greer, Henry Verner Greer, Delia Miller, Lena Evans, Sallie C. Person, Presley C. Person, Mary Person, Emma Dyer, Lillian Dyer, Artell Dyer, Person Dyer, Martha Gordon and Henrie Person as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by John C. Greer for the identification of his wife, Irene Greer, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

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

Respectfully,

*Tame Dixie.*

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 13, 1903.

John C. Greer,  
 366 Canton Street,  
 Dallas, Texas.

Dear Sir:

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

James Greer, et al.,	M.C.R. 3111,
Thomas A. Greer,	M.C.R. 3130,
John C. Greer, et al.,	M.C.R. 3107,
Mary E. Hanchett, et al.,	M.C.R. 3115,
Ora E. Johnson,	M.C.R. 3127,
William S. Greer, et al.,	M.C.R. 3128,
Calvin C. Greer, et al.,	M.C.R. 3112,
Sue C. Miller,	M.C.R. 3129,
Willie D. Walton, et al.,	M.C.R. 3035,
William H. C. Greer, et al.,	M.C.R. 2711,
Thomas C. Greer, et al.,	M.C.R. 2734,
Jeff D. Greer, et al.,	M.C.R. 2735,
Lafayette Greer,	M.C.R. 2733,
Edward W. Greer, et al.,	M.C.R. 2947,
Josie Greer,	M.C.R. 2736,
James H. Greer, et al.,	M.C.R. 3032,
Henry Wise Greer, et al.,	M.C.R. 3033,
Edward H. Greer, et al.,	M.C.R. 3034,
Delia Miller, et al.,	M.C.R. 5785,
Sallie C. Person,	M.C.R. 5550,
Presley C. Person, et al.,	M.C.R. 5784,
Emma Dyer, et al.,	M.C.R. 5787,
Martha Gordon,	M.C.R. 5786,
Henrie Person,	M.C.R. 5551.

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

Feb. 21,

permitted to do so, and the same will be made a part of the records  
in these cases.

Yours truly,

M. C. 3120  
M. C. 3111  
M. C. 3107  
M. C. 3112  
M. C. 3115  
M. C. 3127  
M. C. 3128  
M. C. 3139.

Waskagee, Indian Territory, September 12, 1901.

Mr. James Greer,  
#203 Hawkins Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 3rd, in which you ask that further time be granted to procure additional evidence from Mississippi, in support of the following applications for identification as Mississippi Choctaws: James Greer, John C. Greer, W. S. Greer, C. C. Greer, Thomas H. Greer, Ora E. Johnson, Susie C. Milley, and M. E. Hancock.

In reply to your letter you are advised that it does not appear from our records that Thomas H. Greer has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however, that Thomas A. Greer, twenty-three years old, of Dallas, Texas, son of James and Adeline Greer, appeared before the Commission at Atoka, Indian Territory, on July 31st, 1901, and applied for identification as a Mississippi Choctaw. It also appears that on June 27th, 1901, Thomas C. Greer, of Marietta, Indian Territory, applied for identification as a Mississippi Choctaw.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be

Muskogee, Indian Territory, August 17, 1901.

Mr. John C. Greer,  
#366 Canton Street,  
Dallas, Texas.

Dear Sir:-

Receipt is hereby acknowledged of written application of John C. Greer and certified copies of affidavits of Tobias Edwards and John Lewis, which you offer for filing in support of your application for identification of yourself and children as Mississippi Choctaws.

The same have been filed and made a part of the record in this case.

Yours truly,

M.C. 3107



- Q Did Delia McKlroy go to the Indian Agent there in Mississippi within six months after the Treaty of eighteen hundred and thirty was ratified and tell him that she wanted to remain in Mississippi and become a citizen of the United States? A I do not know.
- Q Did she come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A I do not know.
- Q Where did you know your grandmother? A In West Tennessee.
- Q She was living in Tennessee? A Yes.
- Q About when was that? A About from, of course I can't say exactly, about 1855, I remember my grandmother living in Madison County, Tennessee.
- Q You said that Delia McKlroy owned a Plantation in Mississippi? A No I said they owned a farm down there, as I understood it. I don't know everybody connected with the family but they had a plantation there.
- Q Do you know how they got this land? A I do not.
- Q Do you know whether they got it from the government? A I don't know how they got it.
- Q I presume you know that you could find out by examining the records in the land offices in Mississippi as to who that land was purchased from? A I don't know how that is.
- Q You understand that you can get these records from the land offices in Mississippi? A Yes I understand that. My Grandfather was a surveyor.
- Q Is there anything else that you would like to say at this time? A nothing that I know of, I believe we want thirty days.
- Q Have you any papers that you want to file now? A No I believe that we will do that later.

Certified copy of marriage license and certificate of John C. Greer and Irene McLane, offered in evidence, filed and made a part of the record in this case.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits, or any other documentary evidence the same will be accepted by the Commission and made a part of the record in your case.

The applicant in this case has blue-gray eyes, florid complexion and grayish hair and sandy mustache. His features and general appearance are those of a white man.

- Q Do you speak Choctaw? A No.
- Q Did this ancestor of yours Delia McKlroy have any Choctaw name? A I don't know whether she did or not.
- Q Do you know how much Choctaw blood she claimed? A I do not.

He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of eighteen hundred and thirty. It appears from his testimony that he does not know very much about the ancestor through whom he claims and does not know whether she lived in Mississippi or Tennessee in 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled case on July 30, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on the said day of July 1901.

*G. Rosenwinkel*

why

- Q Well, then ~~what~~ do you claim under it? A Well I understood that it just about covered the whole thing; that there was some business transacted through the United States and some Indians that barred people from certain things.
- Q Did you not understand the statement that I just made that the law which gives the Commission authority to hear these applications gives them the right to determine the identity of applicants under the fourteenth article of the Treaty of Eighteen hundred and thirty.
- A Yes.
- Q Under this fourteenth article of the Treaty of eighteen hundred and thirty, a great many Indians went to the Indian Agent there in Mississippi after the Treaty was ratified and told him that they wanted to stay in Mississippi and take land there but when a locating agent was sent down by the government it was found that the names of a great many of those who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi could not be found on the list made by the Agent, so Commissioners were sent down to investigate this matter. These Commissioners took up and passed on a great many claims, some were allowed and some were rejected. In those cases where the claims of the applicants were allowed, if the land claimed by them had not already been sold it was given to them, but in cases where the land had been sold the United States gave them scrip which could be used in buying any of the public land in the States of Mississippi, Alabama, Arkansas or Louisiana. Now, what was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized member of the Choctaw Tribe of Indians? A I do not know.
- Q What was your father's father's name? A My father's father's name was James Greer.
- Q What was your father's mother's name? A Delia McElroy Greer, she was a McElroy before she was married.
- Q Through which one of your father's parents did he claim his Choctaw blood? A Through his mother, Delia McElroy Greer.
- Q Did you know your grand parents? A I knew my grandmother. My grandfather died before I was born.
- Q How long has your ~~grand~~father been dead? A He has been dead about thirty years.
- Q About how old was he when he died? A About fifty-two years.
- Q Was your grandmother Delia McElroy Greer, a McElroy or Greer in 1830? A Well, the way I understood it my father was born before 1830 and I think her name was Greer. My Grandfather married in about 1808 or 1810.
- Q Were your grandfather and grandmother living in Mississippi in 1830? A I could not say, he had a plantation on Sunflower River in Mississippi. That's been my understanding. Of course this all occurred before I was born. He died before I was born. The thing was broke up and we moved to Tennessee.
- Q And you do not know if they ever lived in Mississippi? A I do not know.
- Q Do you know of any one who could testify as to whether they lived in Mississippi or not? A I think I do.
- Q Do you think you could get them before the Commission in person? A No I don't believe I could.
- Q Could you get their depositions? A I don't know.
- Q Do you understand that it is material to your case to have evidence on that point? A Well I suppose so.
- Q You understand that when anybody makes application for valuable property rights the unsupported statement of one of the interested parties does not carry much weight unless that statement is supported by outside evidence? A Yes I understand that.
- Q



- Q Have you ever made application before this time to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself, your wife or your children 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.
- Q What kind of an application do you wish to make now? A Well, as a Mississippi Choctaw.
- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q How do you claim the right to be identified as a Mississippi Choctaw? A I claim it through Delia McKelroy my father's mother.
- Q What do you claim through Delia McKelroy? A Well, Indian blood, Choctaw.
- Q You are making your application now because you have always been taught that you had Choctaw blood? A Yes.
- Q Do you claim anything under any of the Treaties between the United States and the Choctaw Nation? A Well I don't know about them Treaties.
- Q The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws is found in section twenty-one of the Act of Congress of June 28, 1898, and provides that "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty 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." That law gives the Commission authority to hear 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 for the purpose of giving them land west of the Mississippi River in exchange for their land in the States of Mississippi and Alabama, and moving to the new Country. The state of Mississippi was being rapidly filled up with white settlers and the government found it hard to protect the Indians in their Tribal government and thought it best to move them to this new Country where they could be protected in their Tribal government, but some of the Indians did not want to leave their homes and the Tribe would not make any Treaty until something was done for those Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the Treaty for the benefit of those Choctaws who wanted to stay in Mississippi and after this article was made a part of the Treaty the Indians signed it alright and it was ratified by the Choctaw Tribe and by the United States. 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 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 anything under this article of this Treaty? A Well I claim under the Treaties of 1830 and 1866 and all acts of Congress favorable to the Indians.
- Q What do you claim under the Treaty of 1866? A Well, I really could not tell you what I do claim.

- Q Is she living? A Yes
- Q Do you make any application on behalf of your wife? A Well, I don't know how that is or how to answer that question.
- Q Well you should know? A Of course if there is any chance I will answer yes, if not I will answer it no.
- Q Well you have to decide it? A Well I will answer Yes.
- Q The law under which the Commission is acting in hearing these applications authorizes it to determine the identity of those applicants who claim under the fourteenth article of the Treaty of eighteen hundred and thirty, and the Commission knows of no law whereby it can determine the identity of applicants who claim rights by inter-marriage with claimants under the fourteenth article of the Treaty of eighteen hundred and thirty? A I will answer the question Yes.
- Q What is your wife's age? A She is about 46 years old.
- Q What is your wife's father's name? A S. McLane.
- Q Is he living? A No.
- Q What is your wife's mother's name? A Her name was Emily McLane.
- Q Is she living? A No.
- Q Your wife's parents were both white people and made no claim to Choctaw blood? A No they made no claim to Choctaw blood.
- Q Have you any children under twenty one years of age and unmarried for whom you wish to make application? A Yes three boys.
- Q Give their names and ages? A John S. Greer.
- Q How old is he? A He is about 16.
- Q Next? A Calvin J. Greer, he is about 14.---Harry C. Greer.
- Q How old is Harry C.? A He is about 11 years old.
- Q These are your children? A They are my boys.
- Q What is the name of their mother? A Irene.
- Q When and where were you married to Irene? A In Dallas County, Texas.
- Q When? A The 13th of February 1877.
- Q Did you obtain a license to marry? Yes, I have my marriage certificate with me.
- Q Do you wish to file it? A If it is necessary.

It will be necessary for the Commission to be supplied with evidence of the marriage to your wife in support of the application you make for your wife and minor children.

- Q Do you wish to file it now? A Well, I have it at the boarding house.
- Q You wish to file it then do you? A Yes.
- Q Is your name or are the names of your wife or children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know?
- Q Have you ever made application for yourself, your wife or your children to the Choctaw Tribal Authorities to be enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your wife or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No.
- Q Have you or your wife or your children ever been admitted to citizenship in the Choctaw Nation, by the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you or your wife or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 30, 1901.

#3107

In the matter of the application of John C. Greer for identification of himself and his three minor children as Mississippi Choctaw, and for his wife Irene Greer as an intermarried Mississippi Choctaw.

Applicant not represented by Attorney.

John C. Greer being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A J. C. Greer.  
Q What does that J., stand for? A J., for John and C., for Carruthers  
Q Well, John C. is the way you usually sign it? A Yes.  
Q What is your age? A Fift-five.  
Q What is your post-office address? A Dallas, Texas.  
Q Have you a street number? A 366 Canton Street.  
Q How long have you lived in Dallas? A 32 years.  
Q Where did you live before you lived there? A I lived at Jackson, Tennessee.  
Q How long did you live there? A Until I was about 22 or 23.  
Q Was you born there? A I was born in Madison County, Tennessee.  
Q Never had a residence anywhere else but Tennessee and Texas?  
A Not anywhere but Tennessee and Dallas.  
Q What is your father's name? A J. C. Greer.  
Q Is he living? A He has been dead about 30 years.  
Q What is your mother's name? A Her name was Susan Greer.  
Q Is she living? A No.  
Q Through which one of your parents do you claim Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A Well, I don't know exactly about 1/16th I reckon.  
Q Has your father 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 do not know.  
Q Have you any evidence of your father's and mother's marriage?  
A Yes.  
Q Will you file that with the Commission? A Yes if I can get it up.  
Q What kind of evidence is it? A Well my father was married to Susan Carruthers in Hanover, Indiana.  
Q Have you their marriage license? A No but I think I can get it.

It will be necessary for the Commission to be supplied with evidence of the marriage between your father and mother in support of the application you make.

- Q Are you married? A Yes.  
Q What is your wife's name? A Irene.

Choctaw MCR 3107

John C. Greer

MCR 3107

Brady, S. Duke, et al.

R 3106

107

RECEIVED  
INT

RECORD FORWARDED DEPARTMENT.

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

APR 28 1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT ... APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT ... MUCTAW  
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT ... APPLICANT.

788

MAY 11 1905

For Identification as a Mississippi Choctaw.

Date JUL 30 1901

Name Craddy D Duke

Age 20

Blood 1/16

Post Office, Durant I.T.

Father: James Hampton Duke (deceased)

Mother: Charnella F Reed

Claims through father

wife Maud Duke

Father: J. C. McKinnis

Mother: McKinnis

Children:

Claims for self and for wife as intermarried.

Stenographer

A. Rosenwinkel

MCR-3106

Muskegee, Indian Territory, March 9, 1907.

Brady S. Duke,  
Durant, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 18, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Chectaw case of Joseph L. Nixon et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 11, 1906.

Braddy H. Duke,  
Durant, Indian Territory,

Dear Sir:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902 refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. R. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Gannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,

Chairman.



such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.  
Registered

Chairman.

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

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

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

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

Muskogee, Indian Territory, December 7, 1903.

*Buddy S. Duke*

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a re-hearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

COPY. M.C.R. 3106

Muskogee, Indian Territory, November 24, 1902

Braddy S. Duke,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

*James C. Doby*

Acting Chairman

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymee Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Bruddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Leticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

Acting Chairman.

Register.

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry.	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, El'n C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Elluina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thaddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parleo C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

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

NO. 3106

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1902.

Braddy S. Duke,

Durant, Indian Territory.

Dear Sir:

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

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715.
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

M.C. 3106

Muskogee, Indian Territory, February 10, 1902.

H. Goforth,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the eighth instant in which you ask if Brad Duke has been enrolled as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that Bradley S. Duke, twenty years old, of Durant, Indian Territory, whose father is James Hampton Duke and his mother Charnella Duke, has applied to this Commission for identification as a Mississippi Choctaw, and for the identification of his wife, Maud Duke, as an intermarried Mississippi Choctaw. No decision has yet been reached or opinion rendered relative to the rights of these applicants as Mississippi Choctaws. If this is not the Brad Duke referred to in your letter, and you will furnish more specific information, your request will receive further consideration.

Yours truly,

Commissioner in Charge.



W. H. D. 2.

February 5, 1908 at 10 o'clock A. M. There will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 3106.

Commissioner in Charge.

Muskogee, Indian Territory, January 3, 1902.

Braddy B. Duke,

Durant, Indian Territory.

Dear Sir:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Atoka, Indian Territory on July 30, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi on Thursday

- Q Have you any witnesses living who would be able to testify whether Moses Foster, Bartlett S. Duke or Sarah Duke lived in Mississippi in 1830 and if they took land there in Mississippi at that time under the fourteenth article of the Treaty of eighteen hundred and thirty? A I don't know whether I understood that.
- Q Have you any witnesses who could testify on any of the points just mentioned living at that present time? A (No answer)
- Q Do you know of any who can testify on any of these points? A No.
- Q You understand that it is material to your case that you have some evidence along these lines? A Yes.
- Q Have you any papers that you want to file now? A Yes.

Written application of Braddy B. Duke offered in evidence, marked exhibit "A" filed, and made a part of the record in this case.

- Q Are there any other statements that you wish to make at this time in support of your application? A No.
- Q Can you speak Choctaw? A No.

The applicant in this case has rather light brown hair, brown eyes and dark complexion. His features and general appearance are those of a white man. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of eighteen hundred and thirty. He states that he does not know of any witnesses who can testify as to the compliance or non-compliance of his ancestors. He knows very little about his ancestors and family history.

By Attorney Horton.

I would ask that this case be referred for trial with the cases of Thomas P. Duke, Bartlett S. Duke, Jackson Duke, John Foster and Mrs. Annie E. Foster.

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 in the above entitled cause on July 30th, 1901, and that the above is a full, true and correct transcript of his stenographic notes in said cause on the said day of July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 31 day of Aug 1901.

*R. W. Linebaugh*

Notary Public.

- Q Could you get any evidence to show where they lived in 1830?  
A I suppose I can, not at the present time tho'.
- Q You intend to try to produce that evidence do you? A Yes.
- Q Did you know Moses Foster? A No.
- Q Do you know how long ago he died? A No.
- Q Do you know whether he ever lived in Mississippi? A I do not know.
- Q Did Moses Foster, or Bartlett S. Duke or Sarah Duke go to the Indian Agent there in Mississippi within six months after the Treaty was ratified and tell him that they wanted to stay in Mississippi and take land there? A Moses Foster is on the roll.
- Q How do you know that Moses Foster is on the roll? A I have been told.
- Q Did you ever see his name on the roll? A No.
- Q Do you know what roll it is on? A No I suppose it is on--
- Q On what? A Indian Rolls I suppose, Choctaws.
- Q About what time? A I don't know.
- Q Did you ever hear that your great grandfather went to the Indian Agent there and told him that he wanted to remain in Mississippi and take land there? A No.
- Q Did you ever hear that he went to any of these Commissioners there, appointed under acts of Congress, and had his claim passed on by these Commissioners? A No.
- Q Did any of your ancestors, Moses Foster, Bartlett S. Duke or Sarah Duke ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A They owned some in Arkansas.
- Q Do you know how they got that land? A No I don't, I heard that they bought it from the government.
- Q Do you know what they bought it with? A No.
- Q Do you know that if they owned land, you would be able to find out from the land records where they owned it and how they got it? A I know I can, I expect to look it up.
- Q Did Moses Foster ever have any Indian name? A No.
- Q Was he a full blood Choctaw? A No, I suppose not, I don't suppose he was.
- Q How much Choctaw blood did your great grandfather claim to have? A Why I don't know that I know.
- Q You understand that if you could tell us on what roll your great grandfathers name appears and whether he had any Indian name or not it might assist in finding out whether his name was really on the roll? A I don't know.
- Q Well, what makes you think that his name is on the roll? A I have been told that.
- Q Told by who? A ~~My grandfather~~ the lawyer.
- Q What lawyer? A Lawyer Horton, I suppose I have been if I have not been rattled.
- Q Would you like to have your lawyer examine on what roll that name appears for the benefit of your application? A I don't know that it is necessary.
- Q You understand that you are making application here for valuable property rights, and that your unsupported statement carries very little weight with it? A I understand that.
- Q You understand that in making application for valuable property rights the unsupported statement of the chief part in interest carries very little weight unless supported by other evidence? A Yes.
- Q And yet you do not want your Attorney to look into this for you? A I might be mistaken about that.
- Q You did not answer my question? A What was it.
- Q I asked you whether you wanted your attorney to examine these points that I have asked you about, on what roll your great grand father's name appears? A No, I guess not.

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that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you make any claim under the provisions of this article? A Yes.
- Q Within six months after the Treaty of eighteen hundred and thirty was ratified a large number of Indians went to the Agent there and told him that they wanted to stay in Mississippi take land there and become citizens of the United States and when a locating agent was sent down by the government to locate the lands for these Indians it was found that the names of a great many of those who claimed that they had gone to the Agent and told him that they wanted to stay in Mississippi did not appear on the list made by the Agent, so under different Acts of Congress Commissioners were appointed to look into this matter and find out who of those claimants were entitled to land under the fourteenth article of the Treaty of eighteen hundred and thirty. These Commissioners took up and passed on a great many cases, some were allowed and some were rejected, in those cases where the claims of the applicants were allowed by the Commissioners and approved by the Secretary of War and by the President, if the land had not already been sold it was given to the claimant, if the land had been sold scrip was issued to them by the government. This scrip could be used in purchasing land in Mississippi, Louisiana, Arkansas or Alabama. Now, 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? I can't--. Moses Foster was. I am not certain, whether my grandfather was.
- Q What relation was Moses Foster to you? A Great Grandfather.
- Q You say you claim through your father? A Yes.
- Q What was your father's father's name? A Bartlett S. Duke.
- Q What was your father's mother's name? A Sarah Duke.
- Q Through which one of his parents did he get his Choctaw blood? A Both.
- Q What was Bartlett S. Duke's father's name? A I don't know.
- Q What was Bartlett S. Duke's mother's name? A I don't know.
- Q Through which one of Bartlett S. Duke's parents did he get Choctaw blood? A Father I suppose.
- Q Do you know? A I do not know.
- Q You never heard? A What was the question.
- Q I said through which one of your grandfather's, Bartlett S. Duke's parents did he get Choctaw blood? A Father.
- Q Do you know what his father's name was? A No.
- Q Do you claim that any of your father's ancestors lived in Mississippi in eighteen hundred and thirty and were Choctaw Indians and owned land there? A I don't know.
- Q What was Sarah Duke's father's name? A Moses Foster.
- Q What was Sarah Duke's mother's name? A I do not know that, I think it was Elizabeth.
- Q Through which one of Sarah Duke's parents did she get Choctaw blood? A Father.
- Q And her father's name was Moses Foster? A Yes.
- Q Did you know your grandfather, Bartlett S. Duke and your grandmother Sarah Duke? A I remember seeing them, I was small then.
- Q How long ago did your grandmother die? A About three years ago.
- Q How old was she when she died? A About seventy.
- Q How long ago did your grand father die? A In 1883.
- Q About 17 years ago? A Yes.
- Q How old was he when he died? A I do not know.
- Q You know about how old? A Well somewhere about 70 I think.
- Q Where did your grandparents live when you knew them? A Arkansas.
- Q They never lived in Mississippi? A Yes.

- Q Do you make any claim under any of the Treaties between the United States and the Choctaw Indians? A Yes.
- Q Which one of the Treaties do you claim under? A All of them I reckon.
- Q What do you claim under the Treaties? A What was the question asked?
- Q What do you claim under the Treaties? A I claim a right here as an Indian.
- Q Claim what? A Why I claim a right here as an Indian, A Mississippi Choctaw.
- Q Well what is there in the Treaty that you know of that gives you a right to come here and make this application and be identified as a Mississippi Choctaw? A What was that question.
- Q I asked you what there is in the Treaty that makes you think you have a right to come here and ask to be identified as a Mississippi Choctaw? A I don't know much about the Treaties I have not read them.
- Q Well what makes you think you have a right here? A (NO ANSWER)
- Q What makes you think that you have a right here? A I can't understand what you said; what makes me think that I have a right here?
- Q Yes? A Well my foreparents were Indians or Mississippi Choctaws.
- Q The law which gives the Commission the right to hear these applicants for identification as Mississippi Choctaws is found in Section twenty-one of the Act of Congress of June 28, 1898 which provides that "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation concluded September twenty 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". That law gives the Commission the right to hear applications of those people who claim under the fourteenth article of the Treaty of eighteen hundred and thirty. In 1830 the State of Mississippi was being filled up with white people and the United States found it hard to protect the Choctaw Indians in their Tribal government and thought it best to remove them to lands west of the Mississippi river where there would be no white people and where they could set up their own Tribal government and be protected in it, so the United States tried to make a Treaty with these 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 Mississippi and Alabama. But, some of the Indians did not want to come west and the other Indians would not make any Treaty until some provision was made for those Indians who wanted to remain in Mississippi. So article fourteen was made a part of the Treaty for the benefit of these Indians who wanted to stay in Mississippi and after that the Indians signed the Treaty alright and it was ratified by the United States and the Choctaw Indians. 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 at 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

- Q The Commission knows of no law under which it can identify people claiming intermarried rights as Mississippi Choctaws. The law under which these applications are heard provides that the Commission shall identify applicants claiming rights in the Choctaw lands under article fourteen of the Treaty of eighteen hundred and thirty and there is no provision made for white people who may have intermarried the applicants who claim under the fourteenth article of the Treaty of eighteen hundred and thirty. If you still desire to make application for your wife, a record will be made of it but the Commission knows of no law under which those applicants can be identified as intermarried Mississippi Choctaws? A I do.
- Q What is your wife's age? A Nineteen.
- Q What is her father's name? J. C. McGinnis
- Q Is he living? A Yes.
- Q What is your wife's mother's name? A I don't know, it is an awful hard name to call. I can't call it just now.
- Q Is it McGinnis? A Yes but I don't know her given name?
- Q Is she living? A Yes.
- Q Your wife's father and mother are both white people and make no claim to Choctaw blood? A No.
- Q Have you any children for whom you wish to make application at this time? A No.
- Q When and where were you married to Maude Duke? A In Texas.
- Q When? A The 1st day of this month.
- Q Did you obtain a marriage license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A Official Justice of the Peace?
- Q A Yes.
- Q Have you your marriage license and certificate? A No, but I can get them.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your wife? A Yes.
- Q Is your name or your wife's name 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 your wife to the Choctaw Tribal Authorities to be admitted or enrolled as a member of that Tribe? A No.
- Q Did you or did any one for you or your wife in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No.
- Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory, on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States for yourself or your wife, to be enrolled as citizens 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 are you making now? A Application for a Mississippi Choctaw.
- Q You are applying to be identified as a Mississippi Choctaw? A Yes.
- Q How do you claim the right to be identified as a Mississippi Choctaw? A How do I claim the right? Yes; because I have been taught that I have Choctaw blood.
- Q Are you claiming now because you have always been taught that you had Choctaw blood? A Yes.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 30, 1901.

#3106

In the matter of the application of Braddy S. Duke for the identification of himself as a Mississippi Choctaw and for the identification of his wife Maude Duke as an intermarried Mississippi Choctaw.

L. D. Horten, Attorney representing applicant.

Braddy S. Duke being first duly sworn testified as follows:

-Examination by the Commission -

- Q What is your name? Braddy S. Duke.  
Q How do you spell it? A Braddy- B-r-a-d-d-y .  
Q D-u-k-e? A Yes.  
Q What is your age? A Twenty.  
Q How does it come that you are making application for yourself? A  
A I am married.  
Q What is your post-office address? A Durant.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A Six years.  
Q Where did you live before you lived there? A Arkansas.  
Q How long did you live there? A Until I came here.  
Q Born in Arkansas? A Yes.  
Q What is your father's name? A James Hampton Duke.  
Q Is he living? A No.  
Q What is your mother's name? Charnella F. Reed.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Father.  
Q How much Choctaw blood do you claim? A About 1/16th.  
Q Has your father ever been recognized in any way 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 Have you evidence of your father's and mother's marriage? A Yes.

\*Evidence of the marriage between J. H. Duke and C. F. High-  
tower, offered in evidence, filed in MC-3104, Thomas P. Duke's

- Q Are you married? A Yes.  
Q What is your wife's name? A Maude Duke.  
Q Is she living? A Yes.  
Q Do you make application for her? A Yes.  
Q What kind of application do you make for her? A As an intermar-  
ried Choctaw.  
Q Has your wife any Indian blood? A No.  
Q Well how do you claim for her? A As an intermarried Indian, she  
is my wife.  
Q Do you think she gets any Indian blood from her marriage with you?  
A No.



Choctaw MCR 3106

Brady S. Duke

MCR 3106

*W. S. Duke et al*

*173105*

*31-7*

RECORDED

RECORDED DEPARTMENT.

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT.

4

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS GENERAL DEPT

1905

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED

*705*

*1905*

No. 3105

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Bartlett S Duke

Age 24

Blood 1/16

Post Office, Durant, D. T.

Father: James Hampton Duke (dead)

Mother: Charnella Reed ✓

Claims through father

wife Rosa Duke

22 ✓

Father: Wm. Condit

Mother: Polly Condit (dead)

Children:

Alfred S Duke

3

James William "

8 mos.

Claims for self and two  
children, and for wife  
as intermarried

Stenographer

E. Rosewinkel

MCR-3106

Muskogee, Indian Territory, March 9, 1907.

Bartlett S. Duke,  
Durant, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bend, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Mixon et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 11, 1905.

Bartlett S. Duke,

Durant, Indian Territory,

Dear Sir:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,

Chairman.

