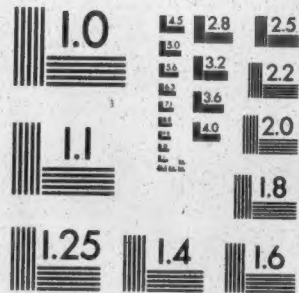
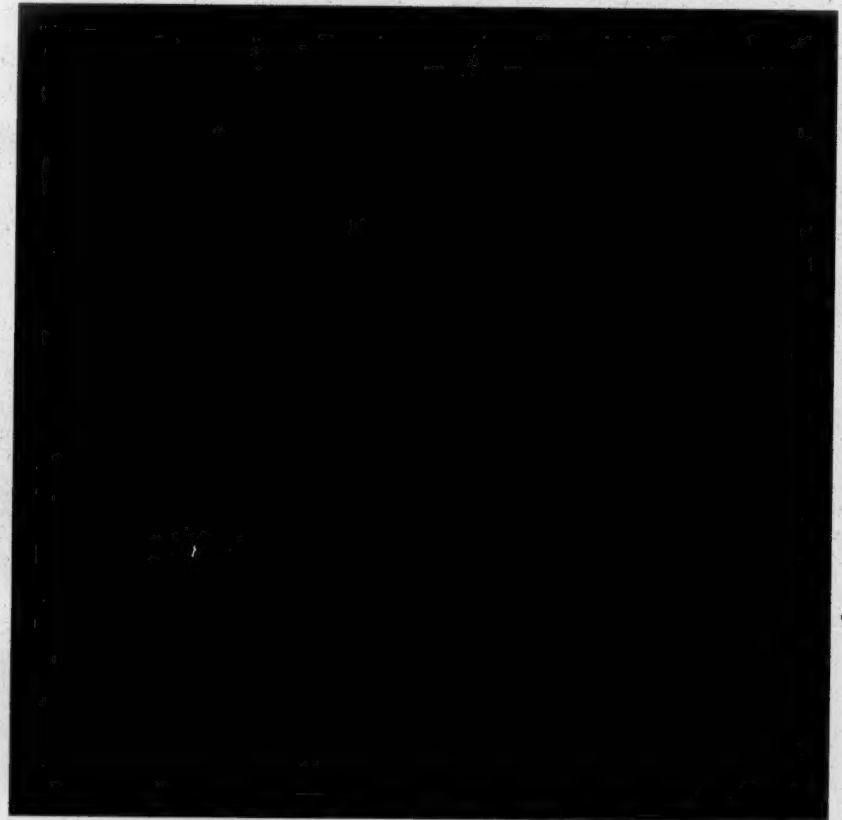
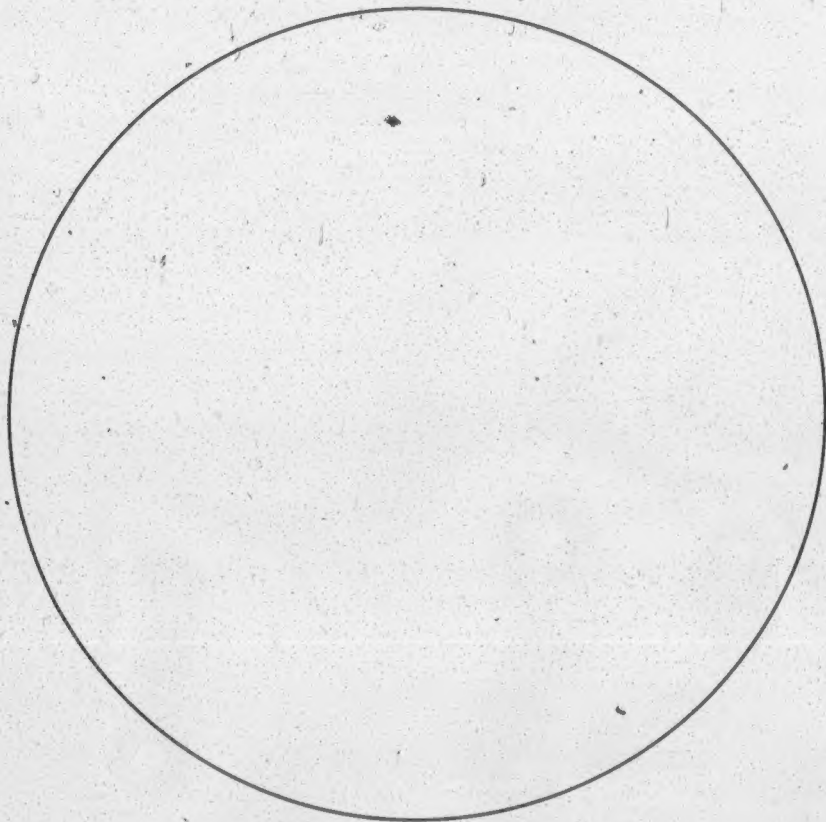
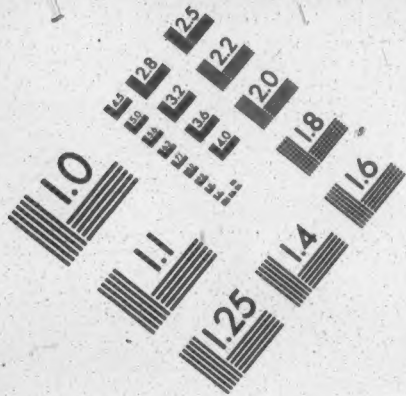


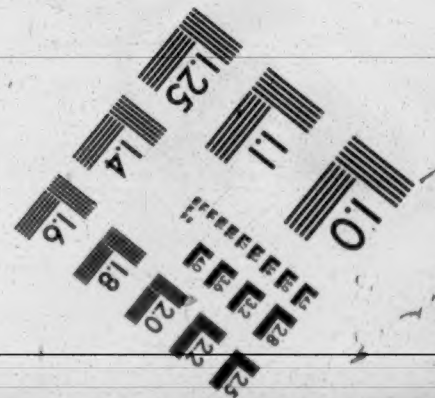
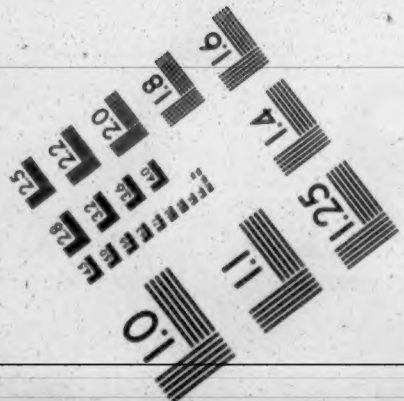
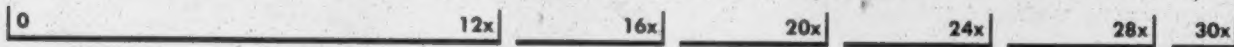


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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
1898 - 1914

ROLL 123

MISSISSIPPI CHOCTAW MCR 3174 - 3272

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GENERAL SERVICES ADMINISTRATION**

**WASHINGTON: 1983**

Choctaw MCR 3174

Rosier D. Griffin

MCR 3174

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 2, 1901.

In the matter of the application of Rosier D. Griffin for the identification of himself and nine minor children as Mississippi Choctaws.

Rosier D. Griffin, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Rosier D. Griffin.  
Q How old are you A Forty eight.  
Q What is your post office address? A Well, I stay out here in the east end at the cotton mill - where I get my mail - I reckon you had better put it here at Meridian, Mississippi.  
Q Have you any local address? A Here at the general delivery.  
Q How long have you lived in the State of Mississippi? A Well, about all my life.  
Q Where have you lived except this state? A I have lived a few years in Alabama.  
Q When was that? A That's been several years ago - some fifteen years ago; I lived there one year when I was a single man; we lived there about thirty years ago wamewhere - between twenty five and thirty.  
Q How long ~~have~~ did you live there then? A About four years.  
Q You were born here in Mississippi? A No sir, in Alabama.  
Q In what part? A In Choctaw county.  
Q Is your father living? A Yes sir.  
Q What is his name? A Thomas Griffin.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Liza Jane Griffin.  
Q You claim to have Choctaw blood? A Yes sir.  
Q How much Choctaw blood do you claim to have? A I don't know sir.  
Q We want to know as near as you can tell? A I don't know how much it is.  
Q Have you any idea? A No sir, I don't have no idea, only I just go back to the generations.  
Q It looks to me that you might be able to tell about how much Choctaw blood you have? A Well, I don't know.  
Q You testify that you don't know how much, and yet you claim to have Choctaw blood? A Yes sir, I was expecting my aunt to be here this morning - Buckalew - Nancy. I have been down with fever about three weeks and I am in a bad shape right now myself. My recollection is not as good as it would be, if I hadn't had the fever; but so far as the Indian blood; I don't know how much that is.  
Q Through which one of your parents do you derive your Choctaw blood? A Father.  
Q You don't know how much Choctaw blood he had? A No sir.  
Q How old is your father now? A He is seventy eight.  
Q He has been before the Commission here at Meridian? A Yes sir, seventy eight or seventy nine, I don't remember just now.

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Q Are your father and mother living together at this time, are they? A Yes sir.

Q How many children have they? A Ten.

Q How old is the oldest one? A He is fifty eight, I reckon; I have got such a recollection, I don't know all of my own children's ages.

Q Through which one of his parents did your father derive his Choctaw blood? A From his mother.

Q What was her name? A Polly Connor.

Q You don't know how much Choctaw blood she had? A No sir, I have heard them talk about it, and speak about it, and I think they say the oldest ones a quarter or half, or something like that.

Q Did you ever see Polly Connor? A No sir, she was dead before I was born.

Q You know nothing whatever of her then? A No sir, no more than what I have heard the older ones speak about.

Q Has your father always lived herein Alabama or Mississippi, in this vicinity? A Yes sir.

Q All his life? A Well, not all his life, no; I don't know whether he come from Georgia when his father come here or not; he used to live in Green County, near Mobile; I reckon that's in Alabama -- when he was a boy.

Q Do you know through which one of her parents, Polly Connor, derived her Choctaw blood? A No sir.

Q Do you know the names of either of her parents? A No sir.

Q You don't know where she lived during her life time either? A No sir.

Q Have you ever been out to the Choctaw nation in Indian Territory? A No sir.

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

Q Were your father and mother married under a license? A Yes sir, I reckon so.

Q Do you know about it? A Well, no, I don't know anything about that, only I know they was married and lived together, and been living together all right ever since.

Q How long? A Since I have been born.

Q Are you married? A Yes sir, living with my second wife.

Q What is your wife's name? A Emma.

Q Has she any Choctaw blood? A No sir.

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

Q Have you any children by this second wife? A Three.

Q Have you any children under twenty one years of age by your first wife? A Yes sir.

Q Give the names and ages of all these children? A Fletcher; he was twenty the twenty-eighth of this last month.

Q The next one? A Zilla.

Q How old is Zilla? A 18.

Q The next? A Henry.

Q How old? A 16.

Q The next? A Timmie.