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the ~~instructions~~ above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep.  
Registered

Chairman.

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

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

Muskogee, Indian Territory, December 7, 1903.

Bartlett S. Duke,

Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 25, 1905, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a rehearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one



B. S. Duke --2

vice may be procured by sending the original interrogatories and copy thereof to the United States Marshal at South McAlester, Indian Territory with instructions to make service of the copy upon said attorneys, returning the original with proof of service to this Commission. Upon the return of the above mentioned papers in proper form, the same will receive further consideration.

Respectfully,

Enc. R & R Dep.  
JD 4-2

Chairman.

Muskogee, Indian Territory, January 2, 1903.

B. S. Duke,

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of December 29, 1903, to which was attached interrogatories propounded to John Lewis, and the same not being in proper form are herewith returned.

A copy of the Rules and Regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, is herewith enclosed and by reference thereto you will note that before a commission will be issued for the taking of depositions, it is necessary to file with this Commission an affidavit signed by one of the applicants setting forth one or more of the causes enumerated under rule 1; also that the testimony of the witness is material to his claim and specify the evidence sought to be adduced in the taking of such deposition. You must also file with the Commission the interrogatories to be propounded to the witness, whose full name and residence must be given. You will note that under rule 12 proof of service upon the attorneys for the Choctaw and Chickasaw Nations, Mansfield, McMurray & Cornish, South McAlester, Indian Territory, of the copy of interrogatories must be filed with the Commission; such ser-

COPY.

M.C.R. 3105

Muskogee, Indian Territory, November 24, 1902.

Bartlett S. Duke,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

*Tams Dixey.*

Acting Chairman.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymee Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Luticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

*James Dixby.*

Acting Chairman.

Register.

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	903
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sallie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Elin C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foster, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion B. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Beulah B. Ricks, Joseph Lawrence Ricks, Thaddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.

COMMISSIONERS:

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 3105

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1902.

Bartlett S. Duke,  
Durant, Indian Territory.

Dear Sir:

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

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

W. A. P. 5.

Five Civilized Tribes at Meridian, Mississippi, on Thursday,  
February 8, 1906 at nine o'clock A. M. there will be heard the  
testimony of such witnesses as present themselves in person in  
support of your application.

Yours truly,

M. C. 1106.

Commissioner in charge.

Maskogee, Indian Territory, January 3, 1902.

Bartlett S. Duke,

Durant, Indian Territory.

Dear Sir:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Atoka, Indian Territory on July 28, 1900, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children claiming descent from the same common ancestor and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the



- Q Do you know of anybody that could testify on that subject? A No.
- Q Well do you realize that you are applying here for valuable property rights and that your unsupported statement will not carry very much weight with it? A I don't understand.
- Q You understand that you are making application for valuable property rights? A Yes.
- Q Well your own statement unsupported by anyone else, you understand does not carry very much weight? A Yes I understand that.
- Q Can you get oral testimony, that is bring witnesses here before the Commission to testify for you? A I don't know.
- Q You understand that the oral testimony of witnesses is the best evidence you can get do you? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? A No.
- Q Have you any papers that you wish to file? A Yes.

Marriage license and certificate between Barty and Rosa Conditt dated January 22nd, 1896 offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Written application of Bartlett S. Duke offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Should you desire to offer any additional evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any documentary evidence the same will be accepted by the Commission and made a part of the record in your case.

Q Can you speak Choctaw? A No.

By L. D. Horton Attorney.

I would ask that this case be referred for trial with the cases of Thomas P. Duke, Bartlett S. Duke, Jackson & Hayes Duke.

By the Commission.

The applicant in this case has brown hair, brown eyes and dark complexion. His features and general appearance are those of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of eighteen hundred and thirty. He is not very familiar with his ancestors and family history.

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 July 29, 1901, and that the above and foregoing is full, true and correct transcript of his stenographic notes in said cause on the said date of July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 31 day of Aug. 1901.

*R. W. Hinebaugh*

Notary Public.

some of them were allowed by the Commissioners and approved by

the Secretary of War and by the President and others were rejected; in those cases where the claims were approved if the land had not already been sold it was given to the claimants and in those instances where the land had been sold scrip was given by the government of the United States. This scrip could be used in buying any of the Public lands in the States of Mississippi, Alabama, Arkansas or Louisiana. Now do you claim under this fourteenth article of the Treaty of eighteen hundred and thirty? A Yes.

Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Moses Foster.

Q What relation was he to you? A Great grandfather.

Q You say you claim your Choctaw blood through your father? A Yes.

Q What was his father's name? A Bartlett S. Duke.

Q What was your father's mother's name? A Sarah Duke.

Q Through which one of his parents did your father get his Choctaw blood? A Both to the best of my knowledge.

Q Did you know your grandfather and grandmother? A I can recollect seeing them.

Q Are they both dead? A Yes.

Q When did they die? A My grandmother died about three years ago.

Q How old was she about? A I suppose somewhere near 70.

Q And about how old was your grandfather when he died? A He was seventy odd, I can't say exactly.

Q Did your grandfather and grandmother ever live in Mississippi?

A Yes, I think so.

Q What was Bartlett S. Duke's father's name? A I could not tell you, I don't know.

Q Do you know what his mother's name was? A No, I could not, I was small then.

Q Who was Moses Foster? A My grandmother's father.

Q What was your grandmother's mother's name? A I don't know for certain what her name was.

Q Through which one of her parents did your grandmother get her Choctaw blood? A Why her father I suppose, Moses Foster.

Q Did you ever know Moses Foster? A No.

Q Do you know how long ago he died? A No.

Q Did you say that he lived in Mississippi in 1830? A I don't know that.

Q Was he a recognized member of the Choctaw Tribe of Indians? A That's what I have been told.

Q Can you secure any evidence on that point? A I do not know.

Q Do you know of any witnesses living who knew your grand parents or great grand parents who could testify as to whether they lived in Mississippi in 1830 and were Choctaw Indians? A I don't know.

Q Do you understand that it is material in your case to have evidence on that point? A Yes.

Q Do you know whether Moses Foster or any other of your ancestors came west to the present Choctaw Nation with the other Choctaws between 1825 and 1832? A I don't know.

Q Do you know whether Moses Foster or any other of your ancestors went to the Indian Agent there in Mississippi within six months after the Treaty was ratified and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I do not.

Q Do you know of any witnesses who could testify on that point? A No I do not.

Q Did Moses Foster or any other of your ancestors own any land in Mississippi, Alabama, Arkansas or Louisiana? A I do not know.

Q Do you know whether any of them got any scrip from the government? A I do not.

- Q Well do you want to be identified as a Mississippi Choctaw, that is as a descendant of a Choctaw Indian living in Mississippi in 1830?  
A Yes.
- Q What makes you think you have a right to identified as a Mississippi Choctaw? A I have always been taught that my foreparents were Mississippi Choctaws.
- Q You make this application then because you have always been taught that you had Choctaw blood? A Yes.
- Q Do you make any claim under any of the Treaties between the United States and the Choctaw Nation? A I don't know anything about any of the Treaties.
- Q Do you know what a Treaty is? A No, I do not.
- Q Do you know what an agreement is? A Yes.
- Q Well a Treaty is an agreement between Nations. The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws gives it power to determine the identity of those applicants who claim under the fourteenth article of the Treaty of eighteen hundred and thirty. In 1830 the United States wanted to make a Treaty with the Choctaw Indians who lived in the States of Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in Mississippi and moving to that Country west of the Mississippi River. The State of Mississippi was gradually filling up with white settlers and it was hard for the United States to protect the Indians in their Tribal government and the government thought it best to get them over here West of the Mississippi where there would be no white people and where they could set up there own government, but there were a large number of Indian who did not wish to leave their homes there in Mississippi and the rest of the Indians would not sign any Treaty until some provision was made for those Indians who did not want to come West, so article fourteen was made a part of the Treaty and after this article was put in the Treaty the Indians signed it alright and it was approved by the United States and the Indians. 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 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 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the Ux 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." A great many of the Indians who did not want to leave their homes in the State of Mississippi went to the Indian Agent there within six months after the Treaty was ratified and told him that they wanted to stay in Fississippi and become citizens of the United States but when the United States sent a locating Agent down there to locate the lands for these Indian it was found that a great many names of those who claimed to have gone to the Agent, were not found on the list prepared by him and so under different Acts of Congress Commissioners were appointed to look into this matter and find out which of the claimants were entitled to land there in Mississippi under the Fourteenth article of the Treaty. These Commissioners passed on a large number of claims

- Q The Commission is authorized under the law to determine the identity of those Choctaw Indians who claim under the fourteenth article of the Treaty of eighteen hundred and thirty and we know of no law giving this Commission authority to determine the right of people who claim as intermarried Mississippi Choctaws. If you want to make that application we will hear it and make a record of it but the Commission knows of no law under which they can identify such applicants. Do you think that you want to make application for your wife? A I suppose so.
- Q How old is your wife? A She is twenty-two.
- Q What is her father's name? A William Conditt.
- Q Is he living? A Yes.
- Q What is her mother's name? A Polly Conditt.
- Q Is she living? A No.
- Q You wife's parents are both white people and make no claim to Choctaw blood? A Not that I know of.
- Q Have you any children for whom you wish to make application at this time? A Yes two.
- Q Give the names and ages of these children? A Alfred Duke, three years old.
- Q Next? A James William Duke.
- Q How old? A About eight months old.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Rosie Duke.
- Q When and where were you married to Rosie Duke? A Baxter County, Arkansas, in 1896.
- Q Were you married by an ordained minister or by an official? A I was married by a Justice of the Peace.
- Q Have you your marriage license and certificate to offer in evidence? A Yes.
- Q You will file them? A I reckon so.
- Q It will be necessary for the Commission to be supplied with evidence of the marriage between yourself and Rosie Duke in support of the application you make for your minor children and your wife.
- Q Have you ever made application to the Choctaw Tribal Authorities to have yourself or your wife enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your wife in 1896 make application for citizenship in the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10th, 1896. A No.
- Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or the Authorities of the United States? A No.
- Q Have you or your wife ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself, your wife or your children admitted or enrolled as members of that Tribe? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application are you making now? A Why Choctaw citizenship I reckon.
- Q The time for hearing original applications for Choctaw Citizenship expired within 90 days from June 10th, 1896. What kind of an application are you making here now? A Mississippi Choctaw.
- Q You claim to be a Mississippi Choctaw? A Yes.
- Q You want to make application for identification as a Mississippi Choctaw? A Yes. I don't exactly understand that.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 29, 1901.

#3105

In the matter of the application of Bartlett S. Duke for the identification of himself and his two minor children as Mississippi Choctaws and for the identification of his wife Rosie Duke as an intermarried Mississippi Choctaw.

L. D. Horton, Attorney representing applicant.

John S. Bartlett being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Bartlett S. Duke.  
Q What is your age? A Twenty-four.  
Q What is your post-office address? A Durant.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A About nine years.  
Q Where did you live before you lived there? A Baxter County, Arkansas.  
Q How long did you live in Arkansas? A I was born and raised there and lived there until about nine years ago.  
Q Did you ever live in Mississippi? A No.  
Q What is your father's name? A James Hampton Duke.  
Q Is he living? A No.  
Q What is your mother's name? A Charnella Reed.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About 1/16th.  
Q Has your father ever been admitted or enrolled by the Choctaw Tribal Authorities or the Authorities of the United States as a Choctaw Indian? A No.  
Q Have you any evidence of your father's and mother's marriage?  
Q A Only what Mr. Horton has.

Evidence of the marriage between J. H. Duke and C. F. Hightower offered in evidence and filed in NO-8104, Thomas P. Duke.

- Q Are you married? A Yes.  
Q What is your wife's name? A Rosie Duke.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A Yes.  
Q What do you claim for your wife? A Well, she is my wife that's all.  
Q Has she any Indian blood? A No.  
Q Well, what kind of a claim are you making for her? A I could not tell you only she is my wife.

Choctaw MCR 3105

Bartlett S. Duke

MCR 3105

R-310

*Thomas P. Burke*

R-3109

NO. 1000 ST.

NOTICE

RECORD DEPARTMENT.

OFFICE OF THE SECRETARY OF THE INTERIOR.

SECTION

REMAN  
IN

RECORD FORWARDED DEPARTMENT.

**ACTION APPROVED BY  
SECRETARY OF INTERIOR.**

APR 22 1905

NOTICE OF DEPARTMENTAL  
ACTION MAILED APPLICANT

NOTICE OF DEPARTMENTAL ACTION  
FORWARD APPLICANTS FOR CHOCTAW  
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION  
FORWARD APPLICANTS FOR APPLICANT.

WA

788

No. 3104

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Charnella F. Reed

Age 46 Blood

Post Office, Durant, D. T.

Father:

Mother:

Child  
Claims through father.

Children:

Thomas P. Duke 1/16 8

Father: James Hampton Duke  
(dead) etc

Claims for child

Stenographer

G. Rosenwinkel



MCR-5104

Muskogee, Indian Territory, March 9, 1907.

Thomas P. Duke,  
Durant, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied the motions filed by J. O. Pool, attorney at law, South McAlester, Indian Territory, and Gilbert & Bond, attorneys at law, Duncan, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of Joseph L. Nixon et al.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 11, 1905.

Thomas P. Duke,  
Durant, Indian Territory,

Dear Sir:

You are hereby notified that on April 28, 1905, the Secretary of the Interior reaffirmed the decision of this Commission of May 13, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon et al.

You are advised that a copy of the decision of the Secretary of the Interior in this case has been furnished L. B. Horton, Attorney at Law, Durant, Indian Territory, and Messrs. Herbert, Walker & Cannon, Attorneys at Law, Ardmore, Indian Territory, attorneys for the several applicants in this consolidated case.

Respectfully,

Chairman.

such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, at any time within thirty days from the date upon which you receive this notice, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R. & R. Dep.  
Registered

Chairman.

Thomas Foster, under the provisions of said article, by virtue of the subsequent legislation enacted in reference thereto.

Inasmuch as the showing made in said petition and in the affidavits in support thereof, is corroborated by the records of the Government relating to persons who complied with article 14 of the treaty of 1830, it is considered that a further investigation should be had in this matter."

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

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

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

Muskogee, Indian Territory, December 7, 1903.

Thomas P. Duke,

Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of November 25, 1903, returned to this Commission the record theretofore forwarded the Department in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al., with instructions that the applicants be granted an opportunity to introduce further testimony and evidence in support of their claim.

The Secretary of the Interior in his letter states:

"October 7, 1903, you transmitted a petition for a rehearing in the matter of the consolidated Mississippi Choctaw case of Joseph L. Nixon, et al. (M.C.R. 788). Attached to said petition are the affidavits of certain of the applicants in said case, also the affidavit of a full blood Choctaw named John Lewis, who was a resident of the old Choctaw Nation in 1830.

The applicants in this case claim their right to identification as Mississippi Choctaws by reason of their descent from Thomas and Elizabeth Foster. Thomas Foster was an one-half blood Indian who, it is alleged, was a resident of Mississippi in 1830, and complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of that year. The maiden name of Elizabeth Foster was Elizabeth Dukes.

From the affidavit of John Lewis it appears that he was acquainted with said Thomas Foster and with his three brothers, William, James and Hugh Foster; that he was with the Foster brothers in the summer of 1831 at the Union Agency, Mississippi, and that all of said brothers signified their intention to Col. Ward to remain in Mississippi and become citizens of that state.

From the records of the Government it appears that William, James and Hugh Foster were beneficiaries under article 14 of the treaty. It also appears that scrip was issued to one

COPY.

M.C.R. 3104

Muskogee, Indian Territory, November 24, 1902.

Thomas P. Duke,  
Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph L. Nixon, et al., of which decision you were advised by registered mail on the 27th day of May, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Howell, Jimmie Howell, Stacy Howell, William A. Sparks, Harvey Sparks, Brady Sparks, David Sparks, Frank Duke, Henderson Duke, Carrie Duke, Claude Duke, Ella Duke, Richard M. Scott, Maymeo Scott, Thomas Drue Foster, John G. Foster, Andrew J. Foster, Ouida Foster, Charles H. Foster, Jackson Foster, Thomas P. Duke, Bartlett S. Duke, Alfred Duke, James William Duke, Braddy S. Duke, Pearl Scott, Tiff F. Scott, Lockey Virginia Perry, Margaret Luticia Perry, Malinda Lucretia Perry, Pearly Ophelia Perry, John Riley Jackson Perry, William Wiley Perry, Mary Luvenia Carlisle, Washington S. Perry, Thomas L. Mixon and Stephen T. Duke, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Martin H. Duke for the identification of his wife, Mary Ann Duke, that made by Andrew J. Duke for the identification of his wife, Lucinda J. Duke, that made by Elizabeth Sparks for the identification of her husband, Felix Sparks, that made by Turah Hughs for the identification of her husband, John W. Hughs, that made by Thomas I. Sparks for the identification of his wife, Dora A. Sparks, that made by William W. Boucher for the identification of his wife, Mary Elizabeth Boucher, that made by Sidney B. Smith for the identification of his wife, Dollie L. Smith, that made by John G. Foster for the identification of his wife, Jemima J. Foster, that made by Andrew J. Foster for the identification of his wife, Myrtis C. Foster, that made by Bartlett S. Duke for the identification of his wife, Rosie Duke, that made by Braddy S. Duke for the identification of his wife, Maude Duke, and that made by Jasper Weldon Allen for the identification of himself, in each case as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

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

Yours truly,

no  
Acting Chairman.

Register.

Lycurgus Duke, et al.,	M C R	823
William S. Luther,	M C R	825
William J. A. Smith, et al.,	M C R	902
Laura Howell, et al.,	M C R	952
William A. Sparks, et al.,	M C R	954
Frank Duke,	M C R	1235
Henderson Duke, et al.,	M C R	1236
Richard M. Scott, et al.,	M C R	2593
Thomas Drue Foster,	M C R	2974
John G. Foster, et al.,	M C R	3037
Andrew J. Foster, et al.,	M C R	3038
Thomas P. Duke,	M C R	3104
Bartlett S. Duke, et al.,	M C R	3105
Braddy S. Duke, et al.,	M C R	3106
Pearl Scott,	M C R	3137
Tiff F. Scott,	M C R	3138
Lockey Virginia Perry, et al.,	M C R	941
William Wiley Perry,	M C R	944
Mary Luvenia Carlisle,	M C R	946
Washington S. Perry,	M C R	974
Thomas L. Mixon,	M C R	4922
Stephen T. Duke,	M C R	4923

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph L. Mixon, Joseph Emmett Mixon, Martin H. Duke, Alonzo H. Duke, Thomas L. Duke, Berge Duke, Ruth Ada Duke, Andrew J. Duke, Elizabeth Caroline Duke, Elsie Jane Duke, George B. Duke, Lillie G. Duke, Birdie Duke, Mary Keziah Moore, William Elmer Moore, Effie May Moore, John V. Allen, Andrew B. Allen, Sullie A. Roberts, Walter A. Roberts, Nora Odessa Roberts, Edward E. Foster, Ada B. Foster, Maud Z. Foster, Elva C. Foster, Dera F. Smith, Erin Smith, Lila Smith, Iva Smith, Elizabeth Sparks, Turah Hughs, William Claudie Hughs, William M. Foster, William Pen Foster, Milla Foeter, Bettie Foster, Thomas I. Sparks, Ora T. Sparks, Richard W. Sparks, Freddie C. Sparks, Nettie E. Sparks, William W. Boucher, Sarah Ann Boucher, Jeff T. Boucher, Mary A. Boucher, Harper Duke Boucher, Flora Eunice Boucher, Henry Tilden Smith, Sidney B. Smith, Rebecca Ellen Smith, Rufus J. Smith, Sarah C. Smith, Florence King, Sarah J. Foster, Gatsy Ann Foster, Elizabeth Jones, Thomas Smith, M. D. Boucher, Edward E. Boucher, Haze D. Boucher, Arthur Eugene Boucher, James Quinton Boucher, Leon Boucher, Sarah White, Willie B. White, Ida May White, Lizzie White, Hester Lee White, Claudie White, William Jarrett White, Rena K. White, Artie F. Perry, Bradford Perry, Orion R. Perry, Harvey P. Perry, Nancy K. Luther, Jarrett H. Luther, Roy L. Luther, Roxy M. Luther, Lela Luther, Sarah L. Cooper, Nancy Jane Cooper, George Washington Cooper, James William Cooper, Mary Louisa Cooper, Calvin Hilly Cooper, Agnes Nelson, Sarah Ellmina Bryant, Lillie Bryant, Daisy Bryant, Charlie Bryant, Carl Bryant, Baulah B. Ricks, Joseph Lawrence Ricks, Thaddeus Benton Ricks, Alonza Preston Ricks, Mary S. Foster, Roscoe Foster, Everett A. Foster, Richard W. Foster, Bartlett S. Duke, Tobitha A. Duke, Andrew J. Duke, Geneva Pearl Duke, Lycurgus Duke, Parlee C. Duke, Nellie A. Duke, William S. Luther, William J. A. Smith, Thomas C. Smith, Eddie Lee Smith, Laura Howell, Gladys L.



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

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 3104

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 27, 1902.

Thomas P. Duke,

Durant, Indian Territory.

Dear Sir:

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

Joseph L. Mixon, et al.,	M C R	788
Martin H. Duke, et al.,	M C R	332
Berge Duke,	M C R	333
Ruth Ada Duke,	M C R	334
Andrew J. Duke, et al.,	M C R	449
Mary Keziah Moore, et al.,	M C R	450
Jasper Weldon Allen, et al.,	M C R	452
Sallie A. Roberts et al.,	M C R	453
Edward E. Foster, et al.,	M C R	700
Ella C. Foster,	M C R	701
Dera F. Smith, et al.,	M C R	702
Elizabeth Sparks, et al.,	M C R	706
Turah Hughs, et al.,	M C R	708
William M. Foster et al.,	M C R	713
Thomas I. Sparks, et al.,	M C R	715
William W. Boucher, et al.,	M C R	718
Henry Tilden Smith,	M C R	753
Sidney B. Smith, et al.,	M C R	754
Rebecca Ellen Smith, et al.,	M C R	756
Sarah J. Foster, et al.,	M C R	757
Elizabeth Jones,	M C R	761
Thomas Smith,	M C R	763
M. D. Boucher, et al.,	M C R	766
Sarah White, et al.,	M C R	769
Lizzie White, et al.,	M C R	770
Artie F. Perry, et al.,	M C R	772
Mary K. Luther, et al.,	M C R	774
Sarah L. Cooper, et al.,	M C R	777
Agnes Nelson,	M C R	783
Sarah Ellmina Bryant, et al.,	M C R	785
Beulah B. Ricks, et al.,	M C R	789
Mary S. Foster, et al.,	M C R	794
Richard W. Foster,	M C R	798
Bartlett S. Duke, et al.,	M C R	816

K. P. D. R.

testimony of such witnesses as present themselves in person in  
support of your application.

Yours truly,

K. C. 5104.

Commissioner in charge.

Muskogee, Indian Territory, January 3, 1902.

Thomas P. Duke,

Durant, Indian Territory.

Dear Sir:

In the matter of the application for identification as a Mississippi Choctaw of Berge Duke, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Atoka, Indian Territory on July 29, 1901, your mother, Charnelle F. Reed made personal application to this Commission for your identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Meridian, Mississippi, on Thursday, February 7, 1902 at nine o'clock A. M. there will be heard the

- Q Do you know whether there is any one living who would know whether this Sarah Fester or any other of your son's ancestors went to the Indian Agent in Mississippi within six months after the Treaty was ratified and tell him that they wanted to take land there? A I do not know.
- Q Do you understand that it is material to your case to have evidence on this point? A Yes I understand.
- Q Will you get it if you can? A Yes I will.

Should you desire to offer any further evidence in support of your application, either the oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, the Commission will accept the same and make it a part of the record in this case.

By Attorney L. B. Horton,

I wish to ask that this case be referred for trial with the cases of Bartlett S. Duke, Jackson Duke, and Hays Duke which are already pending before the Commission

By the Commission,

- Q These people have already made application? A (by attorney) Yes.
- Q And claim through the same common ancestor? A (by Attorney) Yes.

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 July 29, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said date of July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 17 day of Aug. 1901.

*D. H. Linsbaugh*

Notary Public.

- Q Did you ever hear how old she was then? A I do not know, I think she would have been about 16 years.
- Q Did Sarah Foster or Bartlett S. Duke, or any other of yourson's ancestors come west with the other Choctaw Indians between 1833 and 1838 to the present Choctaw Nation? A I could not say.
- Q Did either of them go to the Indian Agent there in Mississippi within six months after the Treaty was ratified and tell him that they wanted to stay in Mississippi and take land? A I do not know.
- Q You never heard anything about that? A I never did.
- Q Did any of them ever own any land in Mississippi, Louisiana, Alabama or Arkansas? A I think that Father Duke owned some in Mississippi.
- Q Do you know how he owned it? A Why I think he bought it and paid for it.
- Q Do you know what he paid for it? A I suppose currency of the time. I do not think that he got it from the Indians.
- Q You have no records in your family to show whether any of your ancestors got any land, or ever owned any land in the states of Mississippi, Alabama, Arkansas or Louisiana? A No the records were all destroyed or were misplaced.
- Q Is there anyone living who knows these ancestors of your son, his grand mother, and great grandmother, who would be able to tell whether they got any land from the government or whether they went to the Indian Agent there in Mississippi and told him that they wanted to stay in Mississippi or whether they were recognized Choctaw Indians? A I could not say.
- Q Do you understand that you are making application here for valuable property rights and that your unsupported statement will count for very little? A Yes I understand that.
- Q Have you any papers that you wish to file now? A Yes.

Written application of Mrs C. F. Reed, offered in evidence marked exhibit "A" filed and made a part of the record in this case.

Certified copy of marriage license and certificate between J. H. Duke and C. F. Hightower offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Affidavit of Charnella F. Reed, marked exhibit "C" filed and made a part of the record in this case.

Affidavit of Bartlett S. Duke offered in evidence, marked exhibit "D" filed, and made a part of the record in this case.

Affidavit of Alpha Willis, offered in evidence, marked exhibit "E", filed, and made a part of the record in this case.

- Q Who is this Bartlett S. Duke? A He is ~~the~~ my son, of James Hampton Duke.
- Q Well, he says here in this affidavit that he is 54 years old and you are only 46 years old? A Oh, that is a mistake.
- Q Well, who is this Bartlett S. Duke who makes this affidavit? A He is an uncle, ~~her~~ brother of their father.
- Q A brother of your child's father? A Yes.
- Q Well he lives right here at Durant. If he knows anything about this case why don't you bring him here to testify? Can you do this? A Yes I think I can.
- Q Does he know anything about this case personally? A I do not know.
- Q Did he know these people in 1830? A I don't suppose he did.
- Q Is there any one living who knew these ancestors of your son in 1830 and whether they got any land under the Treaty of 1830? You understand that it is very important to have evidenced along these lines? A Yes

- claims were favorably passed on, if the land claimed by them, had not already been sold, they were given scrip by the government which could be used in buying any of the public land in the States of Mississippi, Alabama, Louisiana or Arkansas. If the land had not been sold it was given to the claimants and a patent was issued to them. Do you claim anything for your son under the fourteenth article of the Treaty of eighteen hundred and thirty? A I do.
- Q What was the name of the ancestor of your son who lived in the old Choctaw Nation in 1830 and who was a recognized Choctaw Indian? A Moses Foster I think.
- Q What relation was Moses Foster to your son? A Great grandfather.
- Q You say your son claims his Choctaw blood through his father? A Yes he claims it through his father.
- Q Have you your marriage license and certificate? A Yes I have them with me.
- Q You want to file them? A Yes.
- Q Through which one of your husbands parents did he claim his Choctaw blood? A Father and mother both.
- Q What was his fathers name? A Bartlett Smith Duke.
- Q What was his father's mother's name? Sarah Foster before she was married.
- Q Through which one of Sarah Foster's parents did she claim her Choctaw blood? A Father.
- Q What was her father's name? A Moses Foster.
- Q You say your husbands grand father and grandmother were both Choctaw Indians? A I think they were both recognized.
- Q What was your husband's grandmother's name? A Elizabeth Foster I think.
- Q And you are sure that your husbands grandmother claimed Choctaw blood through both her grandfather and grandmother? A I think they do.
- Q What was the name of your husbands father? A Bartlett S. Duke.
- Q What was Bartlett S. Dukes father's name? A I do not know.
- Q Through which one of Bartlett S. Duke's parents did he claim his Choctaw blood? A I do not know, the records were destroyed you know.
- Q How long has your husband been dead? A About 17 years.
- Q How old was he when he died? A About 31.
- Q How long had his parents been dead? A His father died about 2 months before he died, in the fall before he died. His mother died, -- I don't remember, it has been some three years ago?
- Q And your husband claimed his Choctaw blood? A Through his father and mother both.
- Q And how old was your husbands mother when she died? A She was somewhere near 70 years old.
- Q What was your husbands mother's name? A Sarah Foster before she was married.
- Q Would not your husbands mother have been living herself in 1830? A Yes, I think so.
- Q Was your husband's father living in 1830? A Yes.
- Q About how old would they have been then? A I do not know anything about that. My husbands father was 75 years old when he died and has been dead about 17 years.
- Q Were Sarah Foster and Bartlett S. Duke married in 1830? A I can't say the records were destroyed.
- Q You can't say then whether your husbands mother's name was Sarah Foster in 1830 or Sarah Duke? A Well, I am satisfied that it was Foster.

- Q You are trying to have him identified as a Mississippi Choctaw?  
A Yes.
- Q How do you claim the right for your son to identification as a Mississippi Choctaw? A His foreparents had Indian blood and were Choctaws. His grandfather and grandmother both.
- Q You claim the right to have your son identified because he has Choctaw blood? A Yes.
- Q Do you claim anything for your son under any of the Treaties between the United States and the Choctaw Tribe of Indians? A Yes, I claim under the Treaty of the United States and the Choctaw Indians.
- Q Under which Treaties? A I claim under all the Treaties.
- Q Do you claim anything special under any one of the Treaties then? A Well, I don't know that I do.
- Q You do not know very much about the Treaties then? A No, I do not.
- Q The law which gives the Commission the right to hear these applications gives it power to determine the identity of those applicants who claim under the fourteenth article of the Treaty of eighteen hundred and thirty. In 1830 the United States wanted to make a Treaty with the Choctaw Indians for the purpose of exchanging their lands in the States of Mississippi and Alabama for lands in the west, west of the Mississippi River because the State of Mississippi was filling up with white settlers and it was very hard to protect the Choctaws in their Tribal government. The United States thought it would be best to remove them to a Country west of the Mississippi River where there were no white people and where they could be protected in their Tribal government, but some of the Indians did not want to leave Mississippi and the other members of the Tribe would not sign any Treaty until something was done for those Indians who wanted to stay in Mississippi. So article fourteen was made a part of the Treaty for the benefit of these Indians who wanted to stay. 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 or survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be 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 to be entitled to any portion of the Choctaw annuity." A great many of the Indians who did not want to come west went to the Indian Agent there within six months after the Treaty was ratified and told him that they wanted to take land there but when a locating Agent was sent by the government it was found that the names of a great many who claimed to have gone to the Indian Agent were not on the list which was made by him, so under different Acts of Congress Commissioners were appointed to go down there and look up this matter and find out just which of the claimants were entitled to land under the fourteenth article of the Treaty of eighteen hundred and thirty. A great many of these claims were allowed and approved by the Secretary of War and by the President and some were rejected. Those applicants whose

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 29, 1901.

#3104

In the matter of the application of Charnella F. Reed for  
identification of her son, Thomas P. Duke, as a Mississippi Choctaw.

Applicant represented by Attorney L. D. Horton.

- Examination by the Commission -

- Q What is your name? A Charnella F. Reed.  
Q How do you spell it? A C-h-a-r-n-e-l-l-a.  
Q How do you spell Reed? A R-e-e-d.  
Q What is your age? A Forty-six.  
Q What is your post-office address? A Durant,  
Q Indian Territory? A Yes.  
Q How long have you lived there? A Since '98.  
Q Where did you live before you lived there? A Part of the time  
in Arkansas and part of the time in Mississippi. I was born in  
Q Mississippi.  
Q You state you wish to make application for your son? A Yes for my  
son Thomas P. Duke.  
Q How old is he? A Eighteen.  
Q How long has your son lived in the Indian Territory? Since '95.  
Q Where did he live before he lived here? A In Arkansas.  
Q Where was he born? A In Baxter County, Arkansas.  
Q He never lived in Mississippi? A No.  
Q You are this child's mother? A I am.  
Q What is the name of his father? A James Hampton Duke.  
Q His father is living? A No.  
Q Your son gets his Choctaw blood through his father? A Yes.  
Q How much Choctaw blood do you claim for your son? A About 1/16th.  
Q Is your son's name on any of the Tribal rolls of the Choctaw  
Nation in the Indian Territory? A No.  
Q Has his father 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 No, he has not.  
Q Has application ever been made for your son to the Choctaw  
Tribal Authorities in the Indian Territory to have him enrolled  
as a member of the Choctaw Tribe? A Never have.  
Q Did you or did any one for your son in 1896 make application to the  
Dawes Commission for citizenship in the Choctaw Nation under the  
Act of Congress of June 10th, 1896? A I did not.  
Q Has your son ever been admitted to citizenship in the Choctaw  
Nation by the Choctaw Tribal Authorities or the Dawes Commission?  
A He has not.  
Q Has your son ever been admitted to citizenship in the Choctaw Na-  
tion by a judgment of the United States Court in Indian Territory  
on appeal from the decision of the Choctaw Tribal Authorities  
or the Dawes Commission? A No he has not.  
Q Has application ever been made before this to have your son admitted  
or enrolled as a member of the Choctaw Tribe, to either the Choctaw  
Tribal Authorities or the Authorities of the United States? A  
He has not.  
Q Is this the first application that has ever been made for your son?  
A It is.  
Q What kind of an application are you making for him now? A As  
a Mississippi Choctaw.



Choctaw MCR 3104

Thomas P. Duke

MCR 3104

*A. Dubay et al*  
REFUSED

DECISION RENDERED. SEP 2 1902

MAILED APPLICANT  
R. 310 3 SEP 2 1902

1902

NOTICE OF DEPARTMENTAL ACTION  
REFUSED APPLICANT.

FEB 25 1903

NOTICE OF DEPARTMENTAL ACTION  
REFUSED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
REFUSED APPLICANT.

INSTRUMENT NO. 4895

24

Mr A Dubak Bonn  
November 24. 1889,

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
FILED  
APR 29 1901  
3103

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

3103

A. Dubaz,  
Potsville, Louisiana.



RMS

HOUSTON  
TR. 6  
NOV  
1906  
N. O. R. O.

Commissioner to

F I L E

NOV 1906

HOUSTON  
NOV 1906

HOUSTON  
NOV 1906

No. 3193

For Identification as a Mississippi Choctaw.

Date JUL 29 1921

Name A. Dubay

Age 62 Blood 78

Post Office, Polsville, La

Father: Napoleon Dubay (dead)

Mother: Therese Dubay (dead)

Claims through mother ✓

wife: Josephine Dubay  
(No claim for her)

Children:

Joe Dubay 17

John " 15

Napoleon " 14

Claims for self and three  
minor children

Stenographer

E. Rosenwinkel

MCR-3103.

Muskogee, Indian Territory, March 2, 1907.

A. Dubas,  
Pottsville, Louisiana.

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.



*mm*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3103.

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

Muskogee, Indian Territory, November 12, 1906.

A. Dubas,

Potsville, Louisiana.

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,



Commissioner.

M.C.R. 3103

COPY.

Maskogee, Indian territory, February 25, 1903.

A. Dubas,

Potsville, Louisiana.

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 Rogelia Waillette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*James Bixby.*

Chairman.

A B-7.

Rambin, Arthur Rambin, Lula Rambin, Joseph McQ. Rambin, Johnnie Rambin, 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 Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mar. Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Cartwell Flores, Charley B. McCayse, 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,

(SIGNED)

*G. W. ...*

Acting Chairman.

Registered.

A D-2.

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.,	" 3980
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 Roxelia Waillette, Zelia Laurent, Jones Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angela Laurent, Olevia Waillette, Earnest Waillette, Edwin Waillette, Leo Waillette, Eva Waillette, John B. Waillette, Gertrude Waillette, Eugenia Waillette, John Steven Waillette, Louis L. Waillette, Lambert Waillette, 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 B. Laffitte, Leon Laffitte, Napoleon Laffitte, Sam Laffitte, A. Dubaz, Joe Dubaz, John Dubaz, Napoleon Dubaz, Minnie Messer, 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 V. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Ramin, Joseph G.

COPY.

Muskegee, Indian Territory, September 2, 1902.

A. Dubaz,

Potsville, Louisiana.

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
Angele Laurent,	" 4898
Olevia Waillette, et al.,	" 4897
John B. Waillette, et al.,	" 4478
Louis L. Waillette, 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. Dubaz, et al.,	" 3103
Minnie Hesser,	" 3949
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 Logrand, et al.,	" 3713
Boney Ramin, et al.,	" 3952
Edmund Perier, et al.,	" 2259
Sterling Perier,	" 2244

Muskogee, Indian Territory, August 15, 1901.

Messrs. Hudson & Arnold,

Attorneys-at-law, Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 7th, enclosing affidavits for filing in the support of the following applications for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L. Dupre, to be filed in support of the application for identification as a Mississippi Choctaw of Napoleon Laffitte.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of Sam Laffitte.

Affidavits of Emile Prudhomme and T. L. Dupre to be filed in support of the application of Joe D. Laffitte.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of Joe Clanton et al., for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of Leon Laffitte.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of A. Tubas et al., for identification as Mississippi Choctaws.

These affidavits have been duly filed and made a part of the records in cases above named and will receive the consideration of the Commission in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3097-3099  
\* \* 3100-3101  
\* \* 3102-3103

- Q Did you say that you knew your grandmother? A Yes.  
Q Where did you know her? A In Louisiana, she came to my mother  
one time.  
Q Where did she live at that time? A I do not know.  
Q Have you any papers that you want to file at this time? A No.

Should you desire to offer any further evidence in support of  
your application, either the oral testimony of witnesses, their  
depositions or affidavits or any other documentary evidence it will  
be accepted by the Commission and made a part of the record in your  
case.

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 July 29, 1901 and that the above and foregoing is a full  
true and correct transcript of his stenographic notes in said cause  
on the said date of July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 17 day of Aug 1901.

*R. W. Luebaugh*  
Notary Public.

- Q Through which one of your mother's parents did she get her Choctaw blood? A Her mother.
- Q Then your mother got her Choctaw blood through her mother Madeline Roblo? A Yes.
- Q Do you know what Madeline Roblo's mother's name was? A No.
- Q Do you know what her father's name was? A No.
- Q Did you ever know your grandmother? A My mother's mother; Yes?
- Q A I knew her when I was very small.
- Q How long has your mother been dead? A Now, about 25 years.
- Q How old was she when she died? A A I could not tell you.
- Q Do you know about how old she was? A That's been about 40, 45 years ago, --I think about 30, --I think.
- Q Was she a middle aged woman or was she old? A She was about middle aged.
- Q How long do you say your grandmother has been dead? A About 50 years, I reckon as near as I can recollect.
- Q About how old was she? A I could not tell you.
- Q Did you ever see her? A Yes I seen her her.
- Q But do not know how old she was when she died? A No, I do not.
- Q Did Madeline Roblo or any other of your ancestors come west with the other Choctaw Indians to the new Country between 1833 and 1838?
- Q A No not that I know of.
- Q Did Madeline Roblo 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 take land there? No, not that I know of.
- Q Did you grandmother Madeline Roblo have any Choctaw name? A I could not tell you if that is Choctaw or not.
- Q Well, you said that Madeline was her French name? A I told you we called it Madeline in French I don't know whether that is Choctaw or not
- Q Do you know what her name was in English? A No.
- Q Did Madeline Roblo or any of your ancestors ever own any land in Mississippi, Alabama, Louisiana or Arkansas? A No.
- Q You have no records, copies of deeds patents etc., in your possession that would show whether she ever owned any land in any of these states? A No.
- Q Have you any witnesses that could testify along these points that you have been questioned about? A Yes.
- Q Who are they? A Prudhomme and Tamas Dupre.
- Q Where do these people live? A They live in Louisiana. One lives in the Parish of DeSoto and the other one in Caddo Parish.
- Q Could you bring them in person before the Commission to testify? A No I don't suppose I could.
- Q You will get their depositions and forward them to the Commission will you? A Yes.
- Q You understand that it is important that you have evidence on the points that you have been asked about to-day? A Yes I do.
- Q Is there any other statement that you wish to make at this time? A No.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Do you speak Choctaw? A No.
- Q Do you speak French? A Yes. My father was a Frenchman.

The applicant in this case has grayish hair and mustache which seems originally to have been dark brown or black, brown eyes and olive complexion. His cheek bones are a trifle prominent. From his appearance it would seem that the French blood predominates. He does not speak the Choctaw language and 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. He does not know much about his ancestors from family history.



- Q Do you know what an agreement is between people? A Yes.
- Q Well, a Treaty is an agreement between Nations. Do you understand that now? A Yes.
- Q You understand what Nations are? A Yes I know what a Nation is.
- Q In 1830 the State of Mississippi was being settled up by white people very rapidly and the United States government found it very hard to protect the Choctaw Indians in their Tribal government, so they wanted to make an agreement, or Treaty with the Indians for the purpose of moving them west of the Mississippi River where there would be no white people and where they could set up their government in their own way but some of the Indians did not want to come west and the other Indians would not sign any Treaty until something was done for those who wished to remain in Mississippi. Article fourteen was made a part of the Treaty for the benefit for those Choctaws who did not want to come west and after that article was put in the Treaty the Indians signed it alright and it was ratified by the Choctaw Indians and the United States. Article fourteen of the Treaty of 1830 provided " 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 10 years of age; and a quarter section to such child as may be 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 to be entitled to any portion of the Choctaw annuity." A great many of the Indians went to the Indian Agent there in Mississippi and told him, within six months after the ratification of the Treaty, that they wanted to remain in Mississippi and take land there and when a locating agent was sent there by the government to locate the lands for these people it was found that a great many of the names of those who claimed to have gone to Indian Agent were not ~~found~~ on the list made by the Agent, so different men were sent there, Commissioners, under Acts of Congress to look into this matter and find out what Indians were entitled to land there under the fourteenth article ~~of~~ of the Treaty of eighteen hundred and thirty, and a great many of these cases were passed upon by the Commissioners. Some of them were allowed by the Commissioners and approved by the Secretary of War and by the President and in cases where the land had already been sold, scrip was issued by the government to these claimants which could be used in the purchase of land in the states of Mississippi, Alabama, Arkansas or Louisiana, and if the land had not already been sold the land was given to them and a patent issued to them. Now, what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and who was a recognized Choctaw Indian?
- A What was her name, Yes? X Madeline, the way we use to call it in French was Madeline.
- Q You say you claim your Choctaw blood through your mother? A Yes.
- Q What is your mother's mother's name? A That's it, Madeline Roblo.
- Q Madeline Roblo was your mother's mother? A Yes, my mother's mother.
- Q What was your grandmother's mother's name? A My grand mother's mother's name? Yes, Madeline Roblo's mother's name, A My grand-mother's mother's name I do not know.
- Q Well, what was your mother's father's name? A XE Pierre Roblo.

- Q The next one? John Dubas.
- Q How old is John? A Seventeen, little over seventeen.
- Q Next? A Napoleon.
- Q How old is Napoleon? A Fourteen.
- Q You are the Father of these children? A Yes.
- Q What is the name of their mother? A Josephine.
- Q When and where did you marry Josephine? A In the Parish of Louisiana.
- Q When? A In Sixty-eight.
- Q Did you obtain a license to marry? Yes.
- Q Were you married by an ordained minister or by an official? A I was married by the Lord. I was married by a priest.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A No but I can send it when I get back.

It will be necessary for the Commission to be supplied with evidence of the marriage to your wife in support of the application you make for your minor children.

- Q Is your name or are the names of any of your 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 to have yourself or your children enrolled as members of that Tribe? A No.
- Q Did you or did any one 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 10th, 1896? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory, on appeal from the Decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time made application for yourself or your children to either the Choctaw Tribal Authorities of 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 of any kind you have ever made? A Yes.
- Q What are you making application here for to-day? A On my mother's and grandmother's side.
- Q What do you claim on your mother's and grandmother's side? A Mississippi Choctaw.
- Q Do you want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because I always heard my parents say so.
- Q You are making your claim now because you have always been told that you had Choctaw blood? A Yes I have been told so.
- Q Are you making this claim now because of any of the Treaties between the United States and the Choctaw Indians? A Yes, Yes.
- Q Which Treaty? A On my mother's side.
- Q Do you know anything about the Treaties or what a Treaty is? A No, I have never been in law and I don't know nothing about ways in law. I can't read and write and a man that don't know nothing about law.
- Q Do you know what a Treaty is? A No, I do not.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 29, 1901.

#3103

In the matter of the application of A. Dubaz for identification of himself and his three minor children as Mississippi Choctaws.

Hudson & Arnold, Attorneys representing applicant, J. E. Arnold Attorney appearing.

A. Dubaz, being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A A. Dubaz.  
Q How do you spell it? A ( Applicant hand slip of paper containing his name.)  
Q You name on this slip of paper is spelled D-u-b-a-z, is that the way to spell your name? A Yes.  
Q What is your given name? A It is a French one, nobody can spell it.  
Q How do you spell it? A I can't spell it, that is the way ( pointing to slip of paper) that is the name I have been baptized by.  
Q Well, what does that "A" stand for? A For my given name I suppose.  
Q What is your given name? A That is taken from the register of the church and I don't see why that can't go.

"Memorandum slip is marked exhibit "A" filed and made a part of the record in this case."

- Q What is your age? A Sixty-two. You can see that there too.  
Q Well but I want you to tell it? A Well, sixty-two I believe in September.  
Q What is your post-office address? A Pottsville, Louisiana.  
Q How long have you lived in Louisiana? A Born and raised there.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Napoleon Dubaz.  
Q Is he living? A No.  
Q What is your mother's name? A Theresse.  
Q How do you spell it? A I don't know you can spell it.  
Q Is she living? A No. She died long ago. I was quite young when she died.  
Q Through which one of your parents do you claim your Choctaw blood? My mother's and grandmother's side.  
Q How much Choctaw blood do you claim? A 1/8th.  
Q Has your mother 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 Josephine Laffitte.  
Q Is not her name Josephine Dubaz now? A Yes Dubaz now.  
Q Is she living? A Yes.  
Q Do you make any claim for your wife? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A No she has no claim in the Choctaw blood.  
Q Have you any children for whom you wish to make application? A Yes I have three that are under age and 3 that are over.  
Q You can make application for those under age? Give the names and ages of your children under age? A Joe Dubaz.  
Q How old is Joe? Nineteen.

Choctaw MCR 3103

A. Dubaz

MCR 3103

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

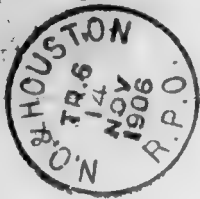
3102

Leon Lafitte,

Potsville, Louisiana.



No Recd. post office in  
State of



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

FILED  
NOV 20 1906

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke.

Commissioner,



No. 3102

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Leon Laffitte (M)

Age 38 Blood 1/16

Post Office, Potosville, La

Father: O. M. Laffitte (dead)

Mother: Adeline Laffitte

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

E. Rosemontel

*Leon Laffitte*

REFUSED

DECISION RENDERED. SEP 2 1902

NOTICE OF DECISION MAILED APPLICANT

*R3182*

SEP 2 1902

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

SEP 2 1902

MAILED BY THE ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS

FORWARDED BY THE ATTORNEYS

SECRETARY OF

11

NOTICE OF DECISION FORWARDED  
APPLICANT

FEB 25 1903

NOTICE OF DECISION FORWARDED  
APPLICANT

FEB 25 1903

NOTICE OF DECISION FORWARDED  
APPLICANTS FOR CHOCTAW  
AND CHICKASAW NATIONS

FEB 25 1903

4895



MCR- 3102.

Muskogee, Indian Territory, March 2, 1907.

Leon Laffitte,  
Pottsville, Louisiana.

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 Rozelia Waillette et al.

Respectfully,

Commissioner.

*mm*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3102.

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

Muskogee, Indian Territory, November 12, 1906.

Leon Laffitte,

Potsville, Louisiana.

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,



Commissioner.

M.C.R. 3102

COPY.

Muskogee, Indian Territory, February 25, 1903.

Isen Laffitte,

Potsville, Louisiana.

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 Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tamm Dixby.*  
Chairman.

L L-3.

Rambin, 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 Dupre, Beatrice Dupre, Lem Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Bagus Crumbles, 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 article fourteen of the treaty of 1830, and that the applications for their identifications for their identification as such should be refused, and it is so ordered.\*

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

Yours truly,

(SIGNED)

*Tamm Dixby.*  
Acting Chairman.

Registered.

Blunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Les 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 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 Roselia Walette, Zelia Laurent, Jones Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angèle 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, Angola 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 Rabin, Sydney Rabin, Samuel Rabin, Mattie Rabin, Pearl Rabin, Birdie Rabin, Zada Rabin, Joseph L. Rabin, Mary Z. Rabin, Della Rabin, Joseph Arnold Rabin, Carrie L. Rabin, Myrtle L. Rabin, Lawrence L. Rabin, Clara Legrand, Andrew Augustin Legrand, Joseph Napoleon Legrand, Mary S. Legrand, Joseph V. 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

Muskogee, Indian Territory, September 2, 1902.

Leon Laffitte,

Potosville, Louisiana.

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

Roselia 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
Yere Flores, et al.,	" 3467
Mary H. 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. Dubas, et al.,	" 3103
Kinnie Hesser,	" 3949
James Flores, et al.,	" 3714
Sylvester Rabin, et al.,	" 3712
Joseph L. Rabin, et al.,	" 3951
Della Rabin, et al.,	" 3951
Carris L. Rabin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rabin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244

Muskogee, Indian Territory, August 16, 1901.

Messrs. Hudson & Arnold,

Attorneys-at-law, Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 7th, enclosing affidavits for filing in the support of the following applications for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L.Dupre, to be filed in support of the application for identification as a Mississippi Choctaw of Napoleon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Sam Laffitte.

Affidavits of Emile Prudhomme and T. L. Dupre to be filed in support of the application of Joe D. Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Joe Clanton et al., for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Leon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of A.Dubaz et al., for identification as Mississippi Choctaws.

These affidavits have been duly filed and made a part of the records in cases above named and will receive the consideration of the Commission in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3097-3099

" " 3100-3101

" " 3102-3103

- Q Can you get their depositions? A Yes.  
 Q Will you do that? A Yes.  
 Q You understand that it is important that you get evidence along these points that you have been questioned about? A Yes.  
 Q Is there anything else that you would like to say in support of your application? A No.  
 Q Can you speak Choctaw? A No.

The applicant in this case has dark brown hair and eyes and mustache and olive complexion. It is impossible to say whether this comes from Indian blood or from a mixture of French blood which he claims, as his general appearance is that of a white person. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of Eighteen hundred and thirty. He does not know any of his ancestors except his father and mother and knows very little about them from family history.

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 July 27, 1901, and that the above and the foregoing is a full, true and correct transcript of his stenographic notes in said cause on the said date of July 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 17 day of Aug 1901.

*R. W. Hinchaugh*  
 Notary Public.



43

who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi and take land there were not on the list prepared by the Agent, so Congress passed Acts authorizing the appointment of Commissioners and several different men were appointed to go down to Mississippi and look into these claims. They took up a great many of them, and a large number of these claims were allowed and were approved by the Secretary of War and by the President and in claims where the land had already been disposed of these people whose claims were favorably passed upon got scrip. This scrip could be used to buy land from any of the public land in the States of Mississippi, Louisiana, Arkansas or Alabama, and if the land claimed by the applicants had not been sold they were given a title to that land. Now, what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized member of the Choctaw Indians? A Ellen Roblo, she is the only one I know.

- Q What relations was she to you? A She was my great grandmother, my mother's grandmother.
- Q What was your mother's mother's name? A I know her name but I can't call it now, Terresse Roblo was my grandmother.
- Q Did your mother get her Choctaw blood through her father or mother? A Through her mother.
- Q What was your mother's father's name? A Napoleon Devaltz,
- Q How do you spell it? A D-e-v-a-l-t-z
- Q That is the way he signed it on his photograph. We had his photograph of when he left France.
- Q And what was Terresse Roblo's mother's name? A Terresse Roblo her mother, her name was Ellen Roblo.
- Q Did you know your grandmother? A No.
- Q Do you know how long she has been dead? A No I was too young.
- Q You never heard anything about when she died? A No.
- Q You know she is dead? A Yes.
- Q Did Ellen Roblo live in the old Choctaw Nation in 1830? A Yes.
- Q Was she a recognized Choctaw Indian at that time? A Yes.
- Q Was she a full blood? A No.
- Q Do you know how much Choctaw blood she had? A I think 1/2, but I don't know sure.
- Q Did Ellen Roblo or Terresse Roblo or any other of your ancestors come west with the other Choctaw Indians in 1833, or between 1833 and 1838, to the present Choctaw Nation? A Not that I know of.
- Q Did Ellen Roblo or Terresse Roblo or any other of your ancestors go to the Indian Agent there in Mississippi within six months after the ratification of the Treaty of 1830 and tell him that they wanted to become citizens of the United States? A No not that I know of.
- Q Are there any witnesses living who would know whether Ellen Roblo or Terresse Roblo went to the Indian Agent there and told him that they wanted to take land there in Mississippi? A No.
- Q Did Ellen Roblo or Terresse Roblo or any other of your ancestors ever own any land in Mississippi, Louisiana, Alabama or Arkansas? No, not that I know of.
- Q Did any of them ever get any scrip from the government? A No, not that I know of.
- Q You have no records of deeds or patents in your family to show whether any of them got any scrip or land? A No I have not.
- Q Are there any witnesses that would know? A Yes.
- Q Who are they? A Dupre & Prudhomme.
- Q Where do they live? A In DeSoto Parish.
- Q Can you bring them before the Commission to testify in person? A No, it costs too much.

- Q Do you want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A On my grandmother's side.
- Q What do you claim on your grandmother's side? A On my grandmother's side; she was Choctaw.
- Q Are you making this claim now because you have always been taught that you had Choctaw blood? A Yes.
- Q Do you make any claim under any of the Treaties between the United States and the Choctaw Indians? A What do you mean?
- Q Do you know what a Treaty is? A On my mother's and father's side.
- Q Do you know what a Treaty is? A No.
- Q It is an agreement between Nations, now, what Treaty do you claim under? A Mississippi Choctaw.
- Q Under the Mississippi Choctaw Treaty, what Treaty is that? A That is the one of Ellen Roblo, my grandmothers.
- Q I was not asking you about your grandmother just then. I asked you if you claimed under any Treaty and you said under the Mississippi Choctaw Treaty and I asked you which Mississippi Choctaw Treaty. You have not answered that question? A I don't know what you mean by that.
- Q Do you know anything about the Treaties? A No.
- Q Well you don't have to answer these questions if you don't understand them. The law which gives the Commission the right to hear these application gives it power to determine the identity of those Choctaw who claim under the fourteenth article of the Treaty of eighteen hundred and thirty. In 1830 the State of Mississippi was being rapidly filled up with white people and the United States found it hard to protect the Choctaws in their Tribal government, so the tried to make a Treaty with them for the purpose of giving them land West of the Mississippi River in exchange for their land in the States of Mississippi and Alabama and move them to this new Country, but some of the Indians did not want to leave there homes and the Tribe would not make any Treaty until something was done for those who wanted to stay in Mississippi. Article fourteen was made apart of the Treaty for the benefit of those Choctaw Indians who wanted to stay in the state of Mississippi and after that article was inserted the Treaty was accepted by the Indians and ratified by both the United States and the Choctaw Nation. Article fourteen of the Treaty of eighteen hundred and thirty provides that "Each Choctaw head of a family being desirous to remain ~~in the States~~ 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 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If the 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." A great many of the Indians to ~~about~~ wanted to remain in Mississippi went to the Indian Agent within six months after the ratification of this Treaty and told him that they wanted to stay in Mississippi and become citizens of the United States and when a locating Agent was sent by to government to locate the lands for these Indians it was found that the names of a great many Indians

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 29, 1901.

#3102

In the matter of the application of Leon Laffitte for  
identification as a Mississippi Choctaw.

Hudson & Arnold Attorneys representing applicants, J. E.  
Arnold Attorney appearing.

Leon Laffitte being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Leon Laffitte.  
Q How do you spell it? A L-a-f-f-i-t-t-e.  
Q How do you spell Leon? A L-e-o-n.  
Q What is your age? A Thirty.  
Q What is your post-office address? A Pottsville, Louisiana.  
Q How long have you lived there? A All my life, I was born and raised there.  
Q Never had a home outside of the State of Louisiana? A No.  
Q What is your father's name? A O. N. Laffitte.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Adeline Laffitte.  
Q Is she living? A Yes.  
Q Through which one of your parents do you get your Choctaw blood?  
A My mother's side.  
Q How much Choctaw blood do you claim? A 1/16th.  
Q Has your mother 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 You are making this application for yourself alone? A Yes.  
Q Is your name on any of the Tribal rolls of the ~~Indian Territory~~ Choctaw Nation in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw Tribal Authorities 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 Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities of the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Nation? A No.  
Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself 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 are you making now? A Mississippi Choctaw.