Q How old? A 14.

Q The next one? A Rella.

Q How old is Rella? A 12 years old.

Q That's a girl? A Yes sir.

Q The next one? A Siddle.

Q That's a girl is it? A Yes sir.

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- Q How old? A Eight years old.  
Q The next one? A The next ones come in by my second wife.  
Q What is the name of the other of these six children? A Sidney Henrietta Griffin.  
Q Is she living? A No sir, she's dead.  
Q Did she have any Choctaw blood? A No sir, not that I know of.  
Q Were you married to her under a license? A Yes sir, in the State of Mississippi.  
Q When? A Well, I don't know what year; I can't tell you just about what year.  
Q Who performed the marriage ceremony? A Mr. King Ryan.  
Q What official position does he hold? A A Baptist preacher.  
Q Where were you married? A Out here about twenty miles from town in Lauderdale County.  
Q Have you your marriage license and certificate with you here at this time? A What for.  
Q I say have you your marriage license and certificate with you here at this time? A No sir.

You should furnish the Commission with evidence of your marriage to your first wife for consideration in connection with the application you make for these six eldest children. If you submit that in a reasonable time, it will be accepted and considered in this case. We should be glad to have you submit it within thirty days if you can.

- Q What are the names of your three other minor children? A Glender D.  
Q How old? A 3 years old.  
Q The next one? A Hattie.  
Q How old is Hattie? A 2 years old.  
Q The next one? A A boy John Thomas, three months old.  
Q That's all, is it? A Yes sir, all the children.  
Q What is the name of the mother of these three youngest children?  
A Emma.  
Q You are the father of all nine of these children you have named?  
A Yes sir.  
Q Are all of these children living with you at this time? A All but the oldest boy; he lives with my oldest daughter, the one that is married, staying with her.  
Q This application is for yourself and nine minor children? A Yes sir.  
Q When were you married to your second wife? A Five years.  
Q Where in Clark County? A  
Q Have you your marriage license and certificate here with you?  
A No sir; I got my license at Quitman.  
Q You haven't them here to-day? A No sir.

Well, you should furnish the Commission with evidence of your marriage to your second wife for consideration in connection with the application you make for your three youngest children. You can furnish this evidence in a reasonable time, and it will be accepted and considered

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in your case. We would like to have you file it in thirty days if you can conveniently do so.

Q Is your name, or the name of any one of these minor children to be found upon any of the Choctaw tribal rolls 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 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 minor children? A No sir.

Q Have you ever made any application of any description prior to this time either to the Choctaw tribal authorities or the United States authorities for yourself or any of these children to be admitted or enrolled as citizens of the tribe? A No sir, no more than I come down here about three weeks ago, and come here before this lawyer that stayed down here; I don't know anything about you fellers being up here then.

Q

(The lawyers have nothing whatever to do with the Commission.)

Q Do you now desire to make application for the identification of yourself and these 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 that.

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 States of Mississippi and a small portion of Alabama, along the western edge of the State. The object of the treaty was to secure the removal of the Choctaw Indians from this country occupied by them here 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. Some of the Choctaws were at that time unwilling to move out to the new country, west of the Mississippi River, but preferred to stay here in their old country. For the benefit of those who preferred 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



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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's the fourteenth article of the treaty of Dancing Rabbit Creek, made here seventy one years ago. Do you think you understand that now? A Well, I don't know sir; there is so much of it.

Well, I will try and explain it to you so you will understand it clearly. As I have already stated, this treaty was made nearly seventy one years ago, and it was ratified on the 24th day of February, 1831. Now at that time, some of these Indians preferred to stay here in Mississippi, and insisted that provision be made in the treaty by which they could remain here and not go out west; that's what this 14th article was put in the treaty for, so as to give these people an opportunity to stay here if they wanted to. The requirements of the 14th article was about as follows: First, if the head of a family decided that he wanted to stay here and become a citizen of the States and take land, he had to signify his intention to do so to the agent of the Government here in Mississippi within six months from the date the treaty was ratified, which was on the 24th day of February, 1831; he was then entitled to a reservation of one section of land, a piece of land a mile square; if he had a child living with him over ten years of age, that child was entitled to 320 acres; if he had a child living with him under ten years of age, that child was entitled to 160 acres, and the reservations for the children must adjoin the location of the parents, and the reservations must also include the improvement of the ~~land~~ parents as it stood on the 27th day of September, 1830, the date the treaty was made. Now, if they lived on that land for five years from February 24, 1831, the date the treaty was ratified, they were entitled to a grant in fee simple to the land; that is, they would get a deed to the land from the Government. The Government would give them a deed to it, and they would then own the land and could dispose of it at their pleasure. Those are the requirements, now, of the 14th article of the treaty in order to get land, and a good many Indians down here at that time, did comply strictly with the provisions of the article and received land. Now the last clause of the 14th article is as follows: "Persons who claim under this article shall not lose the privilege

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of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity." That means if a Choctaw complied with the provisions of that 14th article, that he stayed here and took land, and then determined that he wanted to go out there and have equal rights with the Choctaws, he would have no right to participate in the Choctaw annuities, the annual payments made to the Choctaws by the Government under treaty stipulations.

Q Do you think you understand that 14th article now? A I think I do some better.

Q Did any of your ancestors comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek? A No sir; not that I know of.

Q Were any of your Choctaw ancestors living here in Mississippi and Alabama at the time this treaty was made? A Yes sir, I guess that all my father's people; I guess they was all living here in Mississippi at that time.

Q Your father, you say, is seventy eight years old? A Seventy eight or seventy nine, I don't know which.

Q You think he was living here then; seventy one years ago? A Yes sir, I guess he was.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe here at that time? A Well, I don't know sir, whether they was or not.

Q Did any of them own an improvement here in the old Choctaw Nation here at that time? A I don't know sir.

Q Did any of your Choctaw 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 that I know of.

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 Well, I can't answer that question.

Q You don't know? A No 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 I don't think they ever have.

Q If they ever did, you never heard of it then? A No sir.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries 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 I don't know sir; I can't answer it.

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

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the applications of Choctaws who desired to remain here and become citizens of the States and take land under this article. The records of the Government show that this agent failed to register the names and report to the Government, in any instances the names of many Choctaw Indians who did in fact signify to him their intention to remain in Mississippi and become citizens of the States, in accordance with the provisions of this 14th article of the treaty, and on this account, the Government, at its public land sales, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under this fourteenth 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 on the third day of March, 1837, 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, 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 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 very many of them, and Congress, therefore, passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of a second commission to come down here and finish up this work of hearing Choctaw cases. This second commission was duly appointed by the President and the commissioners came down here to Mississippi and heard a great many more Choctaw cases.

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

Under the Act of Congress approved August 23, 1842, it was 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 and that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi or Louisiana, or Alabama or Arkansas from vacant Government land, 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 Not that I know of.

Q So far as you know, have any of your ancestors received any benefits as Choctaw Indians from the Government? A No sir.

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Q Do you speak or understand the Choctaw language? A No sir.

Q Did your father speak or understand the Choctaw language? A No sir.

Q Did his mother speak or understand the Choctaw language? A I don't know sir.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors by the Government of the United States covering land here in Mississippi given to them under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Do you know of the existence of any written evidence of any kind -- A, No sir.

Q That would show that any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek or ever received any benefits under that 14 article? A No sir.

Q Have you any witnesses before the Commission? This morning? A No sir.

Q ~~Do you~~ you want to introduce in support of your application? 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 Indian blood that you have? A I know of one man that I think could give some evidence.

Q Do you know of any witnesses likely to be informed 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 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 evidence later? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in support of your application; the Commission, however, would be glad to have you file it within a period of thirty days if you can conveniently. If you see fit to bring any witnesses before the Commission in support of your application, you may bring them to Meridian, within a reasonable time and we will examine them fully in support of your application.

Q Are there any further statements you want to make? 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. Griffin.

Q The next one? A James B. Griffin.

Q The next? A Samuel W. Griffin, and George S. Griffin.

Q Now, have you any sisters living? A Yes sir.

Q How many? A Five.

Q Give us their names, the oldest first? A Mary.

Q Is she married? A No sir.

Q The next one? A Margaret Williams.

Q Is she married? A No sir. She has been married.

Q The next one? A Nan Gray.

Q The next? A Carrine Grimes.

Q The next one? A Lucy Rollins.

Rosier B. Griffin, et al., v.

- Q Is that all of them? A Yes sir.
- Q Have you any sisters dead? A One died when it was three weeks old.
- Q Have you any brothers dead? A No sir.
- Q Has your father any brothers living? A No sir.
- Q Has he any sisters living? A Two.
- Q What are their names? A Nancy Bucklew.
- Q The next one? A Margaret Gunn.
- Q Did he have any other sisters? A Yes sir.
- Q Are any of the children of any other of those sisters living? A A ~~few~~ his sisters that are dead?
- Q Yes? A Yes sir.
- Q Give us the names of some of those children? A Well, I 'll commence on aunt Nancy's children, Harriet Beanfield.
- Q Alright? A A boy they called him Bosie.
- Q Bosie what? A Buckalew.
- Q The next? A No wait - I want the living children of your father's deceased sisters? \* Oh! I understand you now. Lucy Davis is one that was dead.
- Q Did she have any children at the time of her death? A Yes sir.
- Q Are any of those children living? A Well, Charley Davis, Boam McLendon.
- Q The next? A Ed Davis.
- Q The next? A Harriet Detweiler.
- Q The next? A That's all I remember.
- Q Now, those are the children of Lucy Davis, the deceased sister of your father? A Yes sir.
- Q Is that the only sister he had dead? A He had another sister, I think; her name was Betsy.
- Q Are any of those children living? A No sir, I don't know anything about this family; they moved to Texas a long time ago, and we haven't heard from them for thirty or thirty five years.
- Q Did your father have any brothers who are now dead? A Yes sir, two.
- Q Did either of them have any children at the time of their death?
- A Yes, he had a brother names Jim and one named John
- Q Did Jim have any children at the time of his death? A Yes sir.
- Q Are there any of those children living now? A Yes sir, I suppose so.
- Q What are their names? A One is named Liza Davis.
- Q Is that the only one? A Harriet Loper.
- Q The next? A One girl married a man by the name of Bud Mollvain.
- Q What was that girls name? A I don't know her right name; they always called her Duck.
- Q Are there any more of them? A I reckon there are more living, but I don't - couldn't say that there are.
- Q Did John have any children at the time of his death? A Yes sir.
- Q How many? A Three.
- Q Are they living? A Two of them are.
- Q What are the names of the two that are living? A One Martin Griffin and one Jimmie Griffin.

(This applicant shows very slight, if any, indication of being possessed of Indian blood; he does not speak or understand the Choctaw language. His complexion is dark and his hair and eyes are dark; his cheek bones are rather inclined to be high.)

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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 Tribes, he reported in full all proceedings had in the above entitled cause on the 2nd 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. S. Streit*  
Subscribed and sworn to before me at Meridian, Mississippi,  
this 17th day of August, 1901.

*[Signature]*  
Notary Public.

COMMISSIONERS:

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337  
M. C. R. 3174

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

**Rosier D. Griffin,**  
**Meridian, Mississippi.**

**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

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



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, 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,

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,

SIGNED:

*T. I. Jacobs*

Registered.

COPY

M C R 3174

Muskogee, Indian Territory, December 5, 1902.

Master B. Griffin,

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 theseveral 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,

Acting Chairman.

M C R 3174

Muskogee, Indian Territory, May 15, 1906.

Davis, Freeman & Anderton,  
Attorneys at Law,  
Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting to be advised the status of the Mississippi Choctaw application of Rosier D. Griffin.

You are informed that on November 21, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes rendered July 26, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Thomas B. Griffin, et al. Due notice of such Departmental action was furnished Rosier D. Griffin at Meridian, Mississippi, his last known post office address.

Respectfully,

Acting Commissioner.

#1261

No. 3171

# For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Rosier D. Griffin

Age 48 Blood don't know

Post Office, Meridian, Miss

Father: Thomas Griffin L

Mother: Liza Jane " L

Claims through father  
L wife Emma Griffin L  
(no claim for wife)

(Claims for self and 9 minor children)

Children:

- Fletcher Griffin 20
- Gilla " 18
- Henry " 16
- Timmie " (M) 14
- Rella " (F) 12
- Siddie " (F) 8
- Mother Sidney H. Griffin (no choctaw blood) L
- Glender D " (F) 3
- Hattie " 2
- John Thomas " 3 Mos.

(Mother Emma Griffin)  
Stenographer

R. S. Streit

Rosier D. Griffin et al

REFUSED

DECISION RENDERED. JUL 26 1902

R.3174

NOV 21 1902

2337

Choctaw MCR 3175

Bessie Riley

MCR 3175

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 2, 1901.

In the matter of the application of Bessie Riley for the identification of herself and three minor children as Mississippi Choctaws.

Bessie Riley, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Bessie Riley.  
Q How old are you? A Twenty one.  
Q What is your post office address? A Ray, Mississippi, Clark County.  
Q How long have you lived in Mississippi? A All my life.  
Q Is your father living? A Yes sir.  
Q What is his name? A Rosier D. Griffin.  
Q Is your mother living? A No sir.  
Q What was her name? A Sidney Henrietta Griffin.  
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; they claim that my great grand mother was a quarter Indian.  
Q Now, as the Indian blood come down from her on ~~side~~ one side of the family only? A Yes sir.  
Q You are a 1/32 then? A Yes sir.  
Q Through which one of your parents do you derive your Indian blood? A My father.  
Q Has your father always lived in Mississippi? A Yes sir. Ever since I can remember.  
Q You don't know where he lived before you were born? A No sir.  
Q Does he speak or understand the Choctaw language? A No sir.  
Q Was the Rosier D. Griffin who was before the Commission just prior to your appearing here, your father? A Yes sir.  
Q Your mother had no Choctaw blood at all? A No sir.  
Q How many children had your father by your mother, Sidney Henrietta? A Seven.  
Q Were they married under a license do you know? A I don't know.  
Q Through which one of his parents did your father get his Choctaw blood? A His father.  
Q What was his father's name? A Thomas Griffin.  
Q Is he living? A Yes sir.  
Q He has been before the Commission has he not? A Yes sir.  
Q About how old is Thomas Griffin? A He is seventy I reckon.  
Q Has your father's mother any Choctaw blood? A No sir.  
Q How many full brothers and sisters has your father? A Four brothers and five sisters.  
Q All have the same father and mother? A Yes sir.  
Q Your father's mother is living now too, is she? A Yes sir.  
Q Do you know anything about their marriage, whether they were married legally or not? A No sir, all I know I have heard them talking about it.  
Q Are they living together at this time; your grand father and grand mother? A Yes sir.



Bessie Riley, et al., 2.

- Q Through which one of his parents, did Thomas B. Griffin derive his Choctaw blood? A Through his mother.
- Q What was his mother's name? A Harriet Griffin.
- Q Do you know what her maiden name was? A No sir.
- Q Is she living? A No sir.
- Q Do you know where she lived during her life time? A No sir, don't know anything about her.
- Q Did you ever see her. A No sir.
- Q Do you know through which one of her parents she derived her Indian blood? A No sir.
- Q You know nothing of your ancestors further back than Harriet Griffin? A No sir.
- Q Have any of your ancestors ever been out to the Indian Territory? A Not that I know of.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A William A. Riley.
- Q Has he any Indian blood? A Yes sir.
- Q What kind of Indian blood do you know? A I don't know sir.
- Q Are you making any claim for him now? A No sir.
- Q Have you any children? A Three.
- Q ~~xxxxxx~~
- Q What are their names and ages? A Eva.
- Q How old? A Will be three years old next September.
- Q The next one? Ruby.
- Q How old is Ruby? A A Year and a half. old.
- Q The next one? A Hardy.
- Q How old is Hardy? A Seven months old.
- Q Are these all three the children of yourself and William A. Riley. A Yes sir.
- Q The youngest one is a boy? A Yes sir.
- Q This application is for yourself and three minor children? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know.
- 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 anyone else ever make such an application for you? A No sir, not that I know of.
- 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 You never have been admitted to citizenship in the Choctaw Nation then by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.
- Q Have you ever made any application of any kind prior to this time to either the Choctaw tribal authorities or the United States authorities to be enrolled as a member of the tribe? A No 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? A Well, I don't know.

Bessie Riley, et al., 3.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi between the United States Government and the Choctaw tribe of Indians, on the 27th day of September, 1830; at that time, the Choctaws lived in Mississippi and the edge of Alabama, along the western line of the State. Q The object of that treaty was to secure the removal of the Choctaws from the country occupied by them here in to a new country west of the Mississippi, a 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 west, but preferred to stay here in Mississippi, and for the benefit of those who wanted to stay here that 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 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 act 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 Yes sir.

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

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when the treaty was made? A I do not know sir; I reckon they was all here.

Q Were any of your ancestors recognized members of the Choctaw tribe here 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 in 1830, when the treaty was made? 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 of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States?

A I don't know.

Bessie Riley, et al., 4.

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 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 the 14th article? A Not that I know of.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, the United States Government directed an agent here in Mississippi to register the names of Choctaws who desired to remain and take advantage of article 14 of the treaty. The records of the Government show that that agent failed to register the names and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain here and take advantage of the provisions of that article. On this account, in many instances, land upon which Choctaws owned an improvement, and upon which they lived, 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 to come down here and 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 had been sold by the Government. That commission was duly appointed by the President and the Commissioners came down here to Mississippi and heard the applications of a few of these Choctaws for benefits under this 14th article, but in the time allowed by the Act of Congress under which they were appointed, the commissioners were unable to dispose of but a few of these Choctaw cases, and Congress, thereupon, 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 disposed of a great many more of these cases.

Q Did any of your ancestors appear before either one of these Commission and attempt to establish their rights under the provisions of article 14 of the treaty of 1830? 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, he should be entitled to select land elsewhere in Mississippi, or Alabama, or Louisiana or Arkansas, and he should be given a certificate to that effect. These certificates were called Scrip.

Bessie Riley, et al., 5.

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

Q Have you any witnesses before the Commission this morning that you want to introduce in your case? A No one but my father.

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

Q Are there any further statements you want to make? A No sir.

Q Do you know of any persons who would likely be informed as to your ancestry and the amount of Indian blood claimed by you, or 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 thereunder? A My great aunts that's here.

Q What is her name? A Nancy Buckalew.

Q She has been before the Commission in her own behalf and testified in behalf of some of your relatives has she not? A Yes sir.

Q Is she the same Nancy Buckalew who testified before the Commission in the case of James B. Griffin? A Yes sir.

Q James B. Griffin is a brother of your father is he not? A Yes sir.

Q You will get the benefit of her testimony in ~~his~~ your uncle's case; do you know of any one else who would likely be informed on these questions? A My grand pa.

Q What is his name? A Thomas Griffin.

Q He has been before the Commission has he not? A Yes sir.

Q Do you know of any documentary evidence that would show that any of your ancestors ever received any benefits under article 14 of the treaty of 1830? A No sir.

Q Do you want permission to file written evidence at a later date in your case? A Yes sir.

You will be allowed a reasonable time in which to file written evidence which you may see fit to present. The Commission will be glad if you will file this written evidence within thirty days if it is convenient for you to do so. If you see fit to introduce the testimony of witnesses in support of your claim, any witnesses which you may present before the Commission within a reasonable time will be duly examined in connection with your case.

Q Have you any brothers or sisters living who are over twenty one years of age? A No sir.

(Applicant excused.)

Rosier D. Griffin, having been called and first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examined by the Commission.

Q What is your name? A Rosier D. Griffin.

Q How old are you Mr. Griffin? A Forty eight years old.

Q What is your post office address? A Meridian.

Q You have appeared before the Commission this morning as an applicant for identification as a Mississippi Choctaw? A Yes sir.

Bessie Riley, et al., J.

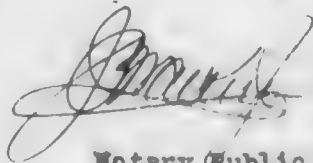
- Q Are you acquainted with this applicant who is before the Commission at this time? A Yes sir.
- Q What is her name? A Bessie.
- Q Bessie what? A Bessie Alnora Riley.
- Q Is she any relation to you sir? A She is my daughter.
- Q What is the name of her husband? A Will Riley.
- Q Has she any children? A Yes sir.
- Q What are their names? A Eva and Ruby. I don't know as I know the boys' names - Hargy.
- Q Where does your daughter Bessie live? A In Clark County.
- Q What is the name of her mother? A Sidney.
- Q Is she living? A No sir.
- Q She was your first wife? A Yes sir.
- Q She didn't have any Indian blood? A No sir.
- Q How old is your daughter, Bessie? A She is twenty one.

(This applicant has the appearance of being a white woman and shows no indication whatever of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

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 2nd 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.



Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.



Notary Public.

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. 3175

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Bessie Riley,

Ray, 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

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

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, 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,



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

*J. P. ...*

Registered.

11/11/02 B

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

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

REFER IN REPLY TO THE FOLLOWING  
M C R 3175

ALLISON L. AYLESWORTH,  
SECRETARY.

ADVISOR TO THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

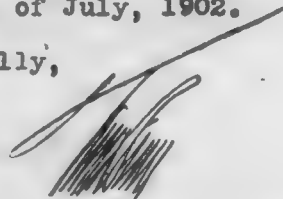
Muskogee, Indian Territory, December 5, 1902.

Bessie Riley,  
Roy, 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,



Acting Chairman.

#1262

No. 3475

For Identification as a Mississippi Choctaw.

Date AUG 2 1901

Name Bessie Riley

Age 21 Blood 1/32

Post Office, Roy, Miss.

Father: Ravier Griffin L.

Mother: Sidney A. " D.