Choctaw MCR 3102

Leon Laffitte

MCR 3102

*Joe Clanton Et al*  
*R3/01*

**REFUSED**

DECISION RENDERED. **SEP 2 1902**

NOTICE OF DECISION MAILED APPLICANT

**SEP 2 1902**

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

**SEP 2 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

RECORD FORWARDED TO DEPARTMENT.

**SEP 2 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR.

**FEB 11 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**FEB 25 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

**FEB 25 1903**

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

**M. C. R. 4895**

No. 3191

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Joe Clanton

Age 27 Blood 1/16

Post Office, Neighborton La

Father: William Clanton (dead)

Mother: Liza Clanton (dead)

Claims through mother

wife: Ellen Clanton  
(no claim for her)

Children:

Joe Clanton 14

Claims for self and child

Stenographer

M. Rose mounted.

MCR-3101

Muskogee, Indian Territory, March 2, 1907.

Joe Clinton,

Neighberton, Louisiana.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 12, 1907, denied a motion, filed by Parchell & Henderson, attorneys at law, Pauls Valley, Indian Territory, for a reconsideration of Departmental action of October 30, 1906, denying a request filed by H. L. Grumble June 22, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Roselia Wallette et al.

Respectfully,

Commissioner.



M.C.R. 3101.

COPY

Muskogee, Indian Territory, November 12, 1906.

Joe Clanton,

Neighborton, Louisiana.

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 Walleto, et al.

Respectfully,

SIGNED *Cams Bixby.*  
Commissioner.



M.C.R. 3101

COPY.

Muskogee, Indian Territory, February 25, 1903.

Joe Clanton,

Neighberton, Louisiana.

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 Roselia Vallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tame Dickson.*

Chairman.

J C-3.

Robert Dupre, Elijah Dupre, Vessie B. Dupre, Lula Dupre, Clyper, Dupre, Beatrice Dupre, Len Dupre, Edward L. Grumbles, Leonard Grumbles, John Grumbles, Robert Grumbles, Mary Grumbles, Ed Grumbles, Dan Grumbles, Willie Grumbles, Eagus Grumbles, Annie Flores, William Flores, Lillie M. Flores, Philip Flores, Hartwell Flores, Charley B. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Edie 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 application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*Tamc Dixey.*

Acting Chairman.

Registered.

Blunetta Deaten, et al.,	M C R 2398
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 Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Roselia Walette, Zelia Laurent, Jones Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angole Laurent, Olevia Walette, Earnest Walette, Edwin Walette, Lee Walette, Eva Walette, John B. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Mera Flores, Angela Flores, Mary E. Reach, Robert Reach, Willie Reach, 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. 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 M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Beney Rambin, Joseph O. Rambin, Arthur Rambin, Lula Rambin, Joseph McQ. Rambin, Johnnie Rambin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling Perier, Blunetta Deaten, Eddie Lee Deaten, Bob Dupre,

COPY.

Muskogee, Indian Territory, September 2, 1902.

Joe Clanton,  
Neighborton, Louisiana.

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 Roxelia Walette, et al., embracing the following applications for identification as Mississippi Cheetaws:

Roxelia 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
Mere Flores, et al.,	• 3467
Mary E. Roach, et al.,	• 3098
Jehn 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 Perier, et al.,	• 2239
Sterling Perier,	• 2244

Muskogee, Indian Territory, August 18, 1901.

Messrs. Hudson & Arnold,

Attorneys-at-law, Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 7th, enclosing affidavits for filing in the support of the following applications for identification as Mississippi Choctaws.

7  
Affidavits of Emile Prudhomme and T.L. Dupre, to be filed in support of the application for identification as a Mississippi Choctaw of Napoleon Laffitte.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of Sam Laffitte.

Affidavits of Emile Prudhomme and T. L. Dupre to be filed in support of the application of Joe D. Laffitte.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of Joe Clanton et al., for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of Leon Laffitte.

Affidavits of Emile Prudhomme and T.L. Dupre to be filed in support of the application of A. Dubas et al., for identification as Mississippi Choctaws.

These affidavits have been duly filed and made a part of the records in cases above named and will receive the consideration of the Commission in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3097-3099  
" " 3100-3101  
" " 3102-3103

- Q Can you get them here in person to testify? A No not well.  
Q Can you get their depositions? A Yes.  
Q Do you understand that it is very material to your case that you have some evidence as to whether your great grandmother was a Choctaw Indian and whether any of your ancestors went to the Indian Agent and told him that they wanted to remain in Mississippi and take land there? A No.  
Q Don't you understand that it is necessary? A No.  
Q Well, I assure you that it is very necessary.

By Attorney J. E. Arnold,

We expect to make an effort to get it

By the Commission.

- Q Have you any papers that you want to file now? A No.  
Q Can you speak Choctaw? A No.

The applicant in this case has brown eyes and Brown hair and mustache and dark complexion. His features and general appearance are those of a white person. 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. He does not speak the Choctaw language and does not know any of his ancestors personally and knows very little about his family history. It has been very difficult to obtain secure from this applicant such answers as have been obtained.

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 July 29, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn before me this 17 day of Aug 1901.

*A. Hinebaugh*  
Notary Public.

- Q Yes who lived there. Do you know what is meant by the word ancestor? A No.
- Q It means your father and mother, your grandfather and grandmother etc., any of your forefather's in a direct line. Do you understand now? A Yes.
- Q Now, what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and who was a recognized Choctaw Indian? A (No ~~answer~~ answer)
- Q Do you claim your Choctaw blood through your mother? A Yes.
- Q Is your mother dead? A Yes.
- Q What is the name of her mother? A Her mother's name is, give me a moment on this, I can't think of it just now. I can't think of her name now to save my life.
- Q What was the name of her mother's father? A La Yitte.
- Q What was his first name? A Joseph.
- Q Through which one of her mothers parents did she get her Choctaw blood? A From her mother.
- Q But you can't think what her mother's name was? A No, I can't just now.
- Q What was your grand mother's mother's name? A My grandmothers Mother, Ellen Roblo.
- Q And what was your grand mother's father's name? A I don't know.
- Q Did your grandmother claim her Choctaw blood through her mother or father? A Through her mother.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and who was a recognized Choctaw Indian? A Say that over again?
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian, that is who was known to be a Choctaw Indian? A Why my great grandmother.
- Q Well, what was her name? A Ellen Roblo.
- Q Was she living in the old Choctaw Nation in 1830? A I do not know.
- Q Is your grandmother dead, your mother's mother? A Yes.
- Q Do you know how long she has been dead? A I do not.
- Q ~~Grandmother~~ You do not remember her name yet, do you? No not yet a while.
- Q Did you ever know your grandmother? A No.
- Q Did Ellen Roblo or any other of your ancestors come west with the other Choctaw Indians to this new Country between 1833 and 1838? A I do not know.
- AQ You never heard anything about that? A No.
- Q Did any of them ~~xxxx~~ go to the Indian Agent there in Mississippi within six months after this Treaty was ratified and tell him that they wanted to become citizens of the United States? A Not that I know of.
- Q Is there any one living who would know whether your great grandmother or your grandmother or any of your ancestors went to the Indian Agent there in Mississippi and told him that they wanted to remain and take land and become citizens of the United States? A No.
- Q You do not know of any one living that would know this? A No.
- Q Did your great grandmother, your grandmother or any other of your ancestors ever own any land in the states of Mississippi, Alabama, Arkansas or Louisiana? A No.
- Q You know that? A Well, I did not own any land there.
- Q You have no records in your family, copies of deeds, patents or anything to show that they ever held any land? A No.
- Q Do you know any witnesses living who would be able to testify in your case and would know anything at all about it? A Why Mr.-- just wait a moment on that, Mr. Prudhomme and Mr. Duorce and Dupree, instead of Duorce.
- Q Do you intend to get their evidence before the Commission? A Yes

- Q Well why are you making this claim? A Because, Mississippi Choctaw.
- Q Well, are you making this ~~state~~ application because you have always been taught that you had Choctaw blood, or do you make it for some other reason? A Choctaw Mississippi.
- Q Do you make any claim under any of the Treaties between the United States and the Choctaw Indians? A No.
- Q The law which gives the Commission the right to hear these applications gives it power to determine the identity of those applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In 1830 the State of Mississippi was being filled up with white people and the United States could not well protect the Choctaw Indians in their Tribal government any longer, so they tried to make a Treaty with the Indians for the purpose of giving them land west of the Mississippi River in exchange for their land in Mississippi and removing them to the Country west of the Mississippi River but there were some Indians who did not wish to come away from their homes in Mississippi and the other Indians would not sign any Treaty until something was done for these Indians who wanted to stay in Mississippi. Article fourteen was made a part of the Treaty for the benefit of these Indians and after it was put in the Treaty the Indians signed it alright, and it was ratified by the Indians and the United States. 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 10 years of age; and a quarter section to such child as may be 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 to be entitled to any portion of the Choctaw Annuity." Now a great many Indians went to the Indian Agent there in Mississippi within six months after the Treaty was ratified and told him that they wanted to remain in Mississippi and take land there and become citizens of the United States but when a few years later a United States locating agent went down into Mississippi to locate the land for these Indians it was found that the names of a great many who claimed that they had gone to the agent and told him that they wanted to take land in Mississippi, were not found on the list which the Indian Agent had made so under Acts of Congress Commissioners were appointed to go down there and look into the matter and find out just who was entitled to land under the fourteenth article of the Treaty of eighteen hundred and thirty. These Commissioners took up a great many cases, several hundred, some of them were allowed and others refused. In those cases that were allowed, if the land had not already been sold it was given to the Indians who claimed it, if it had been disposed of scrip was given to them. This scrip could be used in buying any of the public land in the States of Mississippi, Alabama, ~~Arkansas~~ Arkansas, or Louisiana. Now what was the name of your ancestor or ancestors who lived in the old Choctaw Nation in 1830 and were recognized members of the Choctaw Tribe? A Who lived there.



Q Have you ever applied 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 apply to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th 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 ever been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the Decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.

Q Have you ever before this time made application to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself or your child admitted or enrolled as members 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 are you making now? A Well, I am a Choctaw Indian, part of it.

Q Well, what kind of an application do you make now? A I don't know what you mean by that.

Q I mean what you came here for? A To make application.

Q What kind of application? What do you want to make application for?

By Attorney J. B. Arnold.

I suppose to be identified.

By the Commission to Attorney Arnold.

I am asking him ~~xxx~~ I want to bring out from him what he came here for

To applicant.

Q Why do you come here? A (No answer)

Q Why do you come here? A Why do I come here, Yes; Well I came here to get my part of this business where the balance of them are.

Q Part of what business? A Choctaw.

Q You claim to be a Choctaw? A Yes.

Q What kind of a Choctaw do you claim to be? A Choctaw Indian.

Q Well what kind of a Choctaw Indian? A (No answer)

Q You said you came here to ~~be~~ make application. Do you want to make application to be enrolled as a Choctaw by blood or do you want to make application to be identified as a Mississippi Choctaw? A By blood.

Q Do you want to make application to be enrolled as a Choctaw by blood? A Yes.

Q We cannot take you application at this office then, if you want to make application for enrollment as a Choctaw by blood. I asked you if you wanted to be enrolled as a Choctaw by blood or make application to be identified as a Mississippi Choctaw, and you stated that you wanted to be enrolled as a Choctaw by blood. Is that what you mean? A No, I don't mean that.

Q Do you want to be identified then as a Mississippi Choctaw? A Yes.

Q How do you claim the right to be identified as a Mississippi Choctaw? A On my mother's side. My great grandmother was Indian.

Q Do you claim now because you have always been taught that you had Choctaw blood? A No.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 29, 1901.

#3101

In the matter of the application of Joe Clanton for the identification of himself and his minor child as Mississippi Choctaws.

Hudson & Arnold Attorneys representing applicant,  
J. B. Arnold attorney appearing.

Joe Clanton being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Joe Clanton.  
Q How do you spell it? C-l-a-n-t-o-n.  
Q What is your age? A Twenty-seven.  
Q What is your post-office address? A Neighborton.  
Q What state? Louisiana.  
Q How long have you lived there? A I have been there all my life.  
Q Born in Louisiana? A Yes.  
Q Never had a home outside of the state of Louisiana? A No.  
Q What is your fathers name? A William Clanton.  
Q Is he living? A No.  
Q What is your mother's name? A Liza, L-i-z-a.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Mother's side.  
Q How much Choctaw blood do you claim, A 1/16th.  
Q Has your mother ever been recognized in any manner or enrolled  
as a citizen of the Choctaw Nation 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 Ellen Clanton.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No only my child.  
Q Your wife is a white woman and makes no claim to Choctaw blood?  
A No.  
Q Have you any children for whom you wish to make application? A one.  
Q What is that child's name and age? A Dan Clanton.  
Q How old? A Four years.  
Q Is this the only child you have? A Yes.  
Q What is its mother's name? A Ellen Clanton.  
Q When and where were you married to Ellen? A In Louisiana.  
Q When? A six years ago.  
Q Did you obtain a marriage license to marry her? A Yes.  
Q Were you married by an ordained minister or an official? A By a  
minister.  
Q Have you your marriage license and certificate which you wish to  
offer in evidence? A Yes.  
\* Marriage license and certificate between Joe Clanton and  
Ellen Norris dated September 25th, 1895, offered in evidence marked  
exhibit "A" filed and made a part of the record in this case.\*  
Q Is your name on any of the Tribal rolls of the Choctaw Nation in the  
Indian Territory? A No.  
Q

Choctaw MER 3101

Joe Clanton

MER 3101

*Joe N Laffitte*  
**REFUSED**

DECISION RENDERED. **SEP 2 1902**

NOTICE OF DECISION MAILED APPLICANT.

*B3100*

**SEP 2 1902**

NOTICE OF DECISION FORWARDED  
ATTORNEY FOR APPLICANTS.

**SEP 3 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**1902**

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

**SEP 11**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**SEP 2 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.

**2: 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS

REFER TO M. C. R. **4895**

Department of the Interior.

Commissioner to the Five Civilized Tribes,

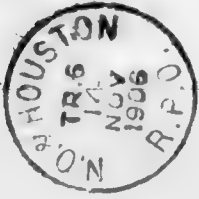
MUSKOGEE, IND. TER.

3100

Joe D. Laffitte,

Potsville, ~~Louisiana~~.





12/20/06  
Committee on

NOV 20 1906

A large, dark, handwritten scribble or signature, possibly consisting of several overlapping lines.

Commissioner



No. 3100

For Identification as a Mississippi Choctaw.

Date **JUL 29 1901**

Name *Joe D. Laffitte*

Age *40* Blood *1/16*

Post Office, *Potosiville, La*

Father: *O. M. Laffitte (dead)*

Mother: *Adeline Laffitte*

Claims through *mother*

~~Children:~~

*Claims for self alone.*

Stenographer

*G. Rosenwinkel*

MOR-3100

Muskogee, Indian Territory, March 2, 1907.

Joe D. Laffitte,  
Pottsville, Louisiana.

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.



*mm*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3100.

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

Muskogee, Indian Territory, November 12, 1906.

Joe D. Laffitte,

Potsville, Louisiana.

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,



Commissioner.

M.C.R. 3100

COPY.

Muskogee, Indian Territory, February 25, 1903.

Joe D. Laffitte,

Fetsville, Louisiana.

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 Honelia Vallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Tame Bixby.*

Chairman.

J D L-3.

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 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 H. [unclear]*  
Acting Chairman

Registered.

J D L-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 E. McCause, et al.,	" 2242

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 Roselia Walette, Zelia Laurent, Jense Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilama Laurent, Sydney Laurent, Angele Laurent, Olevia Walette, Earnest, Walette, Edwin Walette, Lee Walette, Eva Walette, John E. Walette, Gertrude Walette, Eugenia Walette, John Steven Walette, Louis L. Walette, Lambert Walette, Joe Clanton, Dan Clanton, Hero Flores, Angela 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. 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, Sada Rambin, Joseph L. Rambin, Mary Z. 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 M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Rambin, Joseph O. Rambin, Arthur Rambin, Lula Rambin, Joseph MoQ. Rambin, Johnnie Rambin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterk

COPY

Muskogee, Indian Territory, September 2, 1902.

Joe D. Laffitte,  
Potsville, Louisiana,

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 Laurant,	" 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.,	" 3093
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. Duban, 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.,	" 3951
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Boney Rambin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244

Muskogee, Indian Territory, August 15, 1901.

Messrs. Hudson & Arnold,

Attorneys-at-law, Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 7th, enclosing affidavits for filing in the support of the following applications for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L.Dupre, to be filed in support of the application for identification as a Mississippi Choctaw of Napoleon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Sam Laffitte.

Affidavits of Emile Prudhomme and T. L. Dupre to be filed in support of the application of Joe D. Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Joe Clanton et al., for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Leon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of A.Dubaz et al., for identification as Mississippi Choctaws.

These affidavits have been duly filed and made a part of the records in cases above named and will receive the consideration of the Commission in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3097-3099  
" " 3100-3101  
" " 3102-3103

- Q How old are these witnesses? A I don't know.
- Q Do you expect to secure their evidence? A Yes.
- Q Do you expect to file it with the Commission? A Yes.
- Q Did Ellen Roblo or any other of your ancestors come west with the other Indians to the present Indian Territory between 1833 and 1838? A I don't know.
- Q You never heard anything about that? A No.
- Q Did Ellen Roblo or any other of your ancestors go to the Indian Agent there in Mississippi with six months after the Treaty was ratified and tell him that they wanted to stay there and take land and become citizens of the United States? A No, O. don't know.
- Q Do these witnesses of whom you speak know this? A No, I don't know.
- Q Do you understand that it is important to your case to get evidence on these points? A Yes I understand that.
- Q Did Ellen Roblo or any other of your ancestors ever own any land in Mississippi, Alabama, Louisiana or Arkansas? A No, I don't know that.
- Q Did any of your ancestors ever get any scrip from the government? A No.
- Q Have you any papers that you want to file now? A No, not to-day.
- Q Do you expect to bring these witnesses of whom you speak before the Commission in person? A No I can't.
- Q Do you expect to get their depositions? A Yes.

By Attorney J. B. Arnold,

We expect to offer their depositions in this case.

By the Commission.

- Q Do you speak Choctaw? A No.

The applicant in this case has brown hair and mustache brown eyes and dark complexion. His nose is thin and his cheek bones are a trifle prominent. It is impossible to tell whether this comes from a slight per-cent of Indian blood or a mixture of creole blood. 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 is not very familiar with his ancestors and family history.

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 July 29, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn before me this 22 day of Aug 1901.

*R. H. Lumbrough*

Notary Public.

it was found that the names of a great many Indians who claimed that they had gone to Indian Agent and told him that they wanted to remain in Mississippi and take land there were not found on the list made by the Agent, so under different Acts of Congress Commissioners were appointed to look into this matter and they passed upon a great many cases and in cases where the land had already been disposed of the government issued scrip. This scrip could be used in the purchase of any of the public land in the States of Mississippi, Alabama, Arkansas and Louisiana. Now, what was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Why my great grandmother, I told her name just awhile ago but I can't think of it now, let me see. You have to give me time to study. I know her daughters name.

- Q What was her daughters name? A Terresse.
- Q How do you spell it? A I can't spell it that is a funny name.
- Q Well what was your mother's mother's name? A Terresse Roblo.
- Q Did your mother get her Choctaw blood from her mother or her father? A She got it from her mother.
- Q Do you know what your mother's father's name was? A Napoleon Devls.
- Q How do you spell it? A D-e-v-l-s
- Q Your grandmother Terresse Roblo, was she named Roblo before or after she was married? A She was a Roblo before.
- Q Did Terresse Roblo get her Choctaw blood through her father or mother? A Her mother.
- Q What was her mother's name? A I had it a while ago. Give me time to study. ----Ellen Roblo.
- Q The Ellen Roblo, was your great grandmother, the mother of Terresse Roblo? A Yes.
- Q Did you ever know Terresse Roblo? A No.
- Q Do you know how long she has been dead? A I could not tell you.
- Q Do you know how old she was when she died? A No I don't. My Uncle can tell you more about it when he goes on the stand.
- Q Did Ellen Roblo live in Mississippi in 1830? A Ellen Roblo, Yes.
- Q Was she a recognized member of the Choctaw Tribe of Indians at that time? Yes a Mississippi Choctaw.
- Q Have you any evidence to prove that? Yes I have evidence to prove that.
- Q I asked you a minute ~~ago~~ ago if Ellen Roblo was a Choctaw Indian and lived in Mississippi in 1830 and you said yes then I asked you if you had any evidence to prove that. What evidence have you to prove this? A No I can't prove that. I can't answer that question nehow. What my mether said and what my parents told me is all that I can prove.
- Q Well have you any witnesses living now who can ~~pr~~ testify that Ellen Roblo was a Choctaw Indian and a recognized member of the Tribe and that she lived in the old Choctaw Nation in 1830. A I can prove that she was a Missis sippi Choctaw.
- Q Can't you answer my question? A If I can prove that she was living there then; Yes; answer the question; No.
- Q You have no witnesses to prove that by? A I can prove by old man Prudhomme and Dupre.
- Q You say you can prove by Prudhomme and Dupre that your ~~great~~ great grandmother Ellen Roblo was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830? A Yes.
- Q Did they know your ~~grandmother's~~ great grand mother in 1830? A Yes they just told me that last week.
- Q Did they knew her in 1830? A I don't know. He just said he knew the old lady.



- Q What kind of an application are you making now? A Well I prove by my great grandmother.
- Q Prove what? A Well she was a full blood Indian.
- Q Well what kind of an application are you making here now? A To prove that I have Indian blood.
- Q Are you making application now to prove that you have Choctaw blood? A Yes.
- Q What kind of Choctaw blood? A Mississippi Choctaw blood.
- Q Are you seeking now to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to be identified as a Mississippi Choctaw? A Because my grand mother was a Choctaw Indian.
- Q You claim your right to be identified because you have been taught that you have Choctaw blood? A Yes.
- Q Do you claim anything under any of the Treaties between the United States and Coctaw Indians? A Yes.
- Q Well what do you claim, and what Treaty do you claim under? A Under the Treaty of 1830.
- Q Do you claim under the whole Treaty? A Yes.
- Q Do you claim under the whole Treaty or under any particular part of it? Yes, of course I claim on the part of my great grandmother.
- Q The authority which gives the Commission the right to hear these applications gives it power to determine the identity of applicants claiming under the fourteenth article of the Treaty of eighteen hundred and thirty. In 1830 the State of Mississippi was being filled up by white people and the United States could not well protect the Indians in their Tribal government any longer and so wanted to make a Treaty with them in order to give them land west of the Mississippi River in exchange for their land in Mississippi and move them to that Country west of the Mississippi River but there were a great many of them who did not want to leave their homes in Mississippi and the other Choctaw Indians would not make any Treaty until some provision was made for those Indians who wanted to stay in Mississippi. Article fourteen was made a part of the Treaty of eighteen hundred and thirty for the benefit of those Indians who did not want to come west and after thi article was made a part of the Treaty the Indians signed it and it was ratified by the United States and the Choctaw Indians. Article fourteen of the Treaty of eighteen hundred and Thirty provides as follows; Each Choctaw head of a family being desirous to remain ~~in Mississippi~~ 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 10 years of age; and a quarter section to such child ~~which is living with him~~ as may be 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 to be entitled to any portion of the Choctaw annuity. A large number of Indians went to the Indian Agent there in Mississippi within six months after the Treaty was ratified and told him that they wanted to stay in Mississippi and take land there but when a locating agent was sent there

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. July 29, 1901.

#3100

In the matter of the application of J. D. Laffitte for  
identification as a Mississippi Choctaw.

Hudson & Arnold attorneys representing applicant, J. E.  
Arnold appearing.

Joe D. Laffitte being first duly sworn testified as follows

- Examination by the Commission -

- Q What is your name? A J. D. Laffitte.  
Q What does that J. stand for? A Joe, J-O-e.  
Q What is your age? A 40.  
Q What is your post-office address? A Pottsville, Louisiana.  
Q How long have you lived there? A Ever since about 40 years. Been  
born and raised there.  
Q Never had a residence anywhere else? A No.  
Q What is your father's name? A O. M. Laffitte.  
Q Is he living? A No.  
Q What is your mother's name? A Adeline.  
Q Laffitte? A Yes.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A Ellen Roble.  
Q Which one of your parents? A My great grandmother.  
Q Do you get your Choctaw blood through your father or mother?  
A Mother.  
Q How much Choctaw blood do you claim? A 1/16th.  
Q Has your mother ever been recognized as a Choctaw Indian by the  
Choctaw Tribal Authorities or by the Authorities of the United  
States? A No.  
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 Tribes rolls of the Choctaw Nation in  
the Indian Territory? A No.  
Q Have you ever made application to the Choctaw Tribal Authorities  
to be enrolled as a member of that Tribe? A No.  
Q Did you or did anybody for you in 1896 make application to this  
Commission for citizenship in the Choctaw Nation under the Act of  
Congress of June 10th, 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by the Choctaw Tribal Authorities or by the Dawes Commission?  
A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation  
by judgment of the United States Court on appeal from the decision  
of the Choctaw Tribal Authorities or the Authorities of the United  
States? A No.  
Q Have you ever made any application, before this time, to either  
the Choctaw Tribal Authorities or the Authorities of the United  
States to be enrolled or admitted as a citizen of the Choctaw Nation?  
A No.

Choctaw MCR 3100

Joe D. Laffitte

MCR 3100

Sam Laffitte

REFUSED

DECISION MADE: SEP 2 1902

NOTICE OF DECISION MAILED APPLICANT:

B3099

2 1902

1902

NEW  
ONS

FOR

NOTICE OF DEPARTMENTAL ACTION  
FOR REFUSED APPLICANT.

25143

NOTICE OF DEPARTMENTAL ACTION  
FOR REFUSED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION  
FOR REFUSED APPLICANT.  
CHOUTAW  
ONS

NOTICE OF DEPARTMENTAL ACTION  
FOR REFUSED APPLICANT.  
M. C. R.

No. 3099

For Identification as a Mississippi Choctaw.

Date **JUL 29 1901**

Name *Laura Laffitte*

Age *23* Blood *1/16*

Post Office, *(Poleville, La*

Father: *O. M. Laffitte (dead)*

Mother: *Adeline*

Claims through *mother*

Children:

*Claims for self alone*

Stenographer

*E. Rosenwinkel*

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

3099

Sam Laffitte,

Potsville, Louisiana.

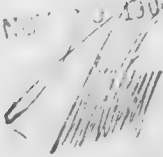




Commissioner to

F.I.I.

Nov 1906



Claim



MCR-3099

Muskogee, Indian Territory, March 2, 1907.

Sam Laffitte,  
Pottsville, Louisiana.

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 Rozelia Walette et al.

Respectfully,

Commissioner.



*7/11/06*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3099.

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

Muskogee, Indian Territory, November 12, 1906.

Sam Laffitte,

Potsville, Louisiana.

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,



Commissioner.

M.C.R. 3099

COPY.

Muskogee, Indian Territory, February 25, 1903.

Sam Laffitte,

Fetsville, Louisiana.

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 Roselia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

(S)

*Tamm Bixby.*

Chairman.

S L-3.

Rabin, Arthur Rabin, Lula Rabin, Joseph McQ. Rabin, Johnnie Rabin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling 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, 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,

(SIGN: D)

*James D. Dineen*

Acting Chairman,

Registered.

S L-2.

Elunetta Deaton, et al.,	M C R 2392
Bob Dupre, et al.,	" 2241
Low Dupre,	" 2243
Edward L. Grumbels, et al.,	" 2240
Annie Flores, et al.,	" 3850
Charley B. McCause, et al.,	" 2242

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rozelia Walette, Zelia Laurent, Jones Olive Laurent, Alexis Laurent, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydeny Laurent, Angelo Laurent, Olivia 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, Nere Flores, Angela Flores, Mary W. 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 Kesser, 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 V. Legrand, George M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Ramin, Joseph O,

Muskogee, Indian Territory, September 2, 1902.

Sam Laffitte,

Potsville, Louisiana.

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 Roxelia Walette, et al., embracing the following applications for identification as Mississippi

Choctaws:

Roxelia Walette,	M C R 4896
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
Here Flores, et al.,	" 3467
Mary E. Reach, et al.,	" 3098
John Brasher, et al.,	" 2887
Joseph O. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3108
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.,	" 3931
Carrie L. Rambin, et al.,	" 3953
Clara Legrand, et al.,	" 3713
Benny Rambin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244

Muskogee, Indian Territory, August 15, 1901.

Messrs. Hudson & Arnold,

Attorneys-at-law, Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 7th, enclosing affidavits for filing in the support of the following applications for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L.Dupre, to be filed in support of the application for identification as a Mississippi Choctaw of Napoleon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Sam Laffitte.

Affidavits of Emile Prudhomme and T. L. Dupre to be filed in support of the application of Joe D. Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Joe Clanton et al., for identification as Mississippi Choctaws.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Leon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of A.Dubas et al., for identification as Mississippi Choctaws.