Claims through father  
husband William A. Riley L.  
(no claim for husband)

Children:

Eva Riley 2

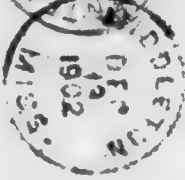
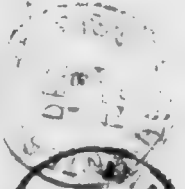
Ruby " 1

Harvey " (M) 7 Mo.

(claims for self and 3  
minor children)

Stenographer

R. S. Street



JAN 23 1903

*[Handwritten signature]*

ACTING CHAIRMAN

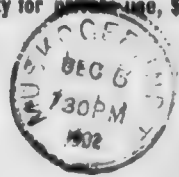
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for postage use, \$300.



~~TO THE DIRECTOR~~  
Bessie Riley,

~~Missouri to Secretary~~

~~Address Judge~~

Bessie Riley et al

REFUSED

DECISION RENDERED. JUL 26 1902

NO

R.3175

JUL 26 1902

NO

NO

REC

ACT

NOV 21 1902

NO

NO

REF

Choctaw MCR 3176

John Parker

MCR 3176

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

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In the Matter of the Application of John Parker for  
Identification as a Mississippi Choctaw.  
M. C. R. 3176.



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

In the Matter of the Application of John Parker for  
Identification as a Mississippi Choctaw.

M. C. R. 3176.

- - I N D E X . - -

Original application of John Parker for identification as a Mississippi Choctaw .....	1
Decision of the Commission identifying above named applicant ..	6

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 3, 1901.

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

John Parker, having been first duly sworn, upon his  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A John Parker.
- Q How old are you? A About sixty.
- Q What is your post office address? A Johns.
- Q What county is that in? A Rankin County.
- Q How long have you lived in the State of Mississippi? A All my life.
- Q Is your father living? A Dead.
- Q What was his name? A Tom; I don't know the other name.
- Q Did he have a Choctaw name? A I don't know about Choctaw name.
- Q How long has your father been dead? A I don't know how long.
- Q How old a man would he be if he was living now? A About 100 now.
- Q Is your mother living? A Dead.
- Q What was her name? A Sallie.
- Q Was she a full blood Choctaw? A Yes.
- Q Was your father a full blood Choctaw? A Yes.
- Q You claim to be a full blood Choctaw then? A Yes sir.
- Q Did your mother have a Choctaw name? A Don't know Choctaw name.
- Q Did your father and mother always live in the State of Mississippi? A Yes.
- Q Did either of them ever go out to the Choctaw Nation, Indian Territory? A No.
- Q Have you ever been out to the Choctaw Nation, Indian Territory? A Been out to the Territory when little child; I don't remember anything about it though.
- Q Who took you out there? A Mother's sister.
- Q Is she living? A Dead.
- Q How long did you stay out there? A Not long.
- Q Well, was it a year? A About two months.
- Q That's the only time you have ever been out there? A Yes.
- Q Do you know the names of any of your grand parents? A I don't know.
- Q So far as you know, have all of your ancestors always lived in the State of Mississippi? A Yes sir.
- Q Have all of your ancestors been full blood Choctaw Indians? A Yes.
- Q Are you married? A No.
- Q This application then is for yourself alone? A Yes.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No.
- Q Did you, or any one for you, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.

Jehn Parker, 2.

Q Have you ever made any application of any description before to-day either to the United States authorities or the Choctaw tribal authorities? A No.

Q You now desire to make application for the identification of yourself 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 Yes.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly seventy one years ago, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in Mississippi and in the western edge of Alabama. The object of that treaty was to secure the removal of the Choctaw Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi, 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 preferred to remain here in Mississippi, and for the benefit of those who did prefer to remain here, the 14th article of the treaty 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 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 14th article now of the treaty of Dancing Rabbit Creek? A No.

I will try to explain this 14th article so you will understand it. By this 14th article Choctaw Indians who preferred to stay here in Mississippi and take land and become citizens of the States were given the right to do so, but in order to get that land they had to do certain things,

John Parker, 3.

one of which was to within six months after the treaty of Dancing Rabbit creek was ratified, which was on February 24, 1831, 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 and take land under article 14; the Choctaw would thereupon be entitled to a reservation of one section of 340 acres of land for himself, 320 acres of land for each child over ten years of age and 160 acres for each child under ten years of age; he was then required to live on that land for five years after the ratification of the treaty, which was February 24, 1831; he he lived on the land for years from that date, he was entitled to a grant in fee simple for the land; that is the Government would give him a title to it, and he could dispose of it at his own pleasure; the fact that he stayed here and took advantage of the provisions of the 14th article of the treaty didn't deprive him of the right to citizenship in the Choctaw Nation, or the privilege of a Choctaw citizen, but if he ever removed of there to the new country he should not be entitled to any portion of the Choctaw annuity.

Q Do you think you understand the 14th article now? A Yes.

Q Did any of your ancestors ever comply with the provisions of that 14th article of the treaty or ever receive any benefits thereunder? A Don't know about that.

Q Do you know anyone living who would likely know about it ?

A Lucy Williamson might know about it.

Q Where does Lucy live? A Conehatta.

Q Is she a full blood Choctaw? A Yes.

Q How old is she? A About eighty five.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A Don't know about that.

Q Were any of your ancestors recognized members of the Choctaw tribe here at that time? A Don't know about it; nobody ever told me.

Q Did any of your ancestors own an improvement here at that time? A 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 Indian s between the years 1833 and 1838? A Don't know.

Q Did any of your ancestors within six months after the ratification of the treaty of Dancing Rabbit Creek, signify to the United States Indian Agent of the Choctaws here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Don't know much about that; just about about it.

Q What did you hear? A Just heard about it Choctaw - stay here in Mississippi.

Q Some of your ancestors? A Don't know.

Q You don't know whether any of your ancestors signified to the agent within six months after the ratification of the treaty their intention to remain and become citizens of the States? A No.

John Parker, 4.

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 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, or under the supplement to that treaty? A Don't know about that.

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 and become citizens of the States and take land in accordance with that article. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States. On this account, the Government of the United States in many instances sold land upon which Choctaws had improvements, and which they expected to receive from the Government under 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 third day of March, 1837, providing for a commission to come down 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. These commissioners were duly appointed by the President and they came down 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 very small number; and Congress passed another Act which was approved on August 23, 1842, providing for a second 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 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 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, in all respects, and his land had been sold by the Government, he should be entitled to receive land elsewhere in the States of Mississippi, Louisiana, Alabama or Arkansas, to be taken out of vacant Government land; he was given certificates; these certificates were called scrip.

John Parker, 5.

Q Did any of your ancestors ever receive any scrip from the Government under the provisions of this Act of Congress? A No.

Q Do you know of the existence of any evidence showing that any of your ancestors ever received any benefits under article 14 of the treaty of Dancing Rabbit Creek, or under any other article of that treaty, or under the supplement thereto? A I don't know.

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

You will be allowed a reasonable time to submit such written evidence, as you may see fit to support your application. If possible for you to do so, the Commission will be glad to have you submit such written evidence within thirty days from this date; if you decide to offer any at all.

Q Have you any witnesses before the Commission to-day that you would like to introduce in support of your case? A No.

Q Is Lucy Williamson, referred to by you as one who would likely be informed as to whether any of your ancestors ever complied with the provisions of article 14 of the treaty, any relation to you? A Yes.

Q What kin? A She is my aunt.

Q She would likely be informed as to your ancestry? A Yes.

If you care to bring or send any witnesses before the Commission to support your testimony as to your ancestry and to testify in regard to any other point in your case, they may come to Meridian here in a reasonable length of time, and the Commission will hear their testimony in support of your application.

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

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 3rd day of August, 1901, and that the above and for going 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. Streit*

*[Signature]*

Notary Public.

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

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In the Matter of the Application of John Parker for  
Identification as a Mississippi Choctaw.

M. C. R. 3176.

- - 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 3, 1901, by John Parker, for himself, under the following provision of the Act of Congress approved June 28, 1898, (30 Stats., 495):

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

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

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

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

FEB 14 1903



COPY.

M.C.R. 3176

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:-

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

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

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

Respectfully,

Yours truly,

*Tama Bixby.*

Registered  
Enclosure G.H. 1

Acting Chairman

M.C.R.3176.

Muskogee, Indian Territory, March 11, 1903.

John Parker,

Johns, Mississippi.

Dear Sir:

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

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

Respectfully,

*Tamm Bixby.*  
Chairman.

Registered.

Enc.:3176

41263

No. 3176

# For Identification as a Mississippi Choctaw.

Date AUG 3 1901

Name John Parker

Age 60 Blood full

Post Office, Johns, Miss.

Father: Tom -

d

Mother: Sallie.

d

Claims through both parents  
(Claims for self only).

~~Children:~~

Stenographer

R. S. Streit

*John Parker.*

R.3176

**COPY OF DECISION FORWARDED  
APPLICANT**

**MAR 11 1903**

Choctaw MCR 3177

Wilson Isaac

MCR 3177

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

-----  
In the Matter of the Application of Wilson Isaac et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 3177.

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

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In the Matter of the Application of Wilson Isaac et al.,  
for Identification as Mississippi Choctaws.

- - I N D E X . - -

Original application of Wilson Isaac et al., for identification as Mississippi Choctaws .....	1.
Decision of the Commission identifying said applicants.....	10.

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

*Cur*  
In the Matter of the Application of Wilson Isaac et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 3177.

- - 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 August 3, 1901, by Wilson Isaac, for himself, his wife Siney Isaac, and his four minor children, Gift Isaac, Ellen Isaac, Jim Isaac, and Lela Isaac, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

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

Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 495), 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 Wilson Isaac, Siney Isaac, Gift Isaac, Ellen Isaac, Jim Isaac, and Lela Isaac should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

APR 17 1900

  
Commissioner

P 177

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 3, 1901.

In the matter of the application of Wilson Isaac for the identification of himself, his wife and four minor children as Mississippi Choctaws.

Wilson Isaac, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Wilson Isaac.
- Q How old are you? A I don't know exactly how old I am; but I think I am about thirty four some where along there.
- Q What is your post office address? A Williston.
- Q What county? A Leake.
- Q Is your father living? A No sir.
- Q How long have you lived in the State of Mississippi? A I was raised here in Mississippi.
- Q Lived here all your life? A Yes sir.
- Q What was your father's name? A Name was Isaac.
- Q Is that the only name he had? A Yes sir.
- Q Didn't he have a Choctaw name? A I guess he had a Choctaw name, but I don't know about that.
- Q Is your mother living? A No sir.
- Q What was her name? A I don't know her name; I was pretty small when she died.
- Q Don't know wither her Choctaw or English name? A No, I don't know, but I have forgot it.
- Q How old would your father be if he was living now? A He would be - I expect about seventy or seventy five.
- Q How old would your mother be if she was living now? A I don't know about that.
- Q Was she older or younger than your father? A No sir, I don't think she was.
- Q Did your mother and father always live here in the State of Mississippi? A Yes sir.
- Q Never have been out to the Territory? A No sir.
- Q you never have been out there? A No sir.
- Q Do you know the name of your father's father? A No sir.
- 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 sir.
- Q Do you know the name of your mother's mother? A No sir.
- Q Do you know the names of any of your ancestors further back than your father and mother? A No sir.
- Q So far as you know, have all of your ancestors always lived here in Mississippi? A Yes sir, as far as I know.
- Q And they have all been full blood Choctaws as far as you know, have they? A Yes sir.
- Q You claim to be a full blood Choctaw? A Yes sir.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Siney.
- Q Are you living with her now? A Yes sir.
- Q Were you married under a license or according to the Choctaw custom? A Choctaw custom.
- 1

Wilson Isaac, et al., 2.

- Q Do you want to make application for your wife too? A Yes sir.  
Q How old is she? A She is about 29.  
Q Has she always lived in the State of Mississippi? A Yes sir.  
Q Was her father living? A Yes No sir.  
Q What was her father's name? A John.  
Q John what? A Jack.  
Q Did he have a Choctaw name? A No, that's all.
- Q How old would he be if he was living now? A I don't know.  
Q About how old do you think? A About sixty five.  
Q Did he always live in Mississippi? A Yes sir.  
Q Never went out to the Territory? A No sir.  
Q Is your wife's mother living? A Yes sir.  
Q What is her name? A Nancy.  
Q How old is she? A About forty nine.  
Q Has she always lived in Mississippi? A Yes sir.  
Q How much Choctaw blood you claim yourskat wife has? A She is a full blood.  
Q Do you know the names of any of your wife's grand parents? A No sir.  
Q Did you ever see any of them? A No sir.  
Q So far as you know, have all of your wife's ancestors always lived in Mississippi? A Yes sir, so far as I know.  
Q Have they all been full blood Choctaws so far as you know? A Yes sir.  
Q Did you ever hear of any of them going out to the Territory? A No sir.  
Q Have you any children? A Yes sir.  
Q How many? A Four.  
Q What are their names and ages? A Gift.  
Q Is that a boy or girl? A Boy.  
Q How old is Gift? A He is going on 13.  
Q The next one? A Ellen, that's a girl.  
Q How old? A She is going on 8.  
Q The next one? A Going on 6, named Jim.  
Q The next one? A The next one is Lela; going on 3.  
Q That's a girl? A Yes sir.  
Q Is that all? A Yes sir.  
Q These children all living? A Yes sir.  
Q Living with you? A Yes sir.  
Q You are the father of all four of them? A Yes sir.  
Q What is the name of their mother? A Yes sir, Siney.  
Q Is she the mother of all four of them? A Yes sir.  
Q Is your name, the name of your wife, or any 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 wife, or any of these children to be admitted as members of the tribe? A No sir.  
Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896, for yourself, wife or any of these children to be admitted to 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 to-day? A No sir.  
Q Has anyone else ever made any application of any description for you? A No sir, I don't believe they did.

Wilson Isaac, et al., 3.

Q Not that you know of? A Not that I know of.

Q Do you now desire to make application for the identification of yourself, and wife and four 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 this 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. The Choctaws, at that time, lived here in Mississippi and over in the edge Alabama. The object of the treaty was to secure the removal of the Choctaws out west to the new country west of the Mississippi, a part of which is now occupied by the main portion of the Choctaw tribe. At that time some of the Choctaws were unwilling to move out to the new country, but insisted that provision be made in the treaty which would permit them to stay here. For the benefit of those who wanted to stay here, this 14th article was put in the treaty; it is just one little article or part of the treaty and 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 clearly? A Yes sir.

Q Do you think you understand everything about that? A Well, I want you to explain it.

As I stated, this 14th article was in the treaty because some of the Choctaws wanted to stay here in Mississippi and it was put in for their benefit. Now, by this 14th article a Choctaw could get land here in Mississippi, but he had to

Wilson Isaac, et al., 4.

do certain things before he was entitled to it. First, if he did want to stay here and take land and become a citizen of the United States, he must let the agent of the Government here in Mississippi know that he did want to stay here and take land here within six months after the time the treaty was ratified. The treaty was ratified that is finally agreed to, on the 24th day of February 1831; that's over seventy years ago. Now, within six months from February 24, 1831, he was required to let the agent know he wanted to stay here, and then he was entitled to a reservation of one section of land for himself, and if he had a child over ten years of age, he was entitled to 320 acres for that child; and if he had a child under ten years of age, he was entitled to 160 acres for that child; the land that these children were to get must adjoin the location of the parent, and the reservation must include the present improvement of the head of the family; that is, it must include the improvement that a Choctaw had on the land which he wanted to reserve on the day the treaty was made. Now, if that reservation was given him, if he lived on that land for five years from February 24, 1831, the date the treaty was ratified, he was entitled to a grant in fee simple; that means, he was entitled to a deed to it from the Government; the Government would give him a deed and say that is your land, and you have the right to dispose of it in any way you want to, but before he could get a title to the land he had to comply with these requirements I have explained to you. The last clause of the 14th article provides that persons who claimed under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove; that is, if they ever go out west to the new country - the new Choctaw Nation, they shall not be entitled to any portion of the Choctaw annuity; that is, if a Choctaw, instead of going out with the main body of the tribe when they moved out there in the early thirties, if he wanted to stay here and take land under this 14th article of the treaty, and if he did stay and get land from the Government, and he wanted to sell it, he could go out there and have the rights of Choctaw citizenship out there; in other words, the mere fact that he took land here didn't lose for him his rights to citizenship out there; by this term in the 14th article, by doing so he would not lose the privilege of a Choctaw citizen, except to this extent; whenever the Choctaw annuity money was paid he would not have any right to this annuity money. This annuity is money that was paid to the Choctaws each year according to the treaties that the Government had made with them.

Q Do you think you understand this 14th article now after that explanation of it? A Yes, I think so.

Q Did any of your ancestors or any of your wife's ancestors ever comply with its provisions or take advantage of its provisions?

A No sir.

Q Now, do you know about that; do you know whether any of them did that or not? A No sir.

Wilson Isaac , et al., 5.

Q Were any of your ancestors or any of your wife's ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A No sir, I don't know.

Q Were any of your ancestors, or any of your wife's ancestors, recognized members of the Choctaw tribe here at that time? A No sir.

Q Do you mean you don't know? A Yes sir; I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, own an improvement here at that time? A No sir, I don't know.

Q Did any of your ancestors, or any of your wife's ancestors remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A No sir.

Q Do you know about that for sure? A No sir, I don't know.

Q Did any of your ancestors, or any of your wife's ancestors, within six months after this treaty was ratified, signify to the agent of the Government here in Mississippi, their intention to remain in Mississippi and become citizens of the States? A Well, I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever claim or receive any land from the Government under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever receive any land here in Mississippi 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, I don't know.

Q So far as you know, have any of your ancestors or any of your wife's ancestors, ever received any land from the Government or any other benefits such as Choctaw Indians? A No sir, as far as I know, I don't know.

Q You never heard of any of them having gotten any? A No sir.

Q Did you ever see any deed or patent to any of your ancestors or any of your wife's ancestors, conveying to them land here in Mississippi under the provisions of the treaty of Dancing Rabbit Creek? A No sir.

Q You never heard of such a thing? A No sir.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, as I have explained to you, the Government directed an agent here in Mississippi to register the names of Choctaws who might desire to remain here in Mississippi and become citizens of the States and take land under that article of the treaty. The records of the Government show that this agent failed to record a report to the Government the names of many Indians who did in fact signify to him their intention to remain here and become citizens under that article. On this account, the Government, at its public land sales when they sold a great deal of the land that they got from the Choctaws, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the Government under in accordance with the provisions of this 14th article. This

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Wilson Isaac, et al., 6 .

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 to 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; these commissioners were duly appointed by the president, and they 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 number of these cases, and Congress passed another act which was approved on August 23, 1842, providing for the appointment of another commission to come down here and finish up the hearing of these Choctaw cases; this commission was appointed by the President and came down here in the early forties, and heard a good many more of these Choctaw cases.

Q Do you know whether any of your ancestors or any of your wife's ancestors appeared before either one of these commissions appointed under the Act of Congress of March 3, 1837 and August 23, 1842, that I have just referred to, and attempted to establish their rights under article 14 of the treaty? A No sir.

Q You never heard that any of them ever complied with the provisions of this 14th article of the treaty? A No sir.

Now, this 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, he should be entitled to select land elsewhere in the State of Mississippi, or Alabama, or Louisiana, or Arkansas, and he was to be given a certificate to that effect. These certificates were called scrip.

Q Have you ever heard of scrip before? A No sir.

Q Did any of your ancestors, or any of your wife's ancestors, ever get any scrip from the Government under this Act of Congress? A No sir, not that I know of.

Q You never heard of such a thing? A No sir.

Q Do you know any old person living who would likely know as to whether any of your ancestors, or any of your wife's ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits under that article? A No sir.

Q You don't know of any one who would likely know about that?

A No sir.

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

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Well, if you see fit to file any written evidence of any kind in support of your application, you will be permitted to do so in a reasonable time; we will be glad however, if you can conveniently do so, if you determine to file any papers, to have you file them in thirty days, if possible.

Q Do you know of any person living who would be able to support your testimony as to your ancestors and your wife's ancestry?

A No sir, I don't know.

Q

If you should care to send any witnesses before the Commission in your case, they may come to Meridian here and the Commission will hear them in any reasonable time.

Q Have you any full brothers living? A No sir, I didn't have but two brothers and they are both dead.

Q Did either one of them have any children at the time of their death? A Yes sir, one of them had some, but they are in the Territory now. One of my brothers was in the Territory when he died, and the children are there now.

Q What are their names? A One named William and one named Lela Isaac.

Q What was your brother's name? A Presley Isaac; he died in the Territory.

Q When? A He died about five years ago.

Q Have you any sisters living? A Got one sister living.

Q What is her name? A Mollie.

Q Mollie what? A Calvin.

Q Where does she live? A In Scott County. She lives about eleven miles from Forest.

Q Has she been before the Commission yet this year? A Not as I know of. I don't live right close to them; I passed along there yesterday, but I didn't stop.

Q Is her husband living? A Yes sir.

Q Is he a full blood Choctaw? A He is sorter mixed blood; I think some of them said -

Q What is his name? A Calvin.

Q What other name? A That's all I know.

Q Has she any children? A Yes sir, got eight, I believe.

Q Did you ever have any other sisters? A Well, I had one half sister, but she died.

Q Did she have any children at the time of her death? A No sir.

Q Has your wife any brothers living? A One, and another lives in the Territory.

Q Two? A Yes sir.

Q What is the name of the one living in the Territory? A Silmon

Q Silmon what? A John.

Q How long has he been out there? A He has been out there about six or seven years, I think, or eight.

Q What is the name of the one that lives in Mississippi?

A Sidney John.

Q Is he married? A Yes sir.

Q What is his wife's name? A Bettie.

Q Has ~~Silmon~~ Sidney been before the Commission this year? A Yes sir.



Wilson Isaac, et al., 8.