These affidavits have been duly filed and made a part of the records in cases above named and will receive the consideration of the Commission in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3097-3099  
" " 3100-3101  
" " 3102-3103

- Q You say you never knew your mother's father's mother? A No.
- Q You don't know how long they have been dead? A No.
- Q Is there anything else that you would like to say in support of your application at this time? A No.
- Q Have you any papers that you want to file? A No.
- Q Should you desire to offer any further evidence in support of your application, either oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you will be permitted to do so and the same will be made a part of the record in your case.

The applicant in this case has brown eyes, brown hair and dark complexion, his cheek bones are a trifle prominent, nose thin. His features and general appearance are those of a white person with a mixture of some Southern blood and it is impossible to tell whether Indian or creole. He knows nothing of any of his ancestors personally except his father and mother and knows little about his ancestors from family history. He knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the Treaty of eighteen hundred and thirty. It has been very hard to obtain intelligent answers from this applicant.

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 July 29, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn before me this 17 day of Aug 1901.

*D. W. Linebaugh*  
Notary Public.

a large number of them were allowed and some refused. In those cases which were allowed by the Commissioners and approved by the Secretary of War and by the President where the land had not already been disposed of the land was given to the claimants, if the land had been sold they were given scrip which could be used in buying any of the public land in the States of Mississippi, Alabama Louisiana and Arkansas. Now what was the name of your ancestor (do you know what is meant by the word ancestor? A Ellen Roble) well, ancestor means you father and mother, grandfather and grandmother, greatgrandfather and great grandmother etc., Now what is the name of your ancestor who lived in the old Choctaw Nation in 1830 and who was a recognized member of the Choctaw Tribe? A Ellen Roble.

- Q What relation was Ellen Roble to you? A Great grandmother.  
 Q You claim your Choctaw blood through your mother you say? A Yes.  
 Q What is your mother's mother's name? A I do not know.  
 Q What is your mother's father's name? A I do not know.  
 Q Did your mother get her Choctaw blood through her father or mother? A Her mother.  
 Q You know that? A That is what she always said.  
 Q But she never said what her father's and mother's names were? A No.  
 Q Are they living? A No.  
 Q Do you know how long they have been dead? A No.  
 Q You have never heard anything at all about them? A No.  
 Q Through which one of her parents did your grand mother get her Choctaw blood? A Her grandmother.  
 Q Through which one of her parents? A Her mother.  
 Q Now what was you grandmothers mother's name? A I don't know.  
 Q What relation was Ellen Roble to your grandmother? A I don't know.  
 Q Was this Ellen Roble a recognized Choctaw Indian in 1830? A I do not know.  
 Q Have you any evidence to sho that she was a Choctaw Indian or not? A No.  
 Q Or whether she was living in the State of Mississippi in 1830 or not? A I ndo not know.  
 Q Well have you any evidence to show whether she was or not? A No.  
 Q Can you secure any such evidence? I do not ~~know~~ know.  
 Q Do you understand that it is a matter of importance to you to get evidence if you expect to be identified as a Mississippi Choctaw? A I do not know.  
 Q Did Ellen Roble or any other of your ancestors come west from Mississippi to the present Choctaw Nation with the other Indians between 1833 and 1838? A I do not know.  
 Q Did she 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 in Mississippi and become citizens of the United States? I do not know.  
 Q Do you know of any one living who would know? A Yes.  
 Q Who? A Prudhomme and I can't think of the other persons name.  
 Q Who are they? A I can't think of the other persons name.  
 Q Well who are they? A I told you who one of them were.  
 Q Where do they live? A Louisiana.  
 Q Did they know Ellen Roble in 1830? A Yes.  
 Q Are they Choctaw Indians? A I don't know whether they are or not.  
 Q Can you get their evidence? A Yes.  
 Q Did Ellen Roble or any other of your ancestors ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A No.  
 Q Did any of them ever get any scrip from the government? A No.  
 Q Do you know that they never got any? A No.  
 Q You mean that you never heard of them getting any? A Yes.



- Q Do you know what you said then? A No.
- Q I asked you if this was the first application of any kind that you had ever made? A Yes this is the first time.
- Q What kind of an application are you making now? A Mississippi Choctaw?
- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to identified as a Mississippi Choctaw? A I don't know.
- Q You surely have some reason for coming here? A (No answer)
- Q What makes you think you have a right to come here and be identified as a Mississippi Choctaw? A (No answer)
- Q We are waiting for an answer? A I do not know.
- Q Do you claim under any of the Treaties between the United States and the Choctaw Indians? A No.
- Q Well what makes you think you have a right to make any claims? A I don't know.
- Q The law which gives the Commission the right to hear these applications gives it power to determine the identity of those applicants who claim under the fourteenth article of the Treaty of eighteen hundred and thirty. Do you know what is meant by the word Treaty? A No.
- Q It means an agreement between Nations, or a Nation and a Tribe and in 1830 the United States wanted to make an agreement with the Indians living in the States of Mississippi and Alabama for the purpose of giving them land west of the Mississippi River and moving them to to this Country in exchange for their land in the states of Mississippi and Alabama. The state of Mississippi was being filled up with white people and the government found it very hard to protect the Indians in their Tribal government and thought it best to bring them over into a new Country where they could be protected in their Tribal government but a great many of the Indians did not want to come west and the other Indians would not sign any Treaty until something was done for those of their number who wanted to stay in the old Choctaw Nation, so article fourteen was made a part of the Treaty for the benefit of those Choctaws who wanted to stay in Mississippi. After this article was put in the Treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Nation. Article fourteen of the Treaty of 1830 provides that "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 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the patent. If they reside upon said lands intending to become citizens of the United 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." When the United States sent a locating agent to locate the lands for these Indians in the old Choctaw Nation it was discovered that there were a great many Indians who claimed they had gone to the Indian Agent and told him that they wanted to remain in Mississippi whose names were not found on the list made by this Indian Agent, so Commissioners were appointed under different Acts of Congress to look into this matter. These Commissioners took up several hundred cases and passed on them and

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 29, 1901.

#3099

In the matter of the application of Sam Laffitte for the identification of himself as a Mississippi Choctaw.

Applicant represented by Hudson & Arnold, Attorney J. E. Arnold appearing.

Sam Laffitte being first duly sworn testified as follows:

- - Examination by the Commission - -

- Q What is your name? A Sam Laffitte.  
Q What is your age? A Twenty-three.  
Q What is your Post-office address? A Pottsville, Louisiana.  
Q How long have you lived there? A Twenty-three years.  
Q You were born in Louisiana? A Yes.  
Q And never had a home anywhere else? A No.  
Q What is your father's name? A Oma Laffitte.  
Q How do you spell that first name? A I don't know, O. M. is his initials.  
Q Is he living? A No.  
Q What is your mother's name? A Adeline.  
Q Laffitte? A Yes.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A 1/16th.  
Q Has your mother 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 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 Did you ever make application to the Choctaw Tribal authorities of 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 Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th 1896? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or by the Commission to the Five Civilized Tribes, that is the Dawes Commission? A No.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory, on appeal from the Decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.  
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.  
Q Is this the first application of any kind you have ever made? A XXXX No.

Choctaw MCR 3099

Sam Laffitte

MCR 3099

*Mary E Roach et al*

REFUSED

DECISION RENDERED. SEP 2 1902

893098

SEP 2 1902

SEP 2 1902

KASAW NATIONS

SECRETARY OF

FEB 25 1903

MINISTRATION

25 1903

MINISTRATION  
KEYS FOR CHOCTAW  
KASAW NATIONS.

R. 4895

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Mary E. Roach

Age 56 Blood 1/8

Post Office, Carmel, La.

Father: O. Flores (dead)

Mother: Mary Roblo (dead)

Claims through mother

1st husband: F. C. Brasher (dead)

2nd husband: R. H. Roach "

Children:

Robert Roach 17

Millie " 15

Father: R. H. Roach (dead)

Claims for self and 2 children

Stenographer

G. Rosenwald

MOR 3098

Muskogee, Indian Territory, March 2, 1907.

Mary E. Roach,  
Carmel, Louisiana.

Dear Madam:-

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 Rosalia Wallette et al.

Respectfully,

Commissioner.

M.C.R. 3098.

COPY

Muskogee, Indian Territory, November 12, 1906.

Mary E. Roach,

Carmel, Louisiana.

Dear Madam:

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 Roxelia Walette, et al.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

M.C.R. 3098

<sup>COPY</sup>  
Muskogee, Indian Territory, February 25, 1905.

Mary E. Roach,

Carmel, Louisiana.

Dear Madam:

You are hereby notified that on the 11th day of February, 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Roselia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

*Jane Bixby.*  
Chairman.



W 2 2-2.

Perier, Blumetta Denton, Eddie Lee Denton, Bob Dupre, Robert Dupre, Elijah Dupre, Vessie D. Dupre, Lula Dupre, Clipper Dupre, Beatrice Dupre, Len 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 D. McCause, Fletcher D. McCause, Minnie B. McCause, Katie V. McCause, Eddie McCause, Habel 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 1850, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

1870

*James Birney*  
Acting Chairman.

Registered.

M R R-2.

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.,	• 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 Rezelia Walette, Zelia Laurent, Jonoc 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, Hero Flores, Angela Flores, Mary E. Reach Robert Reach, Willie Reach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph O. Flores, Slean Flores, Ben Flores, Oscar Flores, Mary Flores, Clayton Flores, Joe D. Laffitte, Leen 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 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 V. 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, Jehnnie Ramin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling

COPY.

Muskegee, Indian Territory, September 2, 1902.

Mary E. Roach,  
Carmel, Louisiana.

Dear Madam:

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

Rozelia 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 C. Flores, et al.,	" 2886
Joe D. Laffitte,	" 3100
Leen Laffitte,	" 3102
Napoleon 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
Doney Rambin, et al.,	" 3952
Edmund Perier, et al.,	" 2239
Sterling Perier,	" 2244

H&A 5/5.

applicant for identification as a Mississippi Choctaw. It does appear however that Belle Beard appeared before the Commission at Muskogee, Indian Territory, September 21, 1900, and applied for identification as a Mississippi Choctaw and copy of her testimony given at that time is enclosed you herewith.

In the case of John W. Beard et al, MCR-467, there is not a sufficient number of copies of the testimony in our files to permit the withdrawal of one copy. If you desire to make a copy of this testimony you will be permitted to do so at the Commission's office at Atoka, Indian Territory.

Receipt is also acknowledged of affidavit of Halls Pruthouse and James Tugrae, offered for filing in support of the application of Mary E. Beach et al, for identification as Mississippi Choctaws. The same have been made a part of the record in this case and will receive the consideration of the Commission in determining the rights of this applicant to identification as a Mississippi Choctaw.

Yours truly,

MO-143  
MO-760  
MO-768  
MO-769  
MO-767  
MO-770  
MO-776  
MO-779  
MO-786  
MO-8000

A B 2--7

H&A 22

1900, at Muskogee, Indian Territory, as an applicant for identification as a Mississippi Choctaw. There is enclosed you herewith copy of the testimony of of Eliza F. Beard, given at the time of his personal appearance, September 21, 1900, at Muskogee, Indian Territory, as an applicant for identification as a Mississippi Choctaw. There is enclosed you herewith copy of the testimony of Mary Reed, given at the time of her appearance as an applicant for identification of herself and minor children, as Mississippi Choctaws, at Muskogee, Indian Territory, September 21, 1900. There is enclosed you herewith copy of the testimony of Eugene V. Beard, given at the time of his appearance before the Commission at Muskogee, Indian Territory, September 21, 1900, as an applicant for identification of himself and his minor child as Mississippi Choctaws. There is enclosed you herewith copy of the testimony of Lafayette E. Beard, given at Muskogee, Indian Territory, September 21, 1900, at the time of his application for identification of himself and his minor children as Mississippi Choctaws. There is enclosed you herewith copy of the testimony of William E. Beard, at Muskogee, Indian Territory, September 21, 1900, at the time of his application for identification of himself and his minor child as Mississippi Choctaws. There is enclosed you herewith copy of the testimony of Milton Beard, given at Muskogee, Indian Territory, September 21, 1900 at the time of his application for identification of himself and his children as Mississippi Choctaws.

It does not appear from our records that any person by the name of Bill Beard had ever been before the Commission as an

Muskogee, Indian Territory, August 7, 1901.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory. >

Gentlemen:

Receipt is hereby acknowledged of your letter of July 20, in which you ask to be supplied with a copy of the testimony of John Beard, William B. Beard, Lafayette Beard, Bill Beard, Wilson Beard, Eugene P. Beard, Eliza P. Beard, Lucille Beard, Mrs. A. M. Moran, and Mary Rudd, applicants for identification as Mississippi Choctaws.

Replying to your letter you are advised that our records do not show that any person by the name of Mrs. A. M. Moran has ever appeared before the Commission as an applicant for identification as a Mississippi Choctaw. It does appear however that Atenissey Moran, forty seven years of age, of Marsden, Indian Territory, appeared before the Commission at Colbert, Indian Territory, June 11, 1900, and applied for identification of herself and family as Mississippi Choctaws. It is supposed that this is the person of whom you speak and there is enclosed you herewith carbon copy of her testimony given at this time.

There is enclosed you herewith copy of the testimony of Lucille Beard, given at the time of her appearance, September 21,

- Q Can you get their evidence in support of your application? A Yes we can get their evidence.
- Q Can you bring them before the Commission in Person to testify? A I don't know.
- Q Do you understand that it would be better for your case to bring them here in person? A Yes but it cost's so much.
- Q Have you any papers that you want to file at this time? A No.
- Q Is there anything else that you would like to say in support of your application? A No I am anxious to get back to the hotel I have a cinder in my eye.
- Q Can you speak Choctaw? A No but I can speak Spanish.

The applicant in this case has slightly curly gray hair which seems originally to have been black and dark eyes and complexion. Her cheek bones are a trifle prominent and her appearance is that of a white woman with a mixture of perhaps French or Spanish. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the Treaty of eighteen hundred and thirty.

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 July 29, 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 July 1901.

*G. Rosenwinkel*

Subscribed and sworn before me this 17 day of Aug 1901.

*D. H. Linebaugh*

Notary Public.

and become citizens of the United States, but when a locating Agent was sent down by the government to locate the land for the Indians it was found that a great many of the people who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi could not be found on the list made by the Indian Agent, so under different Acts of Congress Commissioners were appointed to go down there and investigate and find out who was really entitled to land under the fourteenth article of the Treaty, these Commissioners took up and passed upon a great many claims and a large number of claims were allowed by the Commissioners and approved by the Secretary of War and by the President. In those cases where the land claimed by the Indians had not already been disposed of it was given to them, if the land had been sold they were given scrip which could be used in buying any of the public lands in the States of Mississippi, Louisiana, Alabama and Arkansas. Now what was the name of your ancestor who lived in the old Choctaw Nation in 1830? A Her name was Ellen Roblo.

- Q What relation was she to you? A My grandmother.
- Q You say you claim your Choctaw blood through your ~~xx~~ mother? A Yes.
- Q Your mother is dead? A Yes.
- Q How long has your mother been dead? A 15 or 16 years.
- Q How old was your mother when she died? A I don't know, she was about 40,----about 55, Yes I reckon she was, Yes I think that is what she was.
- Q You say she has been ~~dead~~ dead 15 or 16 years? About 16.
- Q And your mother claims her Choctaw blood through which one of her parents? A Her mother.
- Q And her mothers name was Ellen Roblo? A Yes.
- Q Was she a recognized member of the Choctaw Tribe in 1830? A I Don't know only what my mother told me.
- Q How much Choctaw blood did your ~~mother~~ <sup>grand</sup> mother claim to have? A She claimed one-half.
- Q Do you know what her mothers name was? A No.
- Q Do you know what her fathers name was? A No.
- Q Did you know your grand mother Ellen Roblo? A Yes I just remember her I was very small.
- Q Where did you know her? A I knew her when she came to see my mother. She came to us in Louisiana, I remember seeing her twice.
- Q Where did she live at that time? A In Mississippi.
- Q Do you know that she lived in Mississippi at that time? A I don't remember much about it, I was very small then.
- Q Did Ellen Roblo come to the present Choctaw Nation with the other Choctaw Indians between 1833 and 1838? A I don't think she did.
- Q Did she go to the Indian Agent there in Mississippi within six months after the Treaty was ratified and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A No I heard mother say often that she never ~~claimed~~ claimed a thing.
- Q Did she ever own any land in either Mississippi, Louisiana, Alabama or Arkansas? A No.
- Q Did she ever get any scrip? A No.
- Q Have you any witnesses living who would be able to testify as to whether you grand mother was a recognized member of the Choctaw Tribe of Indians in 1830, and whether she within six months after the Treaty was ratified went to the Indian Agent there in Mississippi and told him that she wanted to stay in Mississippi and become a citizens of the United States? A Yes.
- Q Who are they? A Prytherme and Dapre, in Louisiana.
- Q How old are they? A 72 and 73.
- Q They could not have known your grandmother in 1830? I don't know when they knew her and where but they knew her.



- Q Have you or your children ever been admitted to the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Choctaw Tribal Authorities or the Dawes Commission? A No.
- Q Have you ever before this made application to either the Choctaw Tribal authorities or the authorities of the United States to have yourself or your children 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.
- Q What kind of an application are you making now? A Well I understand that they are doing something with the Choctaws and I thought I would put in and get my part.
- Q Well, what makes you think you have a right to come here now and make a claim? A Well I have always been taught by my mother that this was for the purpose of doing them justice, those Indians that lived in Mississippi, the government was going to do them justice.
- Q You came here then to make application for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim anything under any of the Treaties between the United States and the Choctaw Indians? A I claim under the Treaty of eighteen hundred and thirty.
- Q Do you claim under the whole Treaty or under a part of it? A Under the whole Treaty.
- Q Do you understand the Treaty of eighteen hundred and thirty? A No.
- Q The Treaty of eighteen hundred and thirty was made between the United States and the Choctaw Indians who lived in the States of Mississippi and Alabama. The State of Mississippi was being filled up with white settlers and the United States found it difficult to protect the Indians in their Tribal government any longer, and so tried to make an agreement with them and give them land west of the Mississippi river, where they could set up their own Tribal government and be protected in it but some of the Indians did not want to come west to the New Country and the other Indians would not sign any Treaty until something was done for those Indians who wanted to stay in Mississippi, so article fourteen was made a part of the Treaty for the benefit of those Indians who did not want to come west and after it was inserted in the Treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the Treaty between the United States and the Choctaw Indians is as follows, "Every 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 or survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 10 years of age; and a quarter section to such child as may be under 10 years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the United 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." A great many Indians went to the Indian Agent there in Mississippi within six months after the Treaty was ratified and told him that they wanted to stay in Mississippi.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 29, 1901.

#3098

In the matter of the application of Mary E. Roach for the identification of herself and two minor children as Mississippi Choctaws.

Applicant represented by Hudson & Arnold, J. E. Arnold attorney appearing.

Mary E. Roach being first duly sworn testified as follows:

- Examination by the Commission -

- Q What is your name? A Mary E. Roach.  
Q What is your age? A Fifty-six.  
Q What is your post-office address? A Carmel, Louisiana.  
Q How long have you lived there? A 56 years.  
Q You were born in Louisiana? A Yes.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A O. Flores.  
Q Is he living? A No.  
Q What is your mother's name? A Roblo, Mary Roblo.  
Q How do you spell that? A R-o-b-l-o.  
Q Is she living? A No.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A one-eighth.  
Q Has your mother ever been recognized in any manner or enrolled as a member of the Choctaw Tribe of Indians? A No.  
Q Are you married? A Yes, I am a widow now.  
Q What is your husbands name? A I have been married twice and have two sets of children. My first husbands name was F. C. Brashear.  
Q What is your second husband's name? A R. H. Roach.  
Q He is dead too you say? A Yes.  
Q Have you any children under twenty one years of age and unmarried for whom you wish to make application at this time?  
A Yes, two.  
Q Give the names and ages of these children? A Robert, 17, and Willie, 15.  
Q Is that all? A I have one that is of age but she has been here.  
Q You are the mother of these children? A Yes.  
Q What is the name of their father? A R. E. Roach.  
Q Is your name or are the names of either of your 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 your children to the Choctaw Tribal authorities to become a member of that tribe?  
A No.  
Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10th 1896?  
A No.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities or the Dawes Commission? A No.

Choctaw MCR 3098

Mary E. Roach

MCR 3098

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

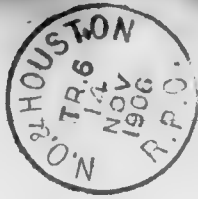
3097

Napoleon Laffitte,

Potsville, ~~Louisiana.~~

No RECEIPT REQUIRED





DEPARTMENT OF THE INTERIOR  
Commissioner to the Five Civilized Tribes

FILED

NOV 20 1906

A handwritten signature in dark ink, appearing to be "W. H. ...", written over the "FILED" and "NOV 20 1906" stamps.

Commissioner.

No. 3097

For Identification as a Mississippi Choctaw.

Date JUL 29 1901

Name Napoleon Luffitte

Age 24 Blood  $\frac{1}{16}$

Post Office, Folsville La

Father: O. M. Luffitte (dead)

Mother: Adeline Luffitte

Claims through mother

Children:

Claims for himself  
alone

Stenographer

G. Rosenwinkel

*Napoleon Laffitte*

REFUSED

DECISION RENDERED, SEP 2 1902

*R 3097*

SEP 2 1902

SEP 2 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORONTO FOR AMERICAN

SEP 2 1902

SEP 2 1902

SEP 2 1902

SEP 2 1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORONTO FOR AMERICAN

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED AT TORONTO FOR AMERICAN

4895

MCR-3097

Muskogee, Indian Territory, March 2, 1907.

Napoleon Laffitte,  
Pottsville, Louisiana.

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.



*mm*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3097.

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

Muskogee, Indian Territory, November 12, 1906.

Napoleon Laffitte,  
Potsville, Louisiana.

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,



Commissioner.

M.C.R. 3097

COPY.

Maskogee, Indian Territory, February 25, 1903.

Napoleon Laffitte,  
Potsville, Louisiana.

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 Rezelia Wallette, et al., of which decision you were advised by registered mail on the 2nd day of September, 1902.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

# L-1.

Rambin, Edmund Perier, Winnie Perier, Annie Bell Perier, Sterling Perier, Elanetta 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, Nabel 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,

(SIGNED)

*Tamm Dixon*  
Acting Chairman,

Registered.

Blunetta Deaton, et al.,	M C R 2398
Bob Dupre, et al.,	" 2241
Len Dupre,	" 2243
Edward L. Crumbles, 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 Cheetaw Indians claiming rights in the Cheetaw lands under article fourteen of the treaty between the United States and the Cheetaw Nation; concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rozelia Walette, Zelia Laurent, Jonce Olivia Laurent, Alexis Lauront, Frank Laurent, Steve Laurent, William Bernard Laurent, Ivan Lee Laurent, Sam Clyde Laurent, Preston Laurent, John Wilma Laurent, Sydney Laurent, Angele Laurent, Olevia Walleto, 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, Angola Flores, Mary R. Roach, Robert Roach, Willie Roach, John Brashier, Jones Brashier, Oscar Brashier, Louis Brashier, Joseph C. 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 M. Legrand, Emma Lucy Legrand, John A. Legrand, Mary Celeste Legrand, Boney Ramin, Joseph C. Ramin, Arthur Ramin, Lula Ramin, Joseph McC. Ramin, Johnnie

Muskogee, Indian Territory, September 2, 1902.

Napoleon Laffitte,

Potsville, Louisiana.

Dear Sir:

You are hereby advised that on the End 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 Laurant, et al.,	" 4896
Angele Laurent,	" 4398
Olevia Walette, et al.,	" 4897
John B. Walette, et al.,	" 4473
Louis L. Walette, et al.,	" 4329
Joe Clanton, et al.,	" 3101
Mere Flores, et al.,	" 3467
Mary E. Beach, et al.,	" 3098
John Brasher, et al.,	" 2687
Joseph O. Flores, et al.,	" 2686
Joe D. Laffitte,	" 3100
Leon Laffitte,	" 3102
Napoleon Laffitte,	" 3097
Sam Laffitte,	" 3099
A. Dubas, et al.,	" 3103
Minnie Nesser,	" 3949
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 Perier, et al.,	" 2239
Sterling Perier,	" 2244

Muskogee, Indian Territory, August 15, 1901.

Messrs. Hudson & Arnold,

Attorneys-at-law, Ardmore, Indian Territory.

Gentlemen:-

Receipt is hereby acknowledged of your letter of August 7th, enclosing affidavits for filing in the support of the following applications for identification as Mississippi Cheetaws.

Affidavits of Emile Prudhomme and T.L.Dupre, to be filed in support of the application for identification as a Mississippi Cheetaw of Napoleon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Sam Laffitte.

Affidavits of Emile Prudhomme and T. L. Dupre to be filed in support of the application of Joe D. Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Joe Clanton et al., for identification as Mississippi Cheetaws.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of Leon Laffitte.

Affidavits of Emile Prudhomme and T.L.Dupre to be filed in support of the application of A.Dubaz et al., for identification as Mississippi Cheetaws.

These affidavits have been duly filed and made a part of the records in cases above named and will receive the consideration of the Commission in determining the rights of the applicants to identification as Mississippi Cheetaws.

Yours truly,

M.C. 3097-3099  
• • 3100-3101  
• • 3102-3103

The applicant in this case has brown hair and eyes and dark complexion; his cheek bones are a trifle high and his nose thin but his features and general appearance are those of a white person. He does not speak the Choctaw language and does not know of any compliance on the part of his ancestors with the fourteenth article of the Treaty of eighteen hundred and thirty. He does not know of his ancestors except his father and mother and knows very little about any of his ancestors from family history. It has been very difficult to elicit any intelligent answers from this applicant.

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 July 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 of July 1901.

Subscribed and sworn before me this 17 day of Aug 1901.

*A. H. Linebaugh*  
Notary Public.

- Q Have you any evidence to show that your great grand mother Ellen Roble was living in the old Choctaw Nation in Mississippi in 1830 and was a recognized member of the Choctaw Tribe.  
A Yes.
- Q What kind of evidence have you? A By Prudhomme and Dupre.
- Q Who are they? A They lived down there in Louisiana.
- Q How old are they? A About 72 or 73.
- Q Did they know your <sup>great</sup> grand mother in 1830? A Yes.
- Q They could not have been very old in 1830? A I don't know they might have been older than that.
- Q Do you expect to get their evidence? A I will get it and send it up.
- Q You do not think that you could bring them before the Commission in person to testify? A No, they are so old, I don't think I could.
- Q Can you get their depositions? A Yes.
- Q You understand that the oral testimony of witnesses carries more weight with it than affidavits or depositions? A Yes.
- Q Did Ellen Roble come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A I don't know if she did or not?
- Q Did any of your ancestors come west with the other Choctaw Indians between 1833 and 1838? A Yes I think Ellen Roble did.
- Q I asked you if she did and you said that she did not. If you do not know how to answer these questions you can say so. Remember that you are under oath and you do not have to testify if you do not know? A Yes.
- Q Now did any of your ancestors come west between 1833 and 1838 with the other Choctaw Indians, to the present Choctaw Nation in the Indian Territory? A Well, I really don't know.
- Q Did Ellen Roble go to the Indian Agent there in Mississippi within six months after the Treaty of 1830 was ratified and tell him that she wanted to stay in Mississippi and become a citizen of the United States? A Yes.
- Q You know that? A Yes.
- Q How do you know it? A By the fourteenth article of 1830.
- Q Do you know what I asked you? A Explain it to me.
- Q I asked you if any of your ancestors, Ellen Roble or any others went to the Indian Agent there in Mississippi within six months after the Treaty was ratified and tell him that they wanted to remain in Mississippi and take land there? A I do not know.
- Q Did any of your ancestors ever own any land in Mississippi, Louisiana, Arkansas or Alabama? A Not as I knew of.
- Q Do you know if any of them ever got any scrip under the Treaty of 1830? A No.
- Q Do you know if there is any one living who would know if your great grandmother or any of your ancestors ever got any land in any of these States? A No, only Dupre & Prudhomme.
- Q You think they might know? A Yes.
- Q Did they know your great grandmother ~~personally~~ personally? A Yes.
- Q Is there anything else that you wish to say at this time in support of your application? A No.
- Q Have you any papers that you want to file now? A No not at present.
- Q Should you desire to offer any further evidence in support of your application, either oral testimony of witnesses, their depositions or affidavits or any other documentary evidence, you be permitted to do so and the same will be made a part of the record in your case. A Yes.
- Q Can you speak Choctaw? No.



Indian Agent, so under different acts of Congress men, Commissioners were appointed to go down there and investigate and find out who was entitled to land under the fourteenth article of the Treaty of 1830, and a great many claims were passed upon. Some were allowed and some refused. In those cases where the claims were allowed, if the land claimed by the Indians was not already disposed of it was given to them, in case the land had been sold scrip was issued. This scrip could be used in the purchase of any of the public lands in the States of Mississippi, Louisiana, Arkansas and Alabama. What was the name of your ancestor who lived in the old Choctaw Nation in 1830 and was a recognized member of the Choctaw Tribe at that time? A Dupre and Prudhomme.

Q What were the given names of these people? A Emile Prudhomme and the other one I don't know.

Q What relation were these people to you? A None.

Q How can you claim any Choctaw blood through them when they are not related to you? A These are my witnesses.

Q I did not ask you anything about your witnesses but asked you what the name of your ancestor was who lived in Mississippi in 1830 and was a recognized member of the Choctaw Tribe. A Ellen Roblo.

Q What relation was she to you? A 1/16th.

Q What relation was she to you? A I do not know but she was 1/16th.

----- She is our great grand mother.

Q You say you claim your Choctaw blood through your mother? A Yes.

Q What was your mother's mother's name? A I forgot what was her name.

Q You do not know what your mother's mother's name was? A No.

Q What was your mother's father's name? A I do not know what his name was.

Q Through which one of her parents did she claim her Choctaw blood? A Through her mother.

Q Your mother got her Choctaw blood through her mother? A Yes.

Q But you do not know what her name was? A No.

Q You never knew your grandmother? A No.

Q Do you know what her mother's name was? A No.

Q What her father's name was? A No.

Q Do you know through which one of her parents she got her Choctaw blood? A No.

Q Then you do not know what relation Ellen Roblo was to your grandmother? A She was my mother's grandmother.

Q Then your grandmother got her Choctaw blood through her mother did she? A Yes.

Q How much Choctaw blood did Ellen Roblo claim? A One-half.

Q How does it happen that you can remember your great grandmother's name and do not remember of ever having heard the names of your grand mother and grandfather? A I don't remember to have ever heard their names at all.

Q How does it happen that you do not remember the names of your grandfather and grandmother and do remember the name of your great grandmother? A I was told that here by the other people.

Q You never knew your grandmother? A No.

Q Is she dead? A Yes.

Q How long has she been dead? A I don't know.

Q You never heard? A No.

Q Your mother is living you say? A Yes.

Q How old is she? Sixty-three.

Q You never heard your grandmother say anything about how long your grandmother has been dead? A No.

- Q You will have to speak more distinctly. What kind of an application do you make now? A Application that gives me a right as a Choctaw.
- Q Well, what kind of an application are you making now. What do you claim to be? A Choctaw.
- Q Choctaw by blood? A Yes.
- Q Are you making application for enrollment as a Choctaw by blood? A Yes.
- Q What kind of a Choctaw do you claim to be? A Mississippi Choctaw.
- Q Do you want then to be identified as a Mississippi Choctaw? A Yes.
- Q How do you claim your right to be identified as a Mississippi Choctaw? A Through my great grandmother's side.
- Q What do you claim through your great grandmother's side? A She was one-half ~~Choctaw~~.
- Q One-half what? A One-half Choctaw.
- Q You are claiming right to be identified as a Mississippi Choctaw because you have always been taught that you had Choctaw blood? A Yes.
- Q Do you make any claim under any of the Treaties between the United States and the Choctaw Tribe of Indians? A No.
- Q The law which gives the Commission the right to hear these applications for identification as Mississippi Choctaws authorizes it to determine the identity of those applicants who claim under the fourteenth article of the Treaty of 1830. In 1830 the United States wanted to make a Treaty with the Choctaw Indians living in the States of Mississippi and Alabama for the purpose of giving them land here in the present Indian Territory and moving them to this land but there were a number of them who did not want to come West to the New Country and the other Indians did not want to make any Treaty until something was done for those who wanted to stay in Mississippi and article fourteen was made a part of the Treaty for the benefit of those Indians who wanted to stay in the State of Mississippi. After this article was put in the treaty the Indians signed it alright and it was ratified by the United States and the Choctaw Indians. Article fourteen of the Treaty of 1830 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 Section 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." A great many of the Indians who did not want to come west went to the Indian Agent there in the State of Mississippi within six months after the Treaty was ratified and told him that they wanted to become citizens of the United States, but when a few years later the United States sent a locating agent to locate the lands for the Indians it was found that the names of a great many who claimed to have gone to the Indian Agent and told him that they wanted to stay in Mississippi were not found on the register made by the

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. July 29, 1901.

#3097

In the Matter of the application of Napoleon Laffitte  
for identification as a Mississippi Choctaw.

Applicant represented by Hudson & Arnold, J. E. Arnold,  
attorney appearing.

Napoleon Laffitte being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Napoleon Laffitte.  
Q How do you spell the last name? A L-a-f-f-i-t-t-e  
Q What is your age? A 24.  
Q What is your post-office address? A Pottsville, Louisiana.  
Q How long have you lived there? A All my life.  
Q You were born in Louisiana? A Yes.  
Q Never had a home any where else? A No.  
Q What is your fathers name? A O. M. Laffitte.  
Q Is he living? A No.  
Q What is your mother's name? A Adeline Laffitte?  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw  
blood? A My mother's side.  
Q How much Choctaw blood do you claim? A 1/16th.  
Q Has your mother through whom you claim your right to identifi-  
cation, ever been recognized in any manner or enrolled as a  
member of the Choctaw Nation by the Choctaw Tribal authorities  
or the authorities of the United States? A No.  
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 Coctaw Nation  
in the Indian Territory? A No.  
Q Have you ever made application to the Choctaw Tribal authori-  
ties for enrollment 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 the Act of Congress of June 10th, 1896?  
A No.  
Q Have you ever been admitted to citizenship in the Choctaw  
Nation by the Choctaw Tribal Authorities or the Dawes Commis-  
sion? A No.  
Q Have you ever been admitted to citizenship in the Choctaw  
Nation by judgment of the United States Court in Indian Territo-  
ry on appeal from the decision of the Dawes Commission or the  
Choctaw Tribal authorities? 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 have yourself admitted or enrolled as a citizen of th  
Choctaw Nation? A No.  
Q This is the first application of any kind you have ever made?  
A Yes.  
Q What kind of an application are you making now? A Which.  
Q What kind of an application do you make now? A I don't know  
what kind.

Choctaw MCR 3097

Napoleon Laffitte

MCR 3097

For Identification as a Mississippi Choctaw.

Date

7/5/02

Name

Tom Gilmore

Age

Blood

Post-Office,

Father:

Mother:

~~Claims through~~

Additional testimony  
of Ray Wiley Johnson

Children:

Stenographer

J. S. Kils

#1233

No. 3076

For Identification as a Mississippi Choctaw.

JUL 27 1901

Name Tom Gilmore

Age 33 - Blood full ---

Post Office, Hickory, Miss

Father: William. f. b. d

Mother: Sokey, f. b. d

Claims through both parents.

wife Martha .. f. b. 25-

father - Tom, - f. b. - d

Mother don't know f. b. - d

Claims for wife -

Children:

Johnnie Gilmore 2.

Marnie .. 1.

Claims for self, wife and children.

See M. C. Card filed No 479.

Stenographer J. S. Miles.

See Miss Cho. Card Field No 479.

BIRTH AFFIDAVIT.

FOR IDENTIFICATION  
A MISSISSIPPI CHOCTAW

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

*Identification*  
IN RE Application for Enrollment as a Mississippi Choctaw Nation,  
of Mamie Gilmore, born on the 3rd day of May, 1900.  
(Here insert name of child)  
Name of Father: Tom Gilmore, a citizen of the Choctaw Indian Nation.  
Name of Mother: Martha Gilmore, a citizen of the Choctaw Indian Nation.  
Post-office, Hickory, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

*State of Mississippi*  
*County of Newton*

I, Martha Gilmore, on oath state that I am 25  
years of age and a citizen by Full Blood, Choctaw Indian Nation;  
that I am the lawful wife of Tom Gilmore, who is a citizen by  
Full Blood, Choctaw Indian Nation, that a Female child was  
(male or female)  
born to me on the 3rd day of May, 1900; that said child has been  
named Mamie Gilmore, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

E. M. Mansley  
W. H. Gullett

Subscribed and sworn to before me this 3rd day of Aug, 1901.

J. M. Cross  
NOTARY PUBLIC

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE. Husband

UNITED STATES OF AMERICA,

*State of Mississippi*  
*County of Newton*  
I, Leana Healy Tom Gilmore, a Midwife,  
*Indian Territory*

attended on Mrs. Martha Gilmore, wife of Tom Gilmore,  
on the 3rd day of May, 1900; that there was born to her on  
said date a Female child; that said child is now living and has  
(male or female) has been  
named Mamie Gilmore.

WITNESSES TO MARK:

(Must be Two Witnesses)

Tom Gilmore

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

Graves  
NOTARY PUBLIC.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.

IN RE  
*Identification*  
Application for Enrollment of  
INFANT CHILD

*Mamie Gilmore.*

as a citizen of

*Choctaw* MISSISSIPPI CHOCTAW, Nation.

FOR IDENTIFICATION AS  
Approved, *Commissioner.* 190..

*See McCoid Field No 479.*

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.

MISSISSIPPI CHOCTAW.

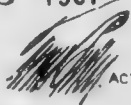
*4479*

*3096*



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

**FILED**  
AUG 5 1901

A handwritten signature in dark ink, appearing to be a stylized name with a prominent initial.

ACTING CHAIRMAN.

Muskegee, Indian Territory, July 7, 1904.

Tom Gilmore,

Kemp, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged, by reference from the Secretary of the Interior, of your affidavit, to the effect that a report has gone abroad that the parties to whom you have leased your land in the Choctaw-Chickasaw country have not furnished you with proper food and clothing, and that said report is untrue and false in every particular.

Your affidavit is herewith returned as you do not state what disposition you wish made of the same, and for the further reason that the leasing of land in the Choctaw and Chickasaw Nations is a matter which does not come within the jurisdiction of this Commission.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, October 7, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

Referring to identified Mississippi Choctaw card number 542, you are informed that the following notations have been made upon the duplicate card in the possession of this office:

SETTLEMENT ADDRESS "Kemp, I. T."  
DATE OF PROOF OF SETTLEMENT "Sep. 25, 1903."

Respectfully,

Chairman.

Muskogee, Indian Territory, October 7, 1903.

H. Van V. Smith,  
Special Agent of United States Government,  
Meridian, Mississippi.

Dear Sir:

Referring to identified Mississippi Choctaw card number 542, you are informed that the following notations have been made upon the duplicate card in the possession of this office:

SETTLEMENT ADDRESS "Kemp, I. T."  
DATE OF PROOF OF SETTLEMENT "Sep. 25, 1903."

Respectfully,

Chairman.

M C R 3096

Muskogee, Indian Territory, March 21, 1903.

W. H. Gallaspy,

Hickory, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing application for the identification of Ludie Gilmore, infant daughter of Tom and Martha Gilmore, born September 24, 1902, and the same has been filed and made a part of the record in the Mississippi Choctaw case of Tom Gilmore, et al.

Respectfully,

Chairman.

COPY.

M.C.R. 3096.

Muskogee, Indian Territory, May 6, 1903.

Tom Gilmore,

Gare-Nig Wiley Johnson,

Sterrett, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying yourself, your wife Martha Gilmore and three minor children, Johnnie Gilmore, Mable Gilmore and Ludie Gilmore, 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).

*Tams Bixby.*

Chairman.

Registered.

Enc. 3096.

COPY.

Muskogee, Indian Territory, April 27, 1905.

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1905, identifying Tom Gilmore his wife Martha Gilmore and three minor children Johnnie Gilmore Mamie Gilmore and Ludie Gilmore as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1903 (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 Gilmore, his wife and 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 duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED).

*James Bixby.*  
Chairman.

Registered.  
Enc 3096

M C R  
3609-3096-1968  
2119-1169-2465

Mustagee, Indian Territory, April 4, 1903.

W. H. Gallaspy,

Hickory, Mississippi.

Dear Sir:

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

Big Wiley Johnson	M C R 3300
Wiley Johnson	M C R 1960
Tom Williamson	M C R 2484
Jim Lewis	M C R 3471
Ben Gibson	M C R 3298
Lewis Gibson	M C R 3433
Bob Johnson	M C R 3396
Ben Silmore	M C R 3392
Jim Arkness	M C R 3343
John Jack	M C R 5126
Willie Gibson	M C R 3301
Jeff Gibson	M C R 3303
Essie Gibson	M C R 3500
Tom Silmore	M C R 3096
Charley Lewis	M C R 1968
Len Thompson	M C R 2119
John Willis	M C R 1169
Henry Jackson	M C R 2465

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

Respectfully,

Commissioner in Charge.


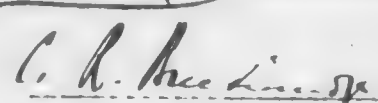


Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes" approved July 1, 1902 (32 Stats. 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"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 Gilmore, Martha Gilmore, Johnnie Gilmore, Mamie Gilmore and Ludie Gilmore should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
Chairman.  
  
C. R. Bee Line.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Gilmore, et al.,  
for identification as Mississippi Choctaws, -----M.C.R. 3096.

-----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 July 27, 1901, by Tom Gilmore for himself, his wife Martha Gilmore, and his two minor children, Johnnie and Mamie Gilmore, under the following provision of the Act of Congress approved June 28, 1898, ( 30 Stats. 495):

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

It further appears from the record herein that since the date of the above application there was born to the principal applicant and his wife a child named Ludie Gilmore.

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

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE APPLICATION FOR ENROLLMENT, as a citizen of the Mississippi Choctaw Nation,  
 of Ludie Gilmore, born on the 24 day of Sept., 1902  
(Here insert name of child.)  
 Name of Father: Thomas Gilmore, a citizen of the Mississippi Choctaw Nation.  
 Name of Mother: Martha Gilmore, a citizen of the Miss Choctaw Nation.  
 Post-Office: Stevett, I. T.  
Old address Henry Miss

AFFIDAVIT OF MOTHER.

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

I, Martha Gilmore, on oath state that I am \_\_\_\_\_  
 years of age and a citizen, by Miss. Choctaw of the full blood Nation,  
 that I am the lawful wife of Tom. Gilmore, who is a citizen, by  
full blood of the Miss. Choctaw Nation, that a female child was  
(Male or female.)  
 born to me on the 24 day of Sept., 1902; that said child has been  
 named Ludie Gilmore, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Sam Moss  
W. H. Gallaspy  
Martha <sup>her</sup> Gilmore  
mark

Subscribed and sworn to before me this 16 day of March, 1902.  
I. J. Vaughan  
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

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

I, Patsy Johnson, a midwife, on oath state that I  
 attended on Mrs. Martha Gilmore, wife of Tom Gilmore,  
 on the 24 day of Sept., 1902; that there was born to her on said  
 date a female child; that said child is now living and is said to have been  
(Male or female.)  
 named Ludie Gilmore.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Cal Gosa  
W. H. Gallaspy  
Patsy <sup>her</sup> Gilmore  
mark

Subscribed and sworn to before me this 16 day of March, 1902.  
I. J. Vaughan  
 Notary Public.

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW

IN RE

Application for Enrollment of

INFANT CHILD

*Ludie Gilmore.*

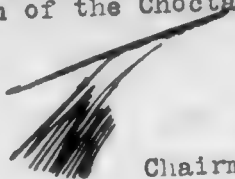
as a citizen of the

FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW. Nation.

Approved \_\_\_\_\_ 190

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

The within application is accepted on behalf of the within named child as evidence of its birth, and will be filed and made a part of the original application of its parents for identification as Mississippi Choctaws, but is not to be considered as an application for its Enrollment as a citizen of the Choctaw Nation.



Chairman.

M C R 3096

RECORDED

INDEXED

FILED

MAR 23 1904

CHAIRMAN

Tom Gilmore, et al--2

- Q Do you know anything about the ancestry of Tom's wife? A No.  
Q Her grandfather? A No--he's a Six Town Indian--lives in Jasper County.  
Q Is Tom Gilmore the father of any children? A Yes.  
Q How many? A Two.  
Q What are their names? A Johnnie and Mamie.  
Q Tom Gilmore and his family are living in Newton County, Mississippi, are they, at this time? A Yes.

-----

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 5th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 8th day of July, 1902,  
at Muskogee, Indian Territory.

  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 5th, 1902.

In the matter of the application of Tom Gilmore for the identification of himself, his wife Martha and his two minor children, Johnnie and Mamie Gilmore, as Mississippi Choctaws.

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 What County is that in? A Newton.  
Q Are you the identical Wiley Johnson who appeared before this Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself, your wife Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws? A Yes sir.  
✓ Q Do you know a Choctaw Indian by the name of Tom Gilmore? A Yes.  
✓ Q How much Choctaw blood does he claim? A Full blood.  
Q Where does he live? A Live close by me, close to Hickory, four miles.  
Q That's in the State of Mississippi, is it? A Yes.  
✓ Q What is the name of his father? A Chuf-fa-tubbee.  
Q What is the name of his mother? A Tah-ho-nah.  
✓ Q Did Tom's father have an English name? A I don't know, I can't tell about that. All I know Indian name Chuf-fa-tubbee.  
Q What relation, if any, is Tom Gilmore to your wife? A Brother.  
Q Is he a full brother? A Yes sir.  
Q Same mother and same father? A Yes, same--full brother.  
Q Did Tom Gilmore's mother have an English name? A Yes.  
Q What was her name? A Sookie.

In a schedule of those Choctaws who received land under the provisions of the 14th article of the treaty of 1830, by remaining upon the land five years, in accordance with the provisions of that article, furnished the Commission by the Indian Office, there is found the name of Chuf-fa-tubbee, a child under ten years of age, parent I-ath-le-pah, with a notation "no land".

- Q What is the name of Tom Gilmore's wife? A Call her Martha.  
Q Do you know the name of her father? A We call him Little Tom.  
Q Did he have an Indian name? A Not that I know of.  
Q Do you know the name of his wife's father? A No, I don't know it--they live in other part of the country.

Tom Gilmore et al--7

law language and also has some knowledge of the English language, enough for his examination to have been conducted for the most part in that language. He has no knowledge of the compliance on the part of his ancestors with any of the provisions of the 14th article of the treaty of 1830.

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, July 27th, 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 17th day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

Tom Gilmore et al---6

Q Is there anything more y u want to say now about your application?

A No sir.

Q Have you any documentary evidence of any kind, any papers of any kind, or have you any witnesses that you want to introduce now before the Commission? A No sir.

Reasonable time from the date hereof is allowed this applicant, in which to present any proper proof in the way of documents or other papers in support of this application which he makes for himself, his wife and children.

This is a very important matter. You are seeking citizenship rights in the Choctaw Nation, Indian Territory, for yourself, your wife and your children, and it is necessary to prove your ancestry beyond any question and if you can possibly get the testimony of anybody else, you are advised to do it. If you know of any persons that can come in here and can testify that you are a full blood and that your people have always lived here in Mississippi and been full bloods, you had better do so.

W.F.Hoye, being called to testify on behalf of this applicant and being first duly sworn, states as follows:-

Examination by the Commission.

Q What is your name? A W.F.Hoye.

Q What is your age? A Forty three.

Q What is your postoffice address? A Meridian, Mississippi.

Q Are you acquainted with Tom Gilmore? A Yes sir.

Q Is he a full blood Choctaw Indian? A Yes sir.

Q Did you know his father and mother? A No sir, I didn't know his father; I have seen his mother.

Q What do you know about him or his family-about their being full-bloods? A I just know from observation and my acquaintance with the Tribe. I was raised in Newton County and have known him ever since he was a little fellow.

Q There is no question about his Choctaw blood? A No sir, He is full blood.

Q Do you know whether any of his people ever received any land or money from the Government? A I never heard about that. There was an old Indian out there that had a claim to the land that I lived on. This old Indian, name Jehn, was telling me about the Indians that lost their places there. This man here was called a Turkey Creek Indian, that is this man's father.

Q Turkey Creek is a location, it does not mean a Creek Indian?

A No sir, it is the name of a place.

Q You don't know whether his ancestors ever complied with the provisions of article 14 as I have described? A No sir, but I am pretty certain that they never got any scrip or anything.

Witness excused.

This applicant has the appearance and all the characteristics of a full blood Choctaw Indian. He speaks the Choctaw.



zens of the United States. Now a great many Indians did that. They went to the Agent and told him and he should have put their names down on the list and register them on his registry list. He should have done that, but he failed to do so. Thus, a great many Indians went to his office whose names were not put down on his lists.

They afterwards took land in Mississippi and held it, put houses and other improvements on it, and afterwards in many instances they were driven from their land by the Government, and the land was sold at its public land sales. The Government said that they did not go to Col. Ward's office and tell him that they wanted to stay in Mississippi. The Indians insisted that they did do that but their names were not found on the list. They made complaint to the Government and so many complaints were made that by Act of Congress of March 3 1837 certain men were appointed, called a Commission, whose duty it was to go to Mississippi and hear all these cases and see if these Indians did go to Col. Ward's office and declare their intention to become citizens and did say that they wanted to take land in Mississippi as article 14 provided they should do. They made out a list of the names of Indians whom they found had complied with the provisions of article 14. In 1842 another Commission was appointed for the same purpose and another list was made out of claimants under article 14 who had complied with the provisions of that article.

Q Now, the question is--do you know if your grandfather or grandmother, or any of your kin folks, had their names on any of those lists that were made out in 1837 and 1842 by those two Commissions?

A I don't know about that.

Q You never heard about it? A No sir.

Q Do you know whether any of your ancestors received any scrip from the Government under ~~article 14~~ the Act of Congress of August 23 1842? Did they ever get any scrip from the Government? A I don't know.

Q Do you know what I mean by scrip? A No sir.

Scrip was a certificate. The Commission appointed in 1842 to hear these claimants, issued to certain Indians, whose claims were allowed, paper, which was a certificate. It was called scrip. In giving that to a claimant, he ~~xxx~~ would take it and it would entitle him to select vacant Government land in Mississippi, Alabama, Arkansas or Louisiana. The reason why this scrip was given to an applicant was because his land had been taken away from him. The Government had taken his land away at its public land sales and in order to make it good and give him what he ought to have, they gave him this scrip, which would entitle him to select land.

Q Did any of your forefathers get any scrip? A I don't know.

Q Did any of your ancestors claim any benefits or rights under any other article of the treaty of 1830 than the 14th article or under the supplement to that treaty? A I don't know.

your forefathers , your father, mother, gra dfather, grandmother, great-grandfather or great-grandmother, went to Col. Ward, the United States Indian Agent, at his office in Mississippi, in 1830, and told him that they wanted to stay in Mississippi and take land there; do you know whether they did hhat? A No sir, I don't know.

Q That is what that article means.

Q Did any of your forefathers , your ancestors, your kin folks, ever claim or receive any land in Mississippi from the Government as Choctaw Indians, under article 14 of the treaty of 1830? Did they ever get any land from the Government? A I don't know.

Q Do you know the name or names of any of your Choctaw ancestors who lived in Mississippi or Alabama in 1830 and who were recognized members of the Choctaw Tribe of Indians at that time? Can you give the names of any of your kin folks back there 70 years ago? A No sir, I don't know the names.

Q Did your father, William, have an Indian name? A Not that I know of.

Q He died when you were young? A Yes, when I was one year old.

Q Did your mother have an Indian name? A No.

Q Did they both talk the Choctaw language? A Yes.

Q Did they talk English? A No.

Q How old was your father when he died? A I don't know.

Q He died when you were a little boy? A Yes.

Q He died about 32 years ago? A Yes.

Q And your mother--did she die a long time ago? A Yes, about 16 or 17 years ago.

Q Do you know whether any of your ancestors, your father, mother, grandfather or grandmother, or other ancestors, went from Mississippi or Alabama to the Indian Territory with the other Indians who went there between the years 1833 and 1838? Did any of them go out to the Territory? A No sir.

Q Did any of your ancestors, your kin folks, go to the office of Col. Ward, the United States Indian Agent , within six months after the ratification of the treaty of 1830 and tell him that they wanted to stay in Mississippi and take land there? A I don't know about that.

Q Did you ever hear about that? A No sir.

Q Did your father or mother, or grandfather or grandmother any of your old people, did they have any improvements on land in Mississippi or Alabama in the year 1830 or previous to tha t time? A I don't know about that.

Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know.

Q Do you know whether any of your Choctaw ancestors appeared before either the Commission appointed under the Act of Congress approved March 3, 1837, or the Commission appointed by act of Congress approved August 23, 1842 and claimed any rights or benefits under article 14 of the treaty of 1830? A I don't know.

Q Do you understand that? A No sir.

w I told you, under article 14 of the treaty of 1830 that was read to you, that the Choctaw Indians who stayed in Mississippi were obliged to go to the office of Col. Ward, the United States Indian Agent, who lived in Mississippi at that time, and tell him (within six months after the ratification of the treaty of 1830) that they wanted to stay in Mississippi and take land there and become citi

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

Q Do you understand that? A No sir, I can't understand all that.

I will explain it to you:- Q Do you know what a treaty is? A Yes. You know a contract or an agreement between two people is where you agree to do a certain thing and the other man agrees to give you so much money for what you do; that is what you call a contract. A treaty is the same thing, only it is in writing and it is between two or more nations instead of two or more people. It is called a treaty because it is between Nations. In 1830, 71 years ago, The United States Government and the Choctaw Nation, two Nations, made an agreement in writing; they called it a treaty. That treaty was made at that time for the purpose of removing all the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory- take them all out there. ( Q You heard about that? A Yes sir.) Before that treaty was signed it was found out that a good many Indians would not go. It was necessary to put something in the treaty for the protection of the rights of those Indians who stayed here. So, those who made the treaty put article 14, ( an article is a part of a treaty) into the treaty, to protect the interests of those Choctaw Indians who did not go to the Indian Territory. They said in that article, and I read it to you, that those who wished to stay could do so and they could have land in Mississippi and if they lived on that land for five years they could get a patent or deed to it from the Government. That is what they call the fee-simple here. They would have to live on that land for five years. They must also tell the United States Indian Agent that they wanted to live in Mississippi, take land there and become citizens of the United States. The name of the Agent was Col. Ward. He lived here in Mississippi in 1830. Now, then, if these Mississippi Choctaws did that thing, and did it within six months after the treaty was ratified, then they could afterwards go to the Indian Territory and become citizens of the Choctaw Nation there and have land there and become citizens.

Now, you are descended from Choctaw Indians who were full bloods and you, yourself are a full blood Choctaw Indian, do you know if any of

Tom Gilmore et al---2

- Q How old is he? A Two years last May.  
Q Have you any other children? A Yes sir, Mamie.  
Q Girl? A Yes sir.  
Q How old is she? A One year old last May.  
Q Is that all the children you have? A Yes sir.  
Q Is there anyone else at your house that you want to apply for?  
A No sir.  
Q Is your wife Martha the mother of these children? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Are they living with you at your home? A Yes sir.  
Q Were you married to your wife under a license and by a minister?  
A No, not by a license; Choctaw way.  
Q Is your name or the name of your wife or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you or anyone for you or for your wife or children make application to the Choctaw Tribal authorities in Indian Territory to be enrolled as members of the Choctaw Tribe? That is--did you go out to the Territory and ask the people there to put your names on the rolls? A No sir.  
Q Did you or anyone for you in 1896, under the Act of Congress of June 10, 1896, make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, for yourself and wife? That is five years ago--did you go to the Territory and ask the Dawes Commission to put your names on the list? A No sir.  
Q Have you or your wife or children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, by 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 either the Choctaw Tribal authorities, or to the United States authorities for citizenship in the Choctaw Nation? A Yes, two years ago, at Decatur.

This applicant is the identical Tom Gilmore who appeared before the Commission at Decatur, Mississippi, February 8, 1899, and made application for the identification of himself, his wife Martha and son Johnnie, for identification as Mississippi Choctaws, their names appearing on M.C.C. Field No. 479. Their names also appear on page 101 of the schedule of Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the 14th article of the treaty of 1830, annexed to the report of the Commission to the Five Civilized Tribes to the Secretary of the Interior, of March 10, 1899, being numbers 1743, 1744 and 1745 respectively thereon.

- Q Do you appear before the Commission today for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and children, under the provisions of the 14th article of the treaty of 1830, called the treaty of Dancing Rabbit Creek?  
A I don't know nothing about that.

I will read article 14 to you. Article 14 of the treaty of 1830 reads as follows:--

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be per-

DEPARTMENT OF THE INTERIOR,  
 COMMISSION TO THE FIVE CIVILIZED TRIBES,  
 Meridian, Mississippi, July 27th, 1901.

In the matter of the application of Tom Gilmore for the identification of himself, his wife and two children as Mississippi Choctaws.