- Q How many children have they? A Three.
- Q Did your wife ever have any other ~~siblings~~ brothers? A No sir, that's all.
- Q Has your wife any sisters living? A Yes sir; two of them living.
- Q What are their names? A One named Elisabeth.
- Q Elisabeth what? A Martin; she married Martin.
- Q What was her husband's name? A Martin; he is dead now.
- Q Has Elisabeth any children? A Yes sir, got two.
- Q What are their names? A Onenamed Manning; that 's a boy.
- Q Do you know the other one's name? A Her name is Larman.
- Q What is the name of your wife's other sister? A Named Emma.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Nelson.
- Q What other name? A Julius.
- Q Have they any children? A Yes, they got two
- Q Do you know their names? A I don't know the names of the little fellows.
- Q Are any of your ~~maternal~~ father's brothers living? A No sir.
- Q Did he ever have any brothers? A Yes sir.
- Q Are any of the children of those brothers that are now dead living? A No sir.
- Q Did your father ever have any sisters? A No sir.
- Q Did your mother ever have any brothers? A Yes sir.
- Q Are any of them living? A No sir.
- Q Are any of the children of your mother's brothers living?
- A No sir.
- Q Did your mother ever have any sisters? A No sir.
- Q Did your wife's father ever have any brothers? A No sir.
- Q Did your wife's father ever have any sisters? A No sir, as far as I know.
- Q Did your wife's mother ever have any brothers? A Yes sir.
- Q Are any of them living? A One living.
- Q What is its name? A Named Scott.
- Q What other name? A Scott; that's all I know.
- Q Is he married? A Yes sir.
- Q What is his wife's name? A I don't know his wife's name.
- Q Do you know how many children he had? A Yes, they got four or five, I think.
- Q Did any of the brothers of your wife's mother, who are now deceased, have any children at the time of their death? A Yes, I think they got four or five.
- Q Do you know the names of those children? A Yes ; I know the two biggest ones.
- Q What are the names? A One named Jennis and Taylor.
- Q What are the other names? A Just them two is all I know.
- Q Did they have any other name besides that? A York.
- Q What was the name of their father; what was the name of their father? A Scott York.
- Q That's all of the children of your wife's mother's deceased brother that you know of? A Yes sir, that's all I know of.
- Q Did your wife's mother have any sisters? A Yes, one sister.
- Q What is her name? A Sallie.
- Q Sallie what? A Sallie York.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Columbus Dixon.
- Q Have they any children? A No sir.
- Q How are any of the children of any of your wife's mother's deceased sisters living? A No sir.

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Q Are there any further statements you want to make? A No sir.

(This applicant has every appearance and characteristic of a full blood Indian; he speaks and understands the Choctaw language and also speaks and understands the English language, the examination having been conducted entirely in English.)

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 3rd 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. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

*[Signature]*

Notary Public.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Manfield, McMurray & Cornish,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Wilson Isaac, his wife, Siney Isaac, and minor children, Gift Isaac, Ellen Isaac, Jim Isaac and Lela Isaac, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

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

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

Respectfully,

SIGNED: *Tams Bixby.*

Chairman.

Registered.  
Enc.: 3177.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

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Respectfully,

SIGNED

*Tame Bixby.*

Chairman.

Registered.  
Enc.: 3177.

COPY.

M.C.R. 3177

Muskogee, Indian Territory, May 4, 1903.

Wilson Isaac,

Williston, 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 yourself, your wife, Siney Isaac and your minor children, Gift Isaac, Ellen Isaac, Jim Isaac and Lela Isaac as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before 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,  
(SIGNED)

*Tams Bixby*  
Chairman.

Registered.

Enc. 3177.

M.C.R. 3177.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Wilson Isaac,  
Williston, 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 yourself, your wife, Siney Isaac, and your minor children, Gift Isaac, Ellen Isaac, Jim Isaac and Lela Isaac, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before 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, (REED)

*Tams Bixby.*  
Chairman.

Registered.

Enc. 3177.

1264

No. 3177

# For Identification as a Mississippi Choctaw.

Date AUG 3 1901

Name *Wilson Isaac*

Age *34* Blood *Full*

Post Office, *Williston, Miss.*

Father: *Isaac* d

Mother: *don't know* d

Claims through *both parents*  
Wife *Siney Isaac (full) 29* d

Father *John Mack* d

Mother *Nancy* d

Wife claims through both parents.

Children:

*Gift Isaac (M) 12*

*Ellen " 7*

*Jim " 5*

*Lela " 2*

(Claims for self, wife and  
4 minor children)

Stenographer

*R. S. Street*

Wilson Douac, et al.

IDENTIFIED

R. 3177

TO BE RETURNED TO

COPIES  
ATTACHED  
CHICAGO

COPY OF



Choctaw MCR 3178

Nelson Shu

See MCR 3179, 3180

MCR 3178

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

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

Nelson Shumake, et al., M C R 3178  
Rebecca Cothan, et al. M C R 3179  
Wila Shumake, et al., M C R 3180

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

Original application of Nelson Shumake, et al., to the Dawes Commission for identification as Mississippi Choctaws ....	1
Petition of Nelson Shumake for enrollment as a Choctaw Indian .....	8
Letter of K. D. L. Stephens .....	9
Deposition of Jack Gardner .....	10
Joint deposition of C. R. Cook and V. R. Boydston ...	12
Deposition of E. Badley .....	14
Original application of Rebecca Cothan, et al., to the Dawes Commission for identification as Mississippi Choctaws ...	16
Petition of Rebecca Cothan for enrollment as a Choctaw Indian ...	22

	Page,
Original application of Ella Shumake, et al., to the Dawes Commission for identification as Mississippi Choctaws .....	23
Testimony of Nelson Shumake in behalf of applicants, Rebecca Oothan, et al., and Ella Shumake, et al. ....	28
Decision of the Commission refusing the consolidated application of Nelson Shumake, et al., for identification as Mississippi Choctaws .....	29

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

3178

In the matter of the application of Nelson Shumake for identification of himself and his three minor children as Mississippi Choctaws.

Applicant represented by attorney George M. Fortune.

Nelson Shumake being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q How do you spell that Shumake? A S-h-u-m-a-k-e.  
Q How old are you? A Fifty-four years old in November.  
Q What is your post-office address? A South McAlester now.  
Q Indian Territory? A Yes Indian Territory.  
Q How long have you lived there? A Since December 1900.  
Q Where did you live before you lived there? A Water Valley ,  
Mississippi.  
Q How long did you live in Mississippi? A Lived there all my  
life.  
Q You were born in Mississippi? A Yes in Yalobusha County.  
Q What is your father's name? A James Shumake.  
Q Is he living? A I can't tell you he left for the West when I  
was about six years old.  
Q What is your mother's name? A Sallie.  
Q Sallie Shumake? A She was Sallie Perry at first before she  
married my father.  
Q Is she living? A No.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A Three-fourths.  
Q Did you get all the three-fourths from your father? A My grand-  
mother was one-half.  
Q Which one? A My Grandmother.  
Q Of which one of your parents? A My mother's mother.  
Q Then you claim to get Choctaw blood through both of your parents  
don't you? A Yes.  
Q Were your father and mother married? A Yes I suppose they were.  
Q Have you evidence of that marriage? A I don't know.

Attorney states that he has sent for such evidence of the  
marriage of the applicants parents and will file it later.

- Q Have your father or mother ever been recognized in any manner  
or enrolled as members of the Choctaw tribe of Indians by the  
Choctaw Tribal authorities or the authorities of the United  
States? A I don't know I was only two years old when my  
father came west.  
Q Was your father a slave? A No.  
Q How much Choctaw blood did your father claim to have? A Full  
blood.  
Q How much Choctaw blood did your mother claim to have? A She  
was only one-quarter.

- Q What was the other blood of your mother's? A Colored.
- Q Was your mother ever a slave? A Yes.
- Q Were you ever a slave? A No.
- Q How does it happen that your mother was a slave and you were not? A Well my father was not a slave and they could not make me a slave.
- Q Well children generally followed their mother in slavery times, were you not a slave for awhile? A No they took me away from my mother when I was eight years old.
- Q Who took you away? A The white people and hired me out.
- Q Well then you must have been a slave? A Yes I reckon I must have been but they had no right to make a slave of me.
- Q Are you married? A Yes.
- Q What is your wife's name? A Caroline.
- Q Is she living? A Yes.
- Q What is she? A She is a nigger.
- Q Do you make any application for your wife? A Yes.

Attorney says that applicant does not apply for Caroline his wife.

- Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? A Yes I have three children.
- Q Give the names and ages of these children? A Ruthie, she is twelve years old.
- Q Next? A Joe David.
- Q How old? A Ten.--, Le ttie.
- Q L-e-t-t-i-e? A I guessthat is the way.
- Q How old? A Seven.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Caroline.
- Q When and where were you married to Caroline Shumake? A Water Valley, Mississippi.
- Q When? A In eighty-one.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by a minister or an official authorized to perform such marriages? A By a minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A (By attorney) That has been sent for with the others and when it does come we desire to file it.
- 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? No I can't find any of my people.
- 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 I once did but never got any answer and once wrote to Wolf and Harris at Fisheminge who said they could not do anything with it at the time but would let me hear later.
- Q That has nothing to do with it I asked you if you had ever made application? A No I never have.
- Q When was this you wrote to Wolf & Harris? A That was last fall a year ago.
- Q You could not have applied to the Choctaw tribal authorities then? I have written to them but got no answer when they told me they could not do anything at that time.
- Q Well did you ever apply to the Choctaw tribal authorities before the year 1896? A No, 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 I got a lawyer to write to McKinley the President.
- Q When was that? A About two years ago.
- Q I asked you if you applied to the Dawes Commission in 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.
- 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 I wrote to McKinley and he told me to come to the Indian Territory and make myself a citizen.
- Q How did you come to write to McKinley? A Well I don't know anything about the Dawes Commission and just got a couple of lawyers to write that knew something about it.
- Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to have your 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 of any kind? A Yes the first of any kind I ever made.
- Q What kind of an application do you want to make now? A I want to be a citizen here in the Choctaw Nation.
- Q Well what do you claim to be? A Choctaw.
- Q What kind of a Choctaw? A Mississippi.
- 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 Well I wanted to come here; my people all came here when I was a child.
- Q Well what makes you think you have a right to be a citizen here? A Well because I am Choctaw that's all.
- Q You are claiming now because you have 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 know.
- Q Do you know what a treaty is? A I don't know I am not an educated person.
- Q Do you know what an agreement is? A Well I know what an agreement is when I agree to do anything.
- Q A treaty is an agreement between Nations. Do you understand that? A Yes.

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

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty/

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. The State of Mississippi was being filled up with white settlers and it was very hard to the United States to protect the Indians in their tribal government and so the United States thought it would be best to give them land west of the Mississippi River and move them all to that land so that they could set up their tribal government there and not be bothered by white people 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 the State of Mississippi and article fourteen was made a part of the treaty for the benefit of these Choctaws who did not want to come west to the new country and after that article was made a part of the treaty the Indians signed it alright and it was ratified by both 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 claim anything under the provisions of this article of this treaty? A No I never had any land or anything of the sort.