Said Tom Gilmore, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Tom Gilmore.  
 Q What is your age? A About thirty-three.  
 Q What is your postoffice address? A Hickory, Mississippi.  
 Q What County? A Newton County.  
 Q How long have you lived in Newton County? A Always lived there.  
 Q Born there? A Yes sir.  
 ✓ Q What is your father's name? A William.  
 Q Has he any other name? A Don't know.  
 Q Did he have an Indian name? A I don't know.  
 ✓ Q Was he a full blood Choctaw? A Yes sir.  
 ✓ Q Is your mother living? A No, dead.  
 Q What was her name? A Sokey.  
 Q Did she have an Indian name? A No.  
 ✓ Q Was she a full blood Choctaw Indian? A Yes sir.  
 ✓ Q Are you a full blood Choctaw Indian? A Yes sir.  
 ✓ Q You claim your Choctaw blood through both father and mother?  
 A Yes sir.  
 Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw Tribe of Indians by either the Choctaw Tribal authorities or the United States authorities in Indian Territory? \* in other words, have they been out to the Territory and become enrolled there as citizens of the Choctaw Nation? A No sir.  
 Q Are you married? A Yes sir.  
 ✓ Q What is your wife's name? A Martha.  
 ✓ Q Is she a full blood Choctaw Indian? A Yes sir.  
 Q How old is she? A About twenty-five, I reckon.  
 ✓ Q What is her father's name? A Tom.  
 Q Has he any other name? A Just Tom.  
 Q Is he dead? A No, living.  
 ✓ Q Is he a full blood Choctaw? A Yes sir.  
 ✓ Q What is your wife's mother's name? A I don't know. She died long time.  
 ✓ Q Was she a full blood? A Yes sir.  
 ✓ Q Your wife claims her Choctaw blood through both her father and mother? A Yes sir.  
 Q Have your wife's 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 United States authorities in Indian Territory? Did they ever go out to the Territory and get enrolled out there? A No sir.  
 Q You make claim for your wife, do you? A Yes sir.  
 Q Have you any children under 21 years of age and unmarried that you want to make application for? A Yes, two.  
 Q What is the name of the oldest? A Johnnie Gilmore.  
 Q Boy? A Yes sir.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Tom Gilmore, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3096.

----- I N D E X -----

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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 Tom Gilmore et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 3096.

Choctaw MCR 3096

Tom Gilmore

MCR 3096



*Thomas Crothers Esq.*

**REFUSED**

DECISION RENDERED. **OCT 1902**

NOTICE OF DECISION MAILED APPLICANT.

*R. 3095*

**OCT 30 1902**

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

**OCT 30 1902**

RECORD FORWARDED DEPARTMENT.

**NOV 15 1902**

ACTION APPROVED BY SECRETARY OF INTERIOR.

**MAR 2 - 1903**

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

**MAR 12 1903**

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

**MAR 12 1903**

#1232

No. 3005

For Identification as a Mississippi Choctaw.

Date \_\_\_\_\_  
Name Thomas Crowther

Age 32 - Blood 1/2

Post Office, Collinsville, Miss

Father: Scott. Shua-tubber, f. b. d

Mother: Falby-Crowther, <sup>neg. & w. d</sup> slave

Claims through father -  
wife Nettie - neg. & white

No claim for white  
wife -

Children: Erving Crowther, 6

Lelat " 4 ~~5~~

Otha " (boy) 2

Claims for self &  
children -

Stenographer J. J. Miles

M.C.R. 3095.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 2nd 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 Thomas Crowther, et al., of which decision you were advised by mail on the 30th day of October, 1902.

Respectfully,

(SIGNED)

*James Bixby.*  
Chairman.

M.C.R. 3095.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Thomas Crowther,  
Collinsville, Mississippi.

Dear Sir:

You are hereby notified that on the 2nd 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 Thomas Crowther, et al., of which decision you were advised by registered mail on the 30th day of October, 1902.

SIGNED)  
Respectfully, *Tams Bixby.*  
Chairman.

rendered and hereby affirms the same.

Respectfully

(Signed) Thos Ryan

1 inclosure.

Acting Secretary.

C O P Y

DEPARTMENT OF THE INTERIOR

D.C. 6140

WASHINGTON

EAF

I.T.D. 1558- 1903

March 2, 1903

L R.S.

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 Thomas Crowther and his minor children, Erving, Lela and Otha Crowther, including your decision of October 30, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Ta-shu-a-tubbee and of his son, Scott Shuatubbee, both of whom are alleged to have been full blood Choctaw Indians.

The records fail to show that 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 10, 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 the decision

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 Ta-shu-a-tubbee and Scott Shuatubbee 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

(W.C.B.)

P.

C O P Y

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

Land

69,064- 1902

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 Thomas Crowther for the identification of himself and his three minor children, Erving, Lela and Otha Crowther, as Mississippi Choctaws, wherein a decision adverse to the applicants was rendered by the commission on October 30, 1902

The testimony on this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Ta-shu-a-tubbee, who, it is alleged was a full blood Choctaw Indian, and his son, Scott Shuatubbee, also alleged to have been a full blood Choctaw Indian. The Applicants claim that their ancestors were Choctaw Indians and residents of the Choctaw Nation 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



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 Thomas Crowther, 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.

Respectfully,

*James Dixby,*  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.  
Enc. M O R 3095.

T C -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.

M.C.R. 3096.

Muskogee, Indian Territory October 30, 1902.

Thomas Crowther,  
Collinsville, Mississippi.

Dear Sir:-

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 Thomas Crowther, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

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

M M & C -2

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

Respectfully,

(SIGNED):

*I. J. ...*  
Acting Chairman.

Muskogee, Indian Territory October 30, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 30th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas Crowther, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Crowther, Erving Crowther, Lela Crowther and Otha Crowther 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 principal 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

Register of Claims under the 14th Article of the treaty of Dancing Rabbit Creek of 30th Sept. 1830". It is not shown by the evidence offered by the applicants herein that the Shu-a-tubbee whose name appears in the record above cited is identical with either of the ancestors through whom said applicants claim their rights to identification as Mississippi Choctaws.

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas Crowther, Irving Crowther, Lela Crowther and Otha Crowther 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 L. ...*

Acting Chairman

*T. B. ...*

Commissioner

*C. R. Breckinridge*

Commissioner

Washago, Indian Territory

OCT 30 1902

seventh, eighteen hundred and thirty, by reason of being descendants of Ta-shu-a-tubbee, who is alleged to have been a full blood Choctaw Indian and of his son Scott Shuatubbee, also 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 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 this application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or to persons who heretofore were claimants thereunder, that any person bearing the name of Ta-shu-a-tubbee, or Scott Shuatubbee, 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 found however, that the name of one Shu-a-tubbee appears upon page 105 of Volume 1, of the Claimants Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, in a list entitled "Col. George W. Martin's

*JSA*  
*Crow.*

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

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In the matter of the application of Thomas Crowther, et al., for identification as Mississippi Choctaws, M.C.R. 3095.

--: 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 Thomas Crowther for himself and his three minor children, Irving, Lela, and Otha Crowther, under the following provision of the act of Congress approved June 25, 1895 (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-



Thomas Crowther, et al., 4.

Q Did you ever hear of any of them having received any land? A No sir.

Q D'yd you ever hear of any of his ancestors ever receiving any benefits whatever as Choctaw Indians? A No sir, not to my knowing.

Q Did you ever hear of any of them getting any scrip from the ~~State~~ Government? A No sir.

Q All you know in regard to the applicant, then, is simply as to who his father and mother were? A Yes sir.

Q Are you interested in any way in this application? A No sir.

Q You are a disinterested party wholly? A Yes sir.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes ~~States~~ 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 of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Meridian, Mississippi,  
this 10th day of August, 1901.

*R. S. Streit*

*[Signature]*

Notary Public.

Thomas Crowther, et al., 3.

Q Where were they living? A In Kemper County; the same old place.

Q Are they full bloods, his other children? A Yes sir.

Q What are the names of them? A One of them was named Scott Shuatubbee and one Nancy and one of them Chubbee Shuatubbee.

Q Did they have any English names? A Not as I knows of.

Q Is Nancy married, the girl? A She wasn't at the time that I knowed her.

Q How long since you have seen those children? A Its been a long time since I seen the boys.

Q Are they younger or older than this man Crowther? A Yes, they are a heap older than he.

Q Are you any relation to this ~~xx~~ applicant? A No sir, no relation to him at all. No sir, I am not relation to Tommy Crowther, but you will see that we were fellow servants and knowed one another.

Q Did you know Shuatubbee's father or mother? A No sir.

Q Never did know who they were? A No sir.

Q Tell how Shuatubbee looked? A Well, Shuatubbee, as near as I can recollect him; he was a bright Choctaw; you see my color, well Shua wasn't any brighter than I was, but still he was straight haired and, you see this big large Choctaw who stay here?

Q The interpreter? A Yes sir. Shua wasn't as bright as he was, but his son was near as bright as he was.

Q Now, didn't Shua have some negro blood? A Well, if he did, I couldn't say.

Q Didn't he look as if he had some? A I 'll just give you his complexion.

Q Well, answer, didn't he look as if he had negro blood in him?

A Well, of course, it showed up some like that, but he claimed to be a Choctaw, and was in the Choctaw tribe as far as I knew.

Q How was his hair perfectly straight or a little bit kinky? A Shua's hair was straight.

Q Was Shua living with this woman ~~at~~ at the time this applicant was born? A Yes sir.

Q Do you know whether any of the ancestors of this applicant were living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? Seventy one years ago nearly? A I really don't know sir.

Q Were any of his ancestors recognized members of the Choctaw tribe at that time? A Well, not of my knowing and understanding.

Q Did any of them own an improvement here in the old Choctaw nation in Mississippi and Alabama in 1830, when this treaty was made? A I don't know.

Q D'd you ever hear that any of them did? A No sir.

Q Did any of his ancestors ever move out to the Choctaw Nation in Indian Territory ~~at~~ - by ancestors I mean fore-fathers? A Not to my knowing.

Q D'd any of his 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 a citizen of the States? A Well, not as I knows of.

Q Did any of his ancestors ever claim or receive any land here in Mississippi under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Well, no sir, not as I knows sir.

Q Did any of his ancestors ever receive any land from the Government under any other articles of that treaty than the 14th article or under the supplement to that treaty? A No sir, not as I knows of.

Thomas Crowther, et al., 2.

Q About how old? A I speckt if he was living now, he would be getting in the neighborhood of something over sixty years, as near as I can recollect the old fellow.

Q Did he always lived in the State of Mississippi? A Yes sir.

Q Do you speak or understand the Choctaw language? A Me, myself?

Q yes? A Well, not all the way through.

Q Do you speak or understand any Choctaw? A Well, some little words I can say about Choctaw, such as horses, dogs and such a like.

Q You just know a few smattering words? A Yes sir.

Q Could Shuabtube, speak and understand the Choctaw language? A Yes sir.

Q How do you know he could? A The reason I knew he could, I often heard him talking among the other tribe; I used to visit the ball play and their cries and hear them talking you know.

Q Is the mother of Tom Crowther living? A No sir, she's dead.

Q What was her name? A Her name was Thalby Crowther.

Q What was her blood? A She was not a black woman, but a kind of a mixed woman; they called colored and some white blood.

Q No Choctaw blood? A Not any Choctaw blood, as I knows of, at all in her.

Q Were Shuabtube and this woman married? A Well, as far as my recollection they was married.

Q I asked you a pointed question, whether they were married? A I knows they were married.

Q How long did they live together as man and wife? A Well, I just simply couldn't exactly tell you that.

Q Did they ever live together as man and wife? A Yes sir.

Q Where did they live? A Now, I 'll tell you exactly how that was; he lived in the edge of Kemper County while Thalby you might say was living in the edge of Neshoba County; it was in slavery time you understand and Shuabtube he would visit to his wife and house and understand - and understand - that's the way slaves was at that time. Shuabtube wasn't a slave but Thalby was you know. And they lived together and stayed with her on Sundays and stayed with her a long time, and lived together up until the surrender, and then he stayed with her all the while as far as I can recollect back, you understand.

Q Did they ever have any other children except Thomas? A I never knew of it. Not by aunt Thalby.

QQ Did she have any more children? A Well, I think she did before her and Shua married you know.

Q Did she ever have any by any other man after she and Shua married? A No sir.

Q Which of them died first? A Shuabtube died first.

Q Did he live with her all the time from the time he first took up with her until he died? A Yes sir.

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

Q They were not married under a license at all; they just simply took up according to the custom of slaves during the slavery days?

A Yes sir.

Q Did you ever know any of Shuabtube's brothers and sisters?

A No sir, never did know any of his brothers, but I knowed of his sons and daughters; I never did know of his.----

Q Are his sons and daughters living any of them? A Its been a good long while since I seen any of them; but the last time I saw them they was living.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 29, 1901.

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

William Crowther, being first duly sworn, on his oath,  
testified in behalf of the above named applicant, as follows:

Examination by the Commission.

- Q What is your name? A William Crowther.  
Q How old are you? A As far as I can recollect, I am about near  
55 years of age.  
Q What is your post office address? A Bailey, Mississippi.  
Q What county? A Lauderdale County.  
Q How long have you lived in Lauderdale County, Mississippi?  
A Lived in Lauderdale Mississippi, I expect, near twenty years.  
Q Where did you live before you came here? A I lived in Neshoba  
County, before I came down into Lauderdale.  
Q How long have you lived in Neshoba County? A Well, you might  
say I was raised in the edge of Neshoba County.  
Q Have you any Choctaw blood? A Yes sir, I have Choctaw blood.  
Q How much? A My father was a Choctaw.  
Q Full blood? A Yes sir, a full blood Choctaw.  
Q What's the other of ~~my blood~~ your blood? A Me myself- my  
mother's side?  
A Yes? A She was a colored woman; my mother was a colored woman.  
Q Are you acquainted with Thomas Crowther who appeared before the  
Commission at this place on last Saturday as an application for  
identification as a Mississippi Choctaw? A Yes sir.  
Q How long have you know him? A I have been knowing him ever  
since I was born. Ever since Tom was born, I have known him.  
Q Is he married? A Yes sir.  
Q What is his wife's name? A Nettie.  
Q Has he any children? A He has three children.  
Q What are their names? A Well, I don't know exactly myself.  
He will have to tell about their names himself.  
Q Has Tom Crowther any Choctaw blood? A His father's a Choctaw.  
Q How much Choctaw did his father have? A Full blood.  
Q Was his father a slave? A No sir.  
Q You knew him did you? A Yes sir.  
Q What was his name? A Shuatubbee.  
Q Where did he live during his life time? A During the time I  
knew him, he lived in the upper edge of Kemper County at that  
time, as near as I can come at it.  
Q When did you last see him? A I never seen Shuatubbee- its  
been over twenty five years; you see the old fellow is dead now.  
Q When did he die? A I expect, he has been dead - I expect near  
fifteen or twenty years.  
Q How old would he be if he was living now? A Well, of course, I  
couldn't exactly tell you.

Thomas Crowther et al---6

Q And this man's grandfather and grandmother were indians? A Yes sir, and this man's mother was half white.

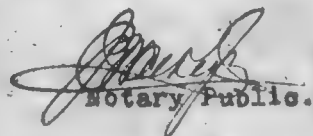
Witness excused.

This applicant appears to be a person descended from mixed ancestry, composed of Indian and negro blood. His own testimony and the testimony of this witness, Malissa Posteak, together with his personal appearance would lead the Commission to believe that he was one-half Choctaw Indian. He has no knowledge, himself, of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

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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, July 26th, 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 17th day of August, 1901, at Meridian, Mississippi.

  
Notary Public.

Malissa Postoak, being called to testify on behalf of the applicant, and being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Malissa Postoak.  
Q What is your age? A Forty one.  
Q You live where? A Newton. I am going to live in Meridian now.  
Q Do you know Thomas Crowther? A I don't know him, I know his daddy.  
Q What was his daddy's name? A Scott Shuatubbee.  
Q Do you know Scott Shuatubbee's father? A Yes sir. Ta-shu-a-tubbee.  
Q Do you know whether this young man's grandfather, ta-shu-a-tubbee ever had any land in Mississippi? A Yes sir, he had land.  
Q How much land did he have? A I don't know how much. I know he got land.  
Q Do you know where he got that land? A No sir, he done sold it all.  
Q Where was this land situated? A In Kemper County.  
Q Where? A Near Teles postoffice.  
Q You don't know how much land he had? A No.  
Q Did old man Ta-shu-a-tubbee ever tell you where he got the land? A No. My grandfather told me it was good land. Old man Ta-shu-a-tubbee went to the Territory.  
Q When did he go to the Territory? A I don't know.  
Q That was before your time? A Yes.  
Q Did you know Ta-shu-a-tubbee's wife? A No. I don't know his wife.  
Q Could the old man talk Choctaw - his grandfather? A Yes, he was full blood Choctaw.  
Q Did he talk the Choctaw language? A Yes, his mother and father Choctaw.  
Q Did Ta-shu-a-tubbee speak it? A Yes.  
Q Have you talked Choctaw with him? A Yes.  
Q You know Thomas Crowther's father? A Yes, Scott Shuatubbee.  
Q Did you ever talk Choctaw with him? A Yes.  
Q Did he speak it well? A Yes. Scott Shuatubbee, he spoke Indian just the same as me, he spoke it well, just the same as I did.  
Q Scott Shuatubbee, did you know his wife? A Yes, I knew his wife. He got a wife now, but Scott is dead.  
Q Did he marry a colored woman? A Yes, and she is living.  
Q He married a negre woman? A He lived with the colored folks.  
Q Do you know anything else about Scott Shuatubbee or his father Ta-shu-a-tubbee? A Yes sir, I know more.  
Q Did Thomas Crowther's grandfather get any money, land or scrip from the Government as a Choctaw Indian? A I don't know anything about it but I know he got land; he went to Arkansas and got some land.  
Q He didn't go to the Territory, then? A No, he went to Arkansas.  
Q Do you know that Thomas Crowther's father was a full blood Choctaw? A Yes sir.  
Q He talked the language? A Yes sir.

Q Did any of your Choctaw ancestors go before either 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 make claims before them for benefits as Choctaw Indians under article 14 of the treaty of 1830? A I don't know.

In order that you may understand a little better the question that has just been asked you, this statement will be made:- The records of the Government show that Col. Ward, who was the United States Indian Agent for the Choctaw Indians in Mississippi in 1830, failed to register the names of many persons who really did signify to him their intention to remain in Mississippi and take land there pursuant to the provisions of article 14 of the treaty of Dancing Rabbit Creek. On this account, in many instances, the land on which Indians had improvements and which they desired reserved for them under said article 14 was sold by the Government at its public land sales and the Choctaws were driven from their land. This action of the Government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress. On March 3, 1837, Congress passed an act which provided for the appointment of a Commission which, afterwards, went to the State of Mississippi and heard a great many of these contested claims of claimants claiming under article 14 of the treaty of 1830. In 1842 another Commission was appointed by Act of Congress for the same purpose and that Commission heard a great many claims of claimants under article 14 of the treaty of 1830.

Q Did any of your Choctaw ancestors -their names- appear on any of the lists made out by either the Commission of 1837 or the Commission of 1842? A No sir, Not as I know of.

Q Did any of your Choctaw ancestors receive any scrip from the United States Government under the act of Congress approved August 23, 1842? A I don't know.

Q Do you know what is meant by scrip in that question? A Not exactly.

By scrip is meant a certificate which was issued to certain Indians who appeared before the Commission in 1842 and whose claims were allowed by that Commission, in cases where the claimant had no land or where his land had been taken away from him, and these certificates were given to him and he would then have the right, under that certificate or scrip, to select vacant Government land in Mississippi, Alabama, Arkansas or Louisiana.

Q Did any of your ancestors ever receive any such scrip? A No sir.

Q Did any of your ancestors, if Choctaw Indians, claim under any other section or article of the treaty of 1830 than article 14, or under the supplement of that treaty? A I don't know, sir.

Q Is there anything more you want to say in support of your application that you can think of? A I believe not.

Q You have no documentary evidence to present now? A No sir.

Q Have any other members of your family appeared here for identification? A No sir.

unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q That is the article under which you claim; article 14 of the treaty of 1830. Do you understand that? A Yes sir.
- Q You claim your Choctaw blood through your father? A Yes sir.
- Q And you say he had an Indian name? A Scott Shuatubbee.
- Q Do you know anything about his father or mother? A No sir.
- Q What was his father's name? A I don't know.
- Q What was his mother's name? A I don't know that.
- Q Did your father ever have any land in Mississippi as an Indian? A No sir.
- Q Did you ever hear that he had any land? A No sir.
- Q When did he die, do you know? A It has been about twenty years ago.
- Q Did he ever go to the Indian Territory? A No sir.
- Q Did he ever own any improvements on land in Mississippi before 1830 or at that time? A No sir, I don't reckon he did.
- Q Did he ever receive any scrip from the Government? A No sir.
- Q Do you know anything at all about him? A Well, nothing more than just what I heard people say and what I heard my mother say.
- Q What did she say? A She said that he was my father and he was an Indian.
- Q What kind of an Indian? A Red, I reckon.
- Q Did your father look like an Indian? A I never did see him to know him.
- Q You don't seem to know much about your father, do you? A No sir I never did see him that I knows of.
- Q Have you a witness that you think will help you to identify him as a Choctaw Indian? A Yes sir.
- Q Can you give me the name of any of your Choctaw ancestors who were recognized members of the Choctaw Tribe of Indians in Mississippi and Alabama in 1830? Have you any Choctaw ancestors whose names you can give me now your grandfather, grandmother, great-grandfather or great-grandmother, who were recognized members of the Choctaw Tribe of Indians in 1830? A No sir.
- Q Did any of your ancestors, kin folks, go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.
- Q Do you know whether within six months after the ratification of the treaty of Dancing Rabbit Creek any of your ancestors, went to the office of the United States Indian Agent and told him that they intended to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama previous to 1830? A No sir.
- Q Did any of your ancestors, if Choctaw Indians, ever receive or claim any land in Mississippi under article 14 of the treaty of 1830? A No sir.



- Q Is your wife Nettie the mother of these children? A Yes sir.  
Q Are you the father? A Yes sir.  
Q Are they living with you at your home? A Yes sir.  
Q Do they claim their Choctaw blood through you? A Yes sir.  
Q Were you married to your wife under a license and by a minister?  
A Yes sir.  
Q When and where were you married to her? A In Lauderdale County.  
Q When? A Seven years ago.  
Q Have you your marriage license and certificate with you? A No  
sir.  
Q Would you like to introduce them here in support of your applica-  
tion which you make for these children? A Yes sir.  
Q Have you any other documentary evidence that you would like to  
introduce? A No sir.

A reasonable time will be given to you in which to in-  
troduce such documentary evidence as you may desire to  
offer in support of this application and also any other  
proper evidence that you may want to introduce in support  
of this claim. In the matter of time for you to introduce  
all necessary proof, the Commission will be as lenient as  
possible.

- Q Have you any witnesses you want to introduce today? A Yes sir.  
Q Is your name or the name of any one of your children on any of  
the tribal rolls of the Choctaw Nation in Indian Territory? Did  
you ever go to the Territory and have your names put on the rolls  
there? A No sir.  
Q Did you or anyone for you or for your children in 1896, under  
the Act of Congress of June 10, 1896, make application for citizen-  
ship in the Choctaw Nation to the Dawes Commission? A No sir.  
Q Did you ever make application for yourself and children for citi-  
zenship in the Choctaw Nation to the Choctaw Tribal authorities in  
Indian Territory? A No sir.  
Q Have you or your children 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 sir.  
Q Have you ever made application before this time, for yourself  
or children, for citizenship in the Choctaw Nation to either the  
Choctaw Tribal authorities or to the United States authorities?  
A No sir.  
Q Do you appear before the Commission at this time for the purpose  
of claiming rights as Choctaw Indians for yourself and children in  
the Choctaw lands in Indian Territory under the provisions of the  
14th article of the treaty of 1830? A Yes sir.  
Q Do you understand the provisions of article 14 of the treaty of  
1830? A No sir.

Article 14 of the treaty of 1830 provides as follows:-

"Each Choctaw head of a family being desirous to  
remain and become a citizen of the States, shall be per-  
mitted 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

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Meridian, Mississippi, July 26th, 1901.

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

Said Thomas Crowther, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Thomas Crowther.  
Q What is your age? A Thirty two.  
Q What is your postoffice address? A Collinsville, Mississippi.  
Q How long have you lived at Collinsville?  
A Five years, I think.  
Q Where did you live before you lived there? A Neshoba County.  
Q Where were you born? A Neshoba.  
Q Always lived there before you went to Collinsville? A Yes sir.  
Q In what two Counties have you lived in Mississippi? A In Lauderdale and Neshoba.  
Q What is your father's name? A Scott Shuatubbee.  
Q Is he living or dead? A Dead.  
Q How much Choctaw blood did he have? A All Choctaw.  
Q What was your mother's name? A Falby Crowther.  
Q How much Choctaw blood did she have? A Well, she didn't have none.  
Q What was her blood? A Negro and white.  
Q Is she living or dead? A Dead.  
Q Was she a slave before the war? A Yes sir.  
Q Was your father? A No sir.  
Q How much Choctaw blood do you claim to have? A About one-half I guess.  
Q You claim to have a mixture of negro, white and Indian, do you?  
A I guess so.  
Q You claim your Choctaw blood through whom, father or mother?  
A My father.  
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw Tribal authorities or by the United States authorities in Indian Territory?  
A No sir.  
Q He never went out there and was enrolled? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Nettie.  
Q What is her blood? A Negro and white.  
Q Do you make any claim for her? A No sir.  
Q How many children have you under 21 years of age and unmarried?  
A Three little bits of fellows.  
Q What is the name of the oldest? A Erving.  
Q Boy? A Yes sir.  
Q How old? A Six years old.  
Q Next? A Lela.  
Q How old? A Four.  
Q Next? A Otha.  
Q Boy or girl? A Boy.  
Q How old? A Two.  
Q Is that all? A Yes sir.

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

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In the matter of the application of Thomas Crowther, et al., for identification as Mississippi Choctaws, M C R 3095.

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

	Page.
Original application of Thomas Crowther, et al., to the Dawes Commission for identification as Mississippi Choctaws .....	1
Testimony of Malissa Pestak in behalf of applicants .....	5
Testimony of William Crowther in behalf of applicants .....	7
Certified copy of marriage license and certificate of marriage of Thomas Crowther and N. E. Mathews .....	11
Decision of the Commission refusing the application of Thomas Crowther, et al., for identification as Mississippi Choctaws .....	12

Choctaw MCR 3095

Thomas Crowthers

MCR 3095

#1231

No. 3094

For Identification as a Mississippi Choctaw.

Date JUL

Name Martha Jane Deason

Age 50 Blood 3/4

Post Office, Barnett, Miss.

Father: Matt Barnett slave

Mother: Elna " negro slave

Claims through father

(Claims for self and 3 minor children)

Children:

~~Miss~~

Mack Barnett 9

Jay Gould " 7

Willie " 6

Father Richmond Barnett, d negro slave

Stenographer

R. S. Street

*Martha Jane Beeson et al*

DECISION RENDERED DEC 17 1902

NOTICE OF DECISION MAILED APPLICANT.

*R. 3094* DEC 17 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS.

DEC 17 1902

RECORD FORWARDED DEPARTMENT.

JAN 9 - 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

MAR 17 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

MAR 26 1903

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

MAR 26 1903

COPY.

Muskogee, Indian Territory, March 26, 1903.

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

Gentlemen:

You are hereby notified that on the 17th 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 Martha Jane Deason, et al., of which decision you were advised by mail on the 17th day of December, 1902.

Respectfully,

(SIGNED)

*Tams Dixie*  
Chairman.

COPY.

Muskogee, Indian Territory, March 26, 1903.

Martha Jane Deason,

Barnett, Mississippi.

Dear Madam:

You are hereby notified that on the 17th 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 Martha Jane Deason, et al., of which decision you were advised by registered mail on the 17th day of December, 1902.

Respectfully,

SIGNED.

*Tame Birby*  
Chairman.



ants are her lineal descendants"; and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office, in reference to Millie, grandmother of the principal applicant, and her son, Matt Barnett, 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. It is therefore recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

C.T.C.(E.)

C O P Y .

Land.  
860--1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington.

February 17, 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 Martha Jane Deason, for herself and her three minor children, Mack, Jay Gould and Willie Barnett, 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 claims to identification on their descent from Millie, who is alleged to have been a Choctaw Indian, and a resident of the Choctaw Nation, in Mississippi, at the time of the making of the treaty of 1830, through her son, Matt Barnett.

The Commission rejected the applicants December 17, 1902, because it appears from the testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation, and was herself a slave, and that the other appli-

-2-

The Department finds no reason to disturb your  
decision and hereby affirms the same.

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

C O P Y .

D.C. 7815-1903.  
ITD. 1914-1903.  
IRS.

DEPARTMENT OF THE INTERIOR. XAF.  
Washington.

March 17, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 2, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Martha Jane Deeson and her minor children, Mack, Jay Gould and Willie Barnett, including your decision of December 17, 1902, refusing the application.

You found that the principal applicant was born of a slave mother and was herself a slave, and held that no freedman is entitled to identification as a Mississippi Choctaw.