Within six months after this 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 an agent was sent down by the government to locate the land for these Indians he 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 there in Mississippi whose names were not on the roll which the Indian Agent had made, so under different acts of Congress Commissioners were sent down there to 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 took up a great many cases, examined witnesses, took depositions and finally passed on several hundred, some were allowed and some were rejected. In whatever cases 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 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 these States?  
A No not that I know of.
- Q You never heard anything about it? A No I never did.
- Q You know what is meant by the word ancestor? A You mean my parents?  
Q Yes, or their parents or your great grandparents? A No if they did I never heard anything about it.
- 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 Well I guess my father was there at the time.
- Q Do you know how old your father would be if he were living now?  
Q No he lived in Mississippi and went west when I was about five or six years old.
- Q You don't know about how old he was when he left? A No.
- Q How long has your father been dead? A About thirty years.
- Q How old was he when he died? A I don't remember now exactly I think he was forty-seven years as well as I can remember he was forty seven.
- Q Do you know what your father's father's name was? A They told me he was a Shumake.
- Q Do don't know what his first name was? A No.
- Q You know what your father's mother's name was? A No my father was an orphan.
- Q You know what your mother's father's name was? A Yes.
- Q What was it? A Joe Green.
- Q Was your mother's father a negro? A No I don't know. He came here to the Territory when the rest of the Indians left there.
- Q Well was he a freedman? A I guess so.
- Q Did he have any Indian blood at all? A I don't know of any Indian blood, I have it from my mother's side, my grandmother's side. I don't suppose her father had any Indian blood at all.
- Q Do you know what your mother's mother's name was? A My grandmother was named Rebecca Perry.
- Q And your grandmother you claim was a one-half Choctaw? A Yes.
- Q And the other half was negro? A Yes.
- Q Was your grandmother a slave? A I could tell you whether she was a slave or not.
- Q Well don't you know that it is very hard to establish your identity as a Mississippi Choctaw unless you know something about your ancestors and who they were? A They older people can tell you more about it.
- Q Did any of your ancestors come west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I can't tell you the time but they came west when I was between five and six years old.
- Q Which one of your ancestors was that? A That was my grandmother and my father.
- Q Your mother's mother and your father? A Yes.
- Q Did any of your ancestors go to the United States 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 whether they did or not.
- Q You say you don't know whether any of your ancestors owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't know.
- Q Do you think you will be able to get evidence to show whether your mother or your father or grandfather were Choctaw Indians and lived in the State of Mississippi in the year eighteen hundred and thirty? A I guess I can.



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- Q You understand that it is a matter of importance to your case that you have such evidence? A Yes.
- Q Do you think you will be able to get any evidence to show whether any 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 become citizens of the United States? A I don't know whether I could tell him that or not.
- Q You understand that it is a matter of considerable importance to your case that you have evidence on that point? A I didn't know what kind of evidence I had to get.

Attorney says that this evidence will be furnished in due time and asks permission to file same later which permission is granted.

- Q Have you any papers that you want to file now? A ( By Attorney) Yes.

Written application of Nelson Shunkie offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Letter of M. D. L. Stephens offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Deposition of Jack Gardner offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

- Q Who is Jack Garner? A He is a colored man.
- Q How old is he? A He is about sixty-five years old.
- Q He knew your father and mother? A Yes.

Joint deposition of C. R. Cook and V. R. Boydston, offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q Who are C. R. Cook and V. R. Boydston? A They are citizens of Water Valley.
- Q Did they know your father and mother? A Yes.

Deposition of E. Badly offered in evidence, marked exhibit "E", filed and made a part of the record in this case.

- Q Who is E. Badly? A A resident of Water Valley.
- Q Did he know your father and mother? A Yes.

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 think you will offer evidence in the form of oral testimony? A I guess it could not be in any other way.
- Q Do you mean to bring your witnesses here before the Commission in person? A No I can have them sworn there.
- Q Could you not take them before the Commission at Meridian and have their oral testimony taken? A I don't know I have not got the money to pay their expenses.
- Q You understand that the oral testimony of witnesses carries more weight with it than depositions or affidavits and that it would be better to bring them here or to the Commission at Meridian? A I have not got the money to do this.

Examination by Attorney.

- Q Did you ever hear anything about the existence of any treaty between the United States and the Choctaw Nation before you came here? A Know I did'nt know anything about it.
- Q No one ever informed you that there were certain privileges provided you were a Choctaw? A No only this that the Choctaws had a right in the Choctaw Nation, that all of them Mississippi Choctaws had a right in the Nation.
- Q Did you know whether or not you could enjoy these privileges just the same by staying in Mississippi as you could by coming out here? A No.
- Q You never owned any land in Mississippi? A No only a house and lot in Water Valley.
- Q You never took any land there at all? A No.
- Q You never went before any Indian Agent? A No.
- Q You never yourself signified your intention of remaining in Mississippi? A No I never did.
- Q How far is it from Water Valley to Meridian? A I don't know, about one-hundred miles I suppose. It may be further than that.

Examination by the Commission.

- Q You said that you understood that the Mississippi Choctaws had the same right here as other Choctaws. Do you know what a Mississippi Choctaw is? A No only just a Mississippi Choctaw.
- Q You don't know that the word Mississippi Choctaws means people who remained in Mississippi and took land there under the fourteenth article of the treaty of eighteen hundred and thirty? A Is that what it means.
- Q Well I say you did not understand that it means that? A No I did not.

The applicant in this case has grayish black hair, which is almost straight and rather prominent cheek bones, large nose and prominent chin. His appearance would indicate the possession of some Choctaw blood but his complexion and eyes resemble a negro and it would seem from his appearance that the negro blood predominates or is in equal amount with Indian blood.

- 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. He does not know the names of the parents of his father and mother and is not familiar with 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 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.

*G. Rosenwinkel*

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 5, 1901.

In the matter of the application of Nelson Shumake et al, for identification as Mississippi Cheetaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3178.

In the matter of the application of Rebecca Gethan et al, for identification as Mississippi Cheetaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3179.

In the matter of the application of Ella Shumake et al, for identification as Mississippi Cheetaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3180.

George M. Fortune, attorney representing applicants in above entitled causes:

Nelson Shumake being called and sworn as a witness in the above cases testified as follows on behalf on the applicants.

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A South McAlester,  
Q Indian Territory? A Yes.  
Q How long have you been there? A Ever since the ninth of December  
Q This last Year? A Yes.  
Q Where were you living before you came here? A Water Valley  
Q Mississippi.  
Q Lived there all your life? A Yes.  
Q Born there? A Yes.  
Q You just made application here for identification as a Missis-  
Q sippi Cheetaw? A Yes.  
Q Do you know Rebecca Gethan and Ella Shumake who just applied here  
Q A I do.  
Q How long have you known them? A All their lives.  
Q What relation are they to you if any? A They are my children.  
Q I am their father.  
Q They get their Cheetaw blood through you? A Yes.  
Q And all the statements that you have made as to your ancestors  
Q will apply to their cases as well as to yours? A Yes.

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 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.

*G. Rosenwinkel*

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

*Edward Shelby*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

In the matter of the application of Nelson Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3178.

In the matter of the application of Rebecca Cohan et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3179.

In the matter of the application of Ella Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3180.

George M. Fortune, attorney representing applicants in above entitled causes:

Nelson Shumake being called and sworn as a witness in the above cases testified as follows on behalf on the applicants.

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A South McAlester,  
Q Indian Territory? A Yes.  
Q How long have you been there? A Ever since the ninth of December  
Q This last Year? A Yes.  
Q Where were you living before you came here? A Water Valley  
Q Mississippi.  
Q Lived there all your life? A Yes.  
Q Born there? A Yes.  
Q You just made application here for identification as a Missis-  
Q sippi Choctaw? A Yes.  
Q Do you know Rebecca Cohan and Ella Shumake who just applied here?  
Q A I do.  
Q How long have you known them? A All their lives.  
Q What relation are they to you if any? A They are my children.  
Q I am their father.  
Q They get their Choctaw blood through you? A Yes.  
Q And all the statements that you have made as to your ancestors  
Q will apply to their cases as well as to yours? A Yes.

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 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 13th day of October 1901.

*G. Rosenwinkel*  
*Robert Shelby*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

In the matter of the application of Nelson Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3178.

In the matter of the application of Rebecca Gothern et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3179.

In the matter of the application of Ella Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3180.

George M. Fortune, attorney representing applicants in above entitled cases:

Nelson Shumake being called and sworn as a witness in the above cases testified as follows on behalf on the applicants.

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A South McAlester,  
Q Indian Territory? A Yes.  
Q How long have you been there? A Ever since the ninth of December  
Q This last Year? A Yes.  
Q Where were you living before you came here? A Water Valley  
Q Mississippi.  
Q Lived there all your life? A Yes.  
Q Born there? A Yes.  
Q You just made application here for identification as a Missis-  
Q sippi Choctaw? A Yes.  
Q Do you know Rebecca Gothern and Ella Shumake who just applied here  
Q A I do.  
Q How long have you known them? A All their lives.  
Q What relation are they to you if any? A They are my children.  
Q I am their father.  
Q They get their Choctaw blood through you? A Yes.  
Q And all the statements that you have made as to your ancestors  
Q will apply to their cases as well as to yours? A Yes.

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 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 12th day of October 1901.

*Arthur Kelly*  
Notary Public.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Atoka, I.T. August 5, 1901.

In the matter of the application of Nelson Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3178.

In the matter of the application of Rebecca Cothan et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3179.

In the matter of the application of Ella Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3180.

George M. Fortune, attorney representing applicants in above entitled causes:

Nelson Shumake being called and sworn as a witness in the above cases testified as follows on behalf on the applicants.

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A South McAlester,  
Q Indian Territory? A Yes.  
Q How long have you been there? A Ever since the ninth of December  
Q This last Year? A Yes.  
Q Where were you living before you came here? A Water Valley  
Q Mississippi.  
Q Lived there all your life? A Yes.  
Q Born there? A Yes.  
Q You just made application here for identification as a Missis-  
Q sippi Choctaw? A Yes.  
Q Do you know Rebecca Cothan and Ella Shumake who just applied here?  
Q A I do.  
Q How long have you known them? A All their lives.  
Q What relation are they to you if any? A They are my children.  
Q I am their father.  
Q They get their Choctaw blood through you? A Yes.  
Q And all the statements that you have made as to your ancestors  
Q will apply to their cases as well as to yours? A Yes.

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 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 12th day of October 1901.

*W. H. Hill*  
Notary Public.

COPY.

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

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

Nelson Shumake, et al.,	M.C.R. 3179
Rebecca Cothan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180.