The applicants claim to be descendants of one Millie, alleged to have been a Choctaw Indian, and of Matt Barnett, her son. Reporting February 17, the Acting Commissioner of Indian Affairs recommends that your decision be approved, the records of the Indian Office failing to show that either of the alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830. A copy of his letter is inclosed.

COPY

Muskogee, Indian Territory, January 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Martha Jane Deason, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 17, 1902.

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

Respectfully,

*James Dixie.*  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. MGR. 3094.

Muskogee, Indian Territory, December 17, 1902.

Mansfield, McKurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Martha Jane Deason, 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 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 applications of Martha Jane Deason, Mack Barnett, Jay Gould Barnett and Willie Barnett as such 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,

*James D. Cox*

Acting Chairman.

-2-

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

Respectfully,

*Tamo Bixby*  
Acting Chairman

Registered.

Muskogee, Indian Territory, December 17, 1902.

Martha Jane Deeson,

Barnett, Mississippi.

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 case of Martha Jane Deeson, 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 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 applications of Martha Jane Deeson, Mack Barnett, Jay Gould Barnett and Willie Barnett 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



-2-

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 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 applications of Martha Jane Deason, Hank Barnett, Jay Gould Barnett and Willie Barnett as such should therefore be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*Jams Bixby.*

Acting Chairman.

*T. B. Needles.*

Commissioner.

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

DEC 17 1902

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COFY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

*Copy.*

In the matter of the application of Martha Jane Deason,  
et al., for identification as Mississippi Choctaws, M.C.R. 3094.

-----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 Martha Jane Deason for herself and her three minor children, Mack, Jay Could and Willie Bargett, under the following provision of the act of Congress approved June 25, 1893 (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 testimony that the principal applicant herein was born of a slave mother prior to the Emancipation Proclamation and was herself a slave, and that the other applicants are her lineal descendants, and it does not appear from the records in the possession of the Commission that any 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

Mary Jane Deason, et al., 11.

Q Q Is that all of your brothers children? A No sir, there is one named Anna. She stays in Mobile.

Q Is she married? A No sir, neither is Nella.

Q How old is she? A I guess she is grown.

Q Are these all of the children of your brothers that are dead?  
A Yes sir.

(This applicant has the appearance of being a negro, and shows no indication of being possessed of Indian blood. She does not speak the Choctaw language. She is either very dull of understanding, or has purposely attempted to mislead the Commission in her statements. From her demeanor on the stand and the contradiction of her statements, it would seem that slight weight should be given to her testimony. She and all of her ancestors, and her husband and all of his ancestors, so far as she is informed, have been slaves.)

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. Street, 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 26th day of July, 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. Street*

Subscribed and sworn to before me at Meridian, Mississippi,  
this 10th day of August, 1901.

*[Signature]*

Notary Public.

Mary Jane Deeson, et al., 10.

one of the commissions appointed under the Acts of Congress of March 3, 1837 or August 23, 1842, and at tempted to establish their rights under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir.

Q Are there any further statements you desire to make at this time? A No sir.

Q Have you any written evidence of any kind you want to offer? A No sir.

Q Do you desire permission to offer written evidence in support of your application later? A Yes sir.

Permission is granted to the applicant to file proper documentary evidence in support of her application within a reasonable time. If possible you should attempt to submit this written evidence within a period of thirty days from this date.

Q Have you any sisters living? A Yes sir.

Q What are their names? A Frances.

Q Frances what? A Bell.

Q The next one? A Cydie.

Q What? A Barnett.

Q The next one? A Barbara Ann Barnett.

Q Is that a boy or girl? A Yes sir.

Q Is that all? A Yes sir.

Q Have any of them been before the Commission this year? A Not that I know of.

Q Have you any brothers living? A One.

Q What is the name? A Telle.

Q Telle what? A Barnett.

Q Is he married? A Yes sir.

Q What is his wife's name? A Julie.

Q Is your oldest sister married? A Yes sir.

Q What is her husband's name? A I am the oldest one.

Q Your oldest sister, I say; I am not talking about you? A My oldest sister, Barbara Ann.

Q The next one? A Frances.

Q What is Cyndie's husband's name? A Dandry Barnett.

Q What is Barbara's Husband's name? A Robert Barnett.

Q What is the other sister's husband's name? A He is dead.

Frank Bell.

Q Have you any brothers or sisters dead? A I have got brothers dead

Q Are any of the children of any of your brothers who are dead living now? A Yes sir, my brother's got some living that dead? One is named Nella Barnett.

Q How old is she? A I don't know sir, exactly.

Q Is she a grown child? A Yes sir; she wasn't grown when he passed.

Q What is the next one? Bertha Barnett.

Q How old is Bertha? A I don't know sir exactly how old Bertha is.

Q About how old? A She is grown, and married and got four children.

Q What is her husband's name? A Ruffin Barnett.

Mary Jane Deason, et al., 9.

in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, and his land had been sold by the Government, he was to be permitted to select vacant Government land elsewhere in the state of Mississippi, or in the State of Alabama, in the State of Louisiana or the State of Arkansas., To these Choctaw certificates were given showing they were entitled to select these lands; these certificates were called scrip.

Q Do you know whether any of your ancestors or your husband's ancestors ever claimed any scrip from the Government under the provisions of the Act of Congress of August 23, 1842? A No sir.

Q You never heard of any of them having gotten any, did you?

A No sir.

Q Do you know anyone living who would be able to support your testimony as to your ancestry, the amount of Choctaw blood claimed by you and your ancestors, or the amount of Choctaw blood you claim your husband had? A No sir, I don't know of his ancestors.

Q Do you know any one living who would tell about that? A No sir.

Q

This is a very important point in your case, and if you can find someone who is informed on this subject, it will perhaps be to your interest to bring them before the Commission and submit their testimony.

Q Do you know anyone living who would likely be informed as to whether your ancestors or any of your husband's ancestors were living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the Treaty of Dancing Rabbit Creek was made, and were recognized members of the Choctaw tribe at that time, or owned an improvement here at that time? A No sir.

Q Do you know any one living who would likely be informed as to whether your ancestors or any of your husband's ancestors removed from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir, I think all of them are pretty well dead and out.

Q Do you know of any one living who would be likely informed as to whether any of your ancestors or any of your husband's ancestors, within six months after the ratification of the treaty of Dancing Rabbit Creek, signified to the United States Indian agent of the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the States? A No sir, I don't know.

Q Do you any one living who would likely be informed as to whether any of your ancestors or any of your husband's ancestors ever claimed or received any land under article 14 of the treaty or under any other article of the treaty of Dancing Rabbit Creek, or under the supplement to that treaty? A No sir.

Q Do you know anyone living who would likely know whether any of your ancestors or your husband's ancestors appeared before either

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Q From their father when he died? A Yes sir.

Q Where did he get the land? A I think he bought it from old Nat Barnett.

Q But none of them ever claimed or received any land from the Government of the United States, and under the 14th article of this treaty? A No sir.

Q Did any of your ancestors or any of your husband's ancestors ever claim or received any land from the Government under the provisions of any other article of the treaty of Dancing Rabbit Creek than the 14th article, or under the supplement to that treaty? A No sir.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to receive the applications of Choctaws who desired to remain in Mississippi and take advantage of the provisions of Article 14 of the treaty. The records of the Government show that this agent did not record the names of all Choctaws who did, in fact, signify to him their intention to remain and become citizens of the States, consequently did not report their names to the Government. On this account the Government at its public land sales in many instances sold land upon which Choctaw Indians resided, and which they supposed they would be permitted to have under article 14 of the treaty. This occasioned a great deal of complaint among the Choctaws, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a commission to come down here in Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of article 14 of the treaty, but their lands had been sold from them by the Government. This commission came down here in Mississippi, but within the time allowed to it, it was impossible for the Commission to dispose of all of the Choctaw cases, and Congress passed another Act which was approved on the 23, day of August, 1842, providing for the appointment of another commission to come down here to Mississippi and finish up hearing these Choctaw cases. That commission was appointed and come down here, and heard a great many more cases.

Q Did any of your ancestors, or any of your husband's ancestors appear before either of these commission and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir.

Q None of them ever appeared before these commissions fifty or sixty years ago? A No sir.

The Act of August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied

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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 Yes sir.

Q You are willing to swear positively to that? A Yes sir.

Q How do you know they did that? A Because I heard them say so.

Q Who did you hear say that? A I heard my husband's sister say so.

Q When did you hear her say that? A A week or two ago, we were all sitting down talking.

Q Who did she say told the Indian Agent here seventy years ago, within six months after the treaty was ratified, that they wanted to stay here? A They say somebody come from <sup>the</sup> t there, I gone forgot the name and was talking to them about it.

Q Which one of her ancestors was it that done that? A Vick.

Q Who was he? A Vick was his - Vick Austin's wife's sister.

Q Vick Austin told you that some of her ancestors had told the Indian Agent here in Mississippi within six months after the treaty was ratified that they wanted to stay here in Mississippi and take advantage of the provisions of the 14th article of that treaty?

A Yes sir.

Q Which one of her ancestors was it that did that? A That is the only one that is ---

Q What is the name of the one that told the Indian Agent that?

A Millie.

Q Millie what? A Barnett.

Q What relation is Millie to your husband, Richmond? A Her sisters.

Q A sister of Richmond? A Yes sir.

Q How old would Millie be if she was living now? A I reckon she is sixty three, I reckon. If she was living.

Q And Vick is your husband's sister also? A Yes sir.

Q And she told you that Millie, another sister of your husband, had complied with the provisions of the 14th article of the treaty? A Yes sir.

Q Wasn't Millie a slave? A Yes sir.

Q Do you know of any other ancestor of your husband or yourself that did comply with the provisions of article 14 of the treaty?

A No sir.

Q Is Millie living now? A No sir.

Q Did Millie ever get any land from the Government here in Mississippi? A No sir.

Q Under the 14th article of the treaty of Dancing Rabbit Creek?

A No sir.

Q Never got any land at all? A No sir.

Q Never heard of her getting any, or never saw a patent issued to her to ever land? A No sir.

Q Did any of your ancestors or any of Richmond Barnett's ancestors ever claim or receive any land here in Mississippi from the Government under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A They claimed some yonder now where they are living at.

Q Where do they live? A The other side of Barnett.

Q In Jasper County? A Yes sir.

Q How did they get that land there that they claim now? A Some they drew through pa's death.

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Q Did you ever hear of the treaty - the fourteenth article of the treaty of Dancing Rabbit Creek until you came here to-day?

A Yes sir.

Q When? A About a month or two ago; some people were talking about it.

Q Is that the first time you ever heard of it? A Yes sir.

Q Who did you hear talking about it then? A Sarah Crawford. They was talking about it.

Q You never did hear your father say anything about it did you? A Yes sir.

Q When? A Well, it has been a good while ago; been a good while since I heard my pa say anything about it.

Q You have just sworn that you never heard of it until a month ago? A I heard about it a good while ago, but not much.

Q What did he tell you a good while ago about it? A Well, he said ma was half Indian and he was too.

Q Is that all he said? A He set down talking and I was there.

Q What else did he say? A That's all I heard him say.

Q He didn't say anything at all about the 14th article of this treaty then, did he, or his ancestors having complied with its provision? A No sir.

Q Then you swore falsely just a few moments ago, didn't you? A Yes sir.

Q Were any of your ancestors or any of the ancestors of your husband, Richmond Barnett, living in the old Choctaw Nation here in Mississippi and Alabama in 1830, when the treaty of Dancing Rabbit Creek was made? Seventy one years ago? A No sir. They was living here in Mississippi.

Q What part of Mississippi were they living in? A They was living in Noxubee.

Q Did any of your ancestors live there at that time? A My pa and ma, they was living there at that time.

Q How do you know they were? A He said so. He said so.

Q How what one of your husband's ancestors were living there at that time? A Well, his ma and pa was living there at that time. All of them was living there.

Q They were slaves at that time weren't they? A Yes sir.

Q Did any of them own an improvement here in the old Choctaw Nation at that time? A I don't know sir.

Q Were any of them recognized members of the Choctaw tribe of Indians here at that time? A Yes sir, I guess they was.

Q What makes you think so? A Because I heard them say so.

Q You have no evidence whatever that they were except your statement? A No sir.

Q Did any of your ancestors, or any of the ancestors of your husband Richmond Barnett, remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw National Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir; I guess they all was out there then at that time; they have been living down here ever since away before the surrender when I was born.

Q Did any of your ancestors, or any of the ancestors of your husband Richmond Barnett, within six months after the ratification of the



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Q Do you now desire to make application for the identification of yourself and these three minor children as Mississippi Choctaws, entitled to rights in the Choctaw Nation in Indian Territory under the provisions of the Fourteenth article of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't understand that.

The treaty of Dancing Rabbit Creek was entered into between the United States Government and the Choctaw Tribe of Indians here in Mississippi on the 27th day of September, 1830. The Choctaws at that time resided here in Mississippi and Alabama. The object of that treaty was to secure the removal of the Choctaw tribe of Indians from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory. At that time some of the Choctaws preferred to stay here in Mississippi and not move out west to the new country, and for the benefit of those desiring to remain here, the 14th article was inserted in the treaty of 1830. Said 14th article 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 ~~ans~~ 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 entitled to any portion of the Choctaw annuity."

Q You think you understand that now, do you? A Yes sir.

Q Have any of your ancestors, or any of the ancestors of your husband, Richmond Barnett, ever complied with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir, I heard them say they did.

Q Who did you hear say that? A I heard my pa.

Q How did he say he complied with it? A Yes sir.

Q How was it he complied with it? A I don't know sir; I done forgotten it now.

Q You never heard of such a thing before to-day? A I heard him talk about it.

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(Official interpreter, Isham Johnston, is called and interrogates the witness in the Choctaw language, and she does not understand any Choctaw words whatever.)

- Q What was the name of Richmond Barnett's father? A Richmond; he was named after his father; both of them named Richmond.
- Q What is the name of Richmond Barnett's mother? A Martha.
- Q How old would Richmond Barnett be if he was living now? A He and Dan is - about fifty six, I think, if he was living.
- Q Do you know the names of any of Richmond Barnett's grand parents? A Yes sir, old man Paul.
- Q Paul who? A He was Richmond's father; ~~Martha's~~ father, Barnett.
- Q What was the name of Paul's wife? A Lucy.
- Q Either of them living now? A No sir.
- Q Do you know the names of either of Richmond Barnett's mother's parents? A Yes sir, that's one of them there, Lucy.
- Q Lucy is his mother's mother? A Yes sir.
- Q You stated a while ago that Lucy was his father's mother? A No sir, mother's mother; I don't know his father's mother.
- Q What is the name of Richmond's mother's father? A I don't know her name.
- Q His name you mean? A Yes sir, I don't know his father's mother's name.
- Q I asked you what was the name of Richmond Barnett's - your first husband's mother's father's name? A His mother's father?
- Q Yes sir? A Old man Paul.
- Q You have sworn just a little while ago that Paul was the father of Richmond's father? A Well he was named Richmond; his daddy was named Richmond; he was named after his daddy, and his grand daddy was named old man Paul; all three of them are named one name.
- Q Well, he had two grand fathers. Now, what was the name of the other grand father? A I don't know his daddy's grand father.
- Q His daddy's father you mean? A Yes sir.
- Q You don't know him? A No sir.
- Q Are these three children living with you at this time? A Yes sir.
- Q Did Richmond Barnett ever go out to the Indian Territory - your husband? A No sir, not as I know of.
- Q Neither he then, nor any of his ancestors ever lived out in the Choctaw Nation? A No sir, they come from Mexubbee down here.
- Q None of your ancestors ever lived out there? A No sir, I think they all come from Mexubbee.
- Q Is your name, or the name of any one of these children on any of the Choctaw tribal rolls out in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or any one of these children to be admitted or enrolled as members of the Choctaw tribe? A No sir, I have never.
- 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 of these children? A No sir, this is the first time.
- Q This is the first application of any description you have ever made or that has ever been made for you? A Yes sir.

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Q How old is Mack? A About nine years old.

Q Is that a boy? A Yes sir.

Q The next one? A Jay Gould.

Q How old is Jay Gould? A He is six.

Q The next one? A Willie.

Q Is that all? A Yes sir.

Q How old is Willie? A Willie is going on seven years old; he was about a year old when his papa died.

Q Is he older than Jay Gould? A Yes sir.

Q According to your statement, you have two children six years of age? A Yes sir.

Q Are they twins? A No sir, we weaned them pretty early.

Q How much older than Jay Gould is Willie? A I reckon he is about a year - a year and thirty six.

Q Well, Willie must be over seven years old then, isn't he? A He is six going on seven.

Q Then Jay Gould can't be six? A No sir, Jay Gould; he is going on about nine years old. I don't know exactly his age; I have got them set down in a book, but I forgets them a heap of times.

Q If a person was to tell you one person was six years old and one nine, which would you think was the oldest? A The nine was the oldest.

Q Then, according to your testimony here, you say Willie is elder than Jay Gould, yet Willie is only six and Jay Gould is nine? A Willie is the baby child.

Q Willie is six years old? A Yes sir.

Q How old is Jay Gould? A He is - well - about - Jay Gould, seven.

Q That's right is it, Mack nine, Jay Gould seven and Willie six? A Yes sir.

Q Are these three all of the children in your family under twenty one years of age and unmarried? A Yes sir.

Q What is the name of the father of these children? A Richmond Barnett.

Q He was your first husband? A Yes sir.

Q Is Richmond Barnett dead? A Yes sir.

Q Did he have any Choctaw blood? A Yes sir.

Q How much? A His pa and ma both had - I reckon he had about 5/4, I reckon.

Q 5/4? A I reckon he had; he was a heap brither and straighter hair than I have got, and his ma's mother was very bright.

Q Richmond was a slave was he? A Yes sir.

Q And his father and mother were both slaves? A Yes sir.

Q And yet you think he had at least 5/4 Choctaw blood? A Yes sir.

Q How much Choctaw blood did Richmond Barnett's mother have? A Well I guess she was half.

Q You don't know anything about it, do you? A No sir, not much.

Q How much Choctaw blood did his father have? A Well, I guess he was half; I have seen both of them.

Q They didn't look like Choctaws, did they? A Yes sir, they both are very bright and straight hair.

Q Did either one of them speak the Choctaw language? A Yes sir.

Q Did they speak the Choctaw language? A Yes sir, I heard them talking about this before they died.

Q Well, we are talking English, I want to know if they could speak the language them full bloods speak; you can't understand it can you? A Yes sir, I can understand some of it.

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- Q Your father's father? A Yes sir; he has got a brother there as white as you are. Yes sir, he says he was. I seen some of his brothers, but never seen his father.
- Q Well, how much Choctaw blood did your father's father have? A I guess he had - he was a whole Injun.
- Q You don't know anything about it? A No sir, from the looks of his brother, I seen him.
- Q Was his brother a full blood Choctaw? A Yes sir.
- Q When did you see him? A Been about five or six years.
- Q Is he living now? A I guess he is.
- Q What is his name? A Andrew.
- Q Andrew what? A Andrew - well my pa belonged to a Breckinridge.
- Q That is this brother of your father's father? A Yes sir.
- Q He was a slave? A Yes sir.
- Q And your father's father was a slave? A Yes sir.
- Q And yet you mean to tell us they were full blood Choctaws? A Yes sir.
- Q That is your statement is it? A Yes sir.
- Q What was the name of your father's father? A I don't know sir, nothing about his father.
- Q What was the name of your father's mother? A Daddy said she was named Millie.
- Q What was her other name? A That's all I know.
- Q How much Choctaw blood did she have? A I guess she was full Choctaw.
- Q What makes you think so? A Well, judging by what my father said.
- Q She was a slave wasn't she? A Yes sir.
- Q How old is your father? A I don't dare to say, I think about fifty six; I think somewhere along there.
- Q Your father is now? A Yes sir.
- Q According to that then he is only six years older than you are? A I think he is fifty six.
- Q Well, you haven't much idea of time have you? A No sir, I haven't much idea of time.
- Q Were your father and mother legally married? A I don't know sir; I think they married in slave time.
- Q Are they living together now? A Yes sir.
- Q How long have they been living together? A I don't know; ever since I have been big enough to recollect.
- Q Has your father been before the Commission this year? A No sir, he has been sick.
- Q Do you know the names of any of your father's grand parents? A No sir, I have seen none of them.
- Q Has your father always lived in the State of Mississippi? A Yes sir, ever since I have been any size.
- Q Did his parents always live here? A No sir, I think he come from Neshubee County, Mississippi.
- Q Well, have they always lived in this State? A Yes sir.
- Q Are you married? A No sir, I am single now; been married and my husband died last year.
- Q Have you any children under twenty one years of age and unmarried? A Yes sir.
- Q How many? A Got three there.
- Q Are they all by the same man? A Yes sir.
- Q What are their names and ages? A Mack.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, July 26, 1901.

In the matter of the application of Martha Jane Deeson for the identification of herself and three minor children as Mississippi Choctaws.

Martha Jane Deeson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission?

- Q What is your name? A Martha Jane Deeson.  
Q What is your age? A My pa said I was about fifty.  
Q What is your post office address? A Barnett, Mississippi.  
Q What county? A Clark County.  
Q How long have you lived in the State of Mississippi? A Ever since I been born; been living right there - I moved last year to Stonewall and moved back.  
Q You claim to have Choctaw blood? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Matt Barnett.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Kima.  
Q Through which one of your parents do you derive your Choctaw blood? A My pa.  
Q Your mother has no Choctaw blood? A No sir.  
Q What is she? A She is a nigger.  
Q Was she a slave? A Yes sir.  
Q Were you a slave? A No sir.  
Q You are sure about that? A Yes sir, I was small when the surrender; little girl - good sized girl, eight or nine years old.  
Q Well, your mother was in slavery at that time? A Yes sir.  
Q Was your father a slave? A Yes sir.  
Q How much Choctaw blood do you claim to have? A I claim to have three quarters Injun.  
Q Now what is three quarters? A  $3/4$ .  
Q Are you willing to swear positively that you have  $3/4$  Choctaw Indian blood? A Yes sir.  
Q Do you understand the nature of an oath? A Yes sir.  
Q You say your mother had no Choctaw Indian blood? A Yes sir, she has got a little in her; she is that lady's sisters' mother.  
Q You have already sworn that your mother had no Choctaw blood? A Yes sir.  
Q How how much Choctaw blood did your father have? A He is got a great deal in him.  
Q How much? A I reckon he has got about  $4/4$ , I reckon.  
Q About  $4/4$ ? A Yes sir.  
Q Do you know how much  $4/4$  is? A No sir.  
Q What makes you reckon he has that much? A He said his mother was - he says - I don't know.  
Q Did you ever see your father's mother? A No sir.  
Q Did you ever see your father's father? A No sir.  
Q Did your father's father have any Choctaw blood at all? A Yes sir.

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

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In the matter of the application of Martha Jane Deeson,  
et al., for identification as Mississippi Chestaws, M.C.R.3094.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of  
Martha Jane Deeson, et al.

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Choctaw MCR 3094

Martha Jane Deeson

MCR 3094

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APPLICATIONS FOR ENROLLMENT OF THE  
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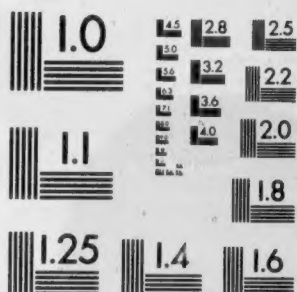
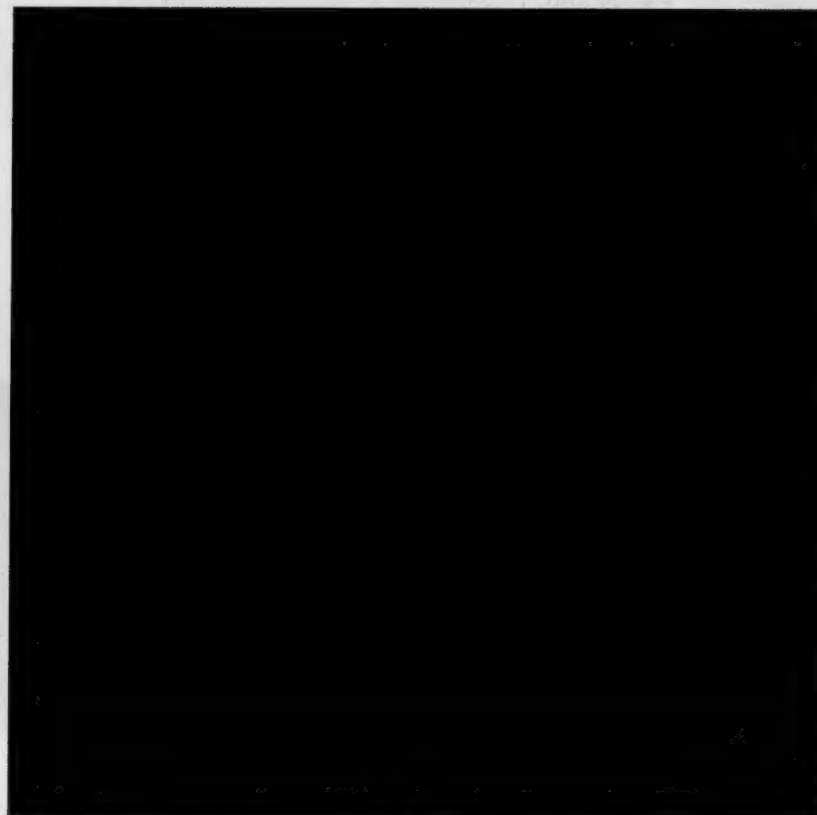
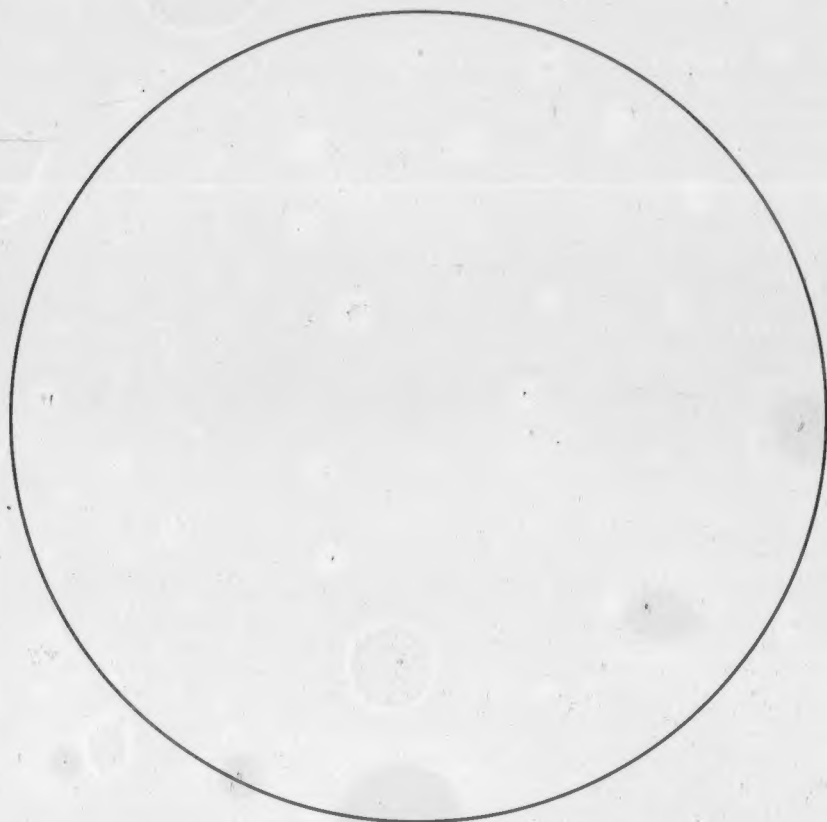
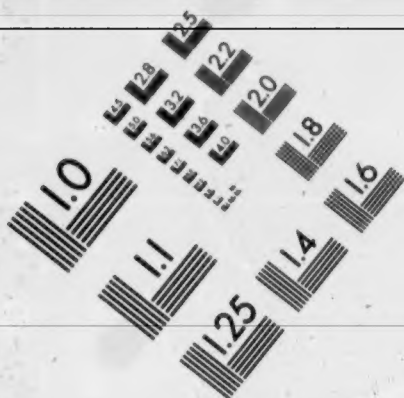
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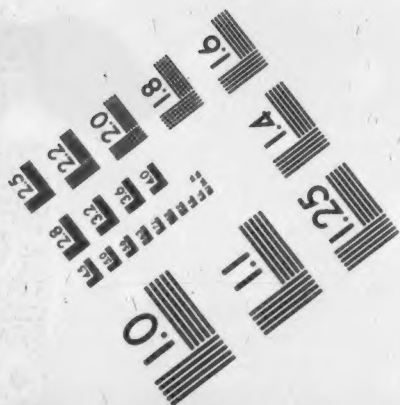
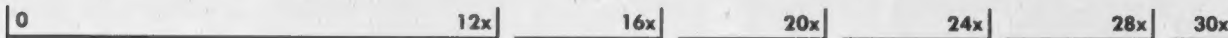


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