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 Nelson Shumake for himself and his three minor children, Ruthie, Joe David and Lottie Shumake; by Rebecca Cothan for herself and her minor child, Lester Cothan; and by Ella Shumake for herself and her minor child, Erenge Shumake, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 498):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Rebecca Perry, who is alleged to have been an one-half blood Choctaw Indian, and of James (or Jim) Shumake, who is alleged to have been a full blood Choctaw Indian. It further appears from the testimony that the father of said James (or Jim) Shumake was a Choctaw Indian, surnamed Shumake, but as the given name is not stated it is impossible for the Commission to determine whether or not he was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 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 Rebecca Perry or James (or Jim) Shumake, 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., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nelson Shumake, Ruthie Shumake, Joe David Shumake, Lottie Shumake, Rebecca Cothan, Lorseter Cothan, Ella Shumake and Nrensie Shumake 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)

Tama Dierbu  
Acting Chairman.

(SIGNED)

T. B. Needles.  
Commissioner.

(SIGNED)

C. F. Drennon  
Commissioner.

Muskogee, Indian Territory,

JAN 15 1903

M.C.R. 3178

Muskogee, Indian Territory, January 15, 1903.

Nelson Shumake,  
South McAlester, Indian Territory.

Dear Sir:

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

Nelson Shumake, et al.,	M.C.R. 3178
Rebecca Cothan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180

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 Nelson Shumake, Rythie Shumake, Joe David Shumake, Lottie Shumake, Rebecca Cothan, Lorseter Cothan, Ella Shumake and Erensie Shumake 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."

-2-

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

Respectfully,

(SIGNED).

*T. B. Needles.*

*Commissioner in Charge.*

Registered.

M.C.R. 3178

Muskogee, Indian Territory, January 15, 1903.

Hansfield, McMurray & Cornish,

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

Gentlemen:

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

Nelson Shumake, et al.,	M.C.R. 3178
Rebecca Cothan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180

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 Nelson Shumake, Ruthie Shumake, Joe David Shumake, Lottie Shumake, Rebecca Cothan, Lorseter Cothan, Ella Shumake and Erensie Shumake as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the 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

-2-

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. B. Needles.*

*Commissioner in Charge.*

Muskogee, Indian Territory, January 15, 1903

George M. Fortane,

Attorney-at-Law,

South McAlester, Indian Territory.

Dear Sir:

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

Nelson Shumake, et al.,	M.C.R. 3178
Rebecca Gethan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180

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 Nelson Shumake, Ruthie Shumake, Joe David Shumake, Lottie Shumake, Rebecca Gethan, Loretta Gethan, Ella Shumake and Erensie Shumake 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."

-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,

(SIGNED)

*I. B. Needles.*

*Commissioner in Charge.*

Registered.

COPY.

Muskogee, Indian Territory, January 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nelson Shumake, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 15, 1903.

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

Nelson Shumake, et al.,	M.C.R. 3178
Rebecca Cothan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180

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

Respectfully,

GAFD.

*Tame Dixby.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. M.C.R. 3178



D.C. 30257-1903.

(COPY).

J.W.H.

WHR.

ITD 3382-1903.  
L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON, October 26, 1903.

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

Gentlemen:

January 31, 1903, you transmitted the record in the consolidated case of Nelson Shumake (M.C.R.3178), Ruthie Shumake, Joe David Shumake, Lottie Shumake, Rebecca Cothan, Lorrister Cothan, Ella Shumake and Brensie Shumake, applicants for identification as Mississippi Choctaws, including your decision of January 15, 1903, refusing to identify them as such.

These applicants, at the date of their hearing before you, were residents of the Choctaw Nation, Indian Territory.

The principal applicant, Nelson Shumake, through whom the others claim, is a five-eighths blood Choctaw. He was born in 1847, in Yalobusha County, Mississippi, in what was known as the old Choctaw Nation, and lived in that state for fifty-three years. His father, James Shumake, was a full-blood Choctaw who migrated to the Choctaw Nation about 1853. Said James Shumake was the child of a Choctaw family named Shumake. The mother of the principal applicant was a Choctaw woman named Sallie Shumake, nee Perry, who was a slave. Her parents were Joe Green, a freedman, and Rebecca Perry, who was a half-blood Choctaw and a half-blood African.

From the testimony furnished by these applicants it appears that they have no knowledge as to whether or not their ancestors 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.

Reporting in the matter March 28, 1903, the Acting Commissioner of Indian Affairs stated the records of his office have been examined and fail to show that any person by the name of James Shumake or Rebecca Perry ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder, and he recommended that your action be approved.

Referring to volume 1 of the claimant's brief in the case of the Choctaw Nation vs. the United States, Court of Claims No. 12742, it appears on page 844 thereof that there was a Choctaw woman named Shumaka who was a resident of the old Choctaw Nation in 1830, and a member of Lewis Perry's company. This woman attempted to comply with the provisions of article 14 of the treaty of September 27, 1830.

It is impossible, however, to determine from the testimony presented by the applicants, that the ancestors from whom they claim descent were identical in person with the Shumaka referred to in said brief. It must therefore be held that said applicants have failed to establish their claims.

Your decision is accordingly hereby affirmed.

A copy of the Acting Commissioner's of Indian Affairs' report is inclosed.

Respectfully,

(SIGNED) THOS. RYAN,

Acting Secretary.

1 inclosure.

Land 8237-1903.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON, March 28, 1903.

(COPY).

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 Nelson Shumake, for the identification of himself, his three minor children, Ruthie, Joe David, and Lottie Shumake; also by Rebecca Cothan, for the identification of herself and her minor child, Lorseter Cothan; and by Ella Shumake, for herself and her minor child, Erensie Shumake, all as Mississippi Choctaws.

On January 15, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their application for such identification should be refused.

An examination of the record evidence shows that the principal applicant Nelson Shumake claims to have inherited Choctaw/<sup>Indian</sup> blood from his father James Shumake, and through him from his grandmother, Rebecca Perry, but there is nothing in said evidence which shows or tends to show that either the said James Shumake or Rebecca Perry ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder.

The records of this office have been examined and fail to show

that any person by the name of James Shumake or Rebecca Perry ever complied or attempted to comply with said article 14, or received a patent for land by reason thereof.

By reason of the premises the office considers said decision of the Commission correct, and recommends that it be affirmed by the Department.

Very respectfully,

(SIGNED) A. C. TONNER,

Acting Commissioner.

W.C.B. (E)

M.C.R. 3178.

COPY.

Muskogee, Indian Territory, November 8, 1903.

Nelson Shumake,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of October, 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 Nelson Shumake, et al., of which decision you were advised by registered mail on the 18th day of January, 1903.

Respectfully,

(SIGNED)

*Tamc Bixby.*

Chairman.

COPY.

M.C.R. 3178.

Muskogee, Indian Territory, November 5, 1903.

George M. Fortune,

Attorney at Law,

South McAlester, Indian Territory,

Dear Sir:

You are hereby notified that on the 26th day of October, 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 Nelson Shumake, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

M.C.R. 3178.

COPY

Muskogee, Indian Territory, November 5, 1903.

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 October, 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 Nelson Shumake, et al., of which decision you were advised on the 15th day of January, 1903.

Respectfully,

(SIGNED)

*Tamc Dixby.*  
Chairman.

M C R 3178.

Muskogee, Indian Territory, July 24, 1906.

Nelson Shumake,

#613 North 3rd Street,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, requesting to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that the Commission to the Five Civilized Tribes on January 15, 1903, refused your application for identification as a Mississippi Choctaw. This action was approved by the Secretary of the Interior October 26, 1903. Therefore, your case is considered closed and it is not believed that you are in any manner entitled to share in the allotment of lands of the Choctaws and Chickasaws.

Respectfully,

Commissioner.



M C R 3178

Muskogee, Indian Territory, December 1, 1906.

Nelson Shumake,  
613 North Third Street,  
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 9, 1906, addressed to the Secretary of the Interior and by him referred to this office for consideration and appropriate action. You request to be allowed the privilege of introducing additional evidence in support of your Mississippi Choctaw application.

In reply you are informed that the Secretary of the Interior on October 26, 1903, affirmed the decision of the Commission to the Five Civilized Tribes of January 15, 1903, refusing to identify the several persons in the consolidated Mississippi Choctaw case of Nelson Shumake, et al.

Your case is considered closed, and this office has no authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner.

Consolidated Case  
of  
Nelson Shimake et al.

REFER TO M. C. R.

3178

CARD No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX

mer  
3178  
Ruthie Shumake 12  
Joe David " 10  
Tottie " 7

mer  
3179  
Rebecca Shumake 20-2  
mar  
Albert Cotham  
(on Elberth " )

mer  
3179  
Lorseter Cotham 1-5m

mer  
3178  
Nelson Shumake 54-3  
Slave  
mar  
① Millie Williams  
② Caroline Williams 34-25  
(negs)

mer  
3180  
Ella Shumake 18-  
mar  
Renzie Shumake  
(Ind-w- + neg)

mer  
3180  
Erenzie Shumake 2

Jim Shumake (b:1)  
mar  
+ Sallie Perry (1/4 + w)  
Slave dead (or negs)

+ Conflict in testimony as to her blood:  
her father was Joe Green  
freedman  
" mother " Rebecca Perry

For Identification as a Mississippi Choctaw.

Date AUG -5 1901

Name Nelson Shumake

Age 54 Blood 3/4

Post Office, South McAlester I.T.

Father: Jim Shumake (double)

Mother: Sallie Shumake (dead)

Claims through father + mother  
wife: Caroline Shumake (neg)  
(no claim for her)

Children:

- Ruthie Shumake 12
- Joe David " 10
- Lottie " 7

Claims for self and three minor children.

Stenographer

G. Rosenwinkel

Choctaw MCR 3179

Rebecca Cothan

MCR 3179

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

3179

In the matter of the application of Rebecca Cothan for identification of herself and her minor child as Mississippi Choctaws.

Applicant represented by attorney George M. Fortune.

Rebecca Cothan being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Rebecca Cothan.  
Q How do you spell it? A (spelled by Attorney) C-o-t-h-a-n.  
Q What is your age? A Twenty-years.  
Q What is your post-office address? A South McAlester.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A I have been here about two weeks.  
Q Where did you live before you lived at South McAlester? Water Valley, Mississippi.  
Q You just came from Water Valley about two weeks ago? A Yes.  
Q Were you born in Mississippi? A Yes.  
Q And lived there until you came to the Territory? A Yes.  
Q What is your father's name? A Nelson Shumake.  
Q Is he living? A Yes.  
Q What is your mother's name? A Caroline Shumake.  
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 hardly know, it is owing to how much Choctaw blood he has got in him.  
Q How much does your father claim to have? A Three-fourths.  
Q If your father had three-fourths how much would you have? Two fourths I believe.  
Q Has your father ever been recognized or enrolled in any manner as a citizen of the Choctaw Nation, by the Choctaw tribal authorities or the authorities of the United States? A I don't know.  
Q Do you think he has? A I think he has.  
Q When and how? A I don't know.  
Q Have you any evidence of your father's and mother's marriage? A Yes.  
Q Have you it here? A No I have not got it here.

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 husband's name? A Albert Cothan.  
Q Is he living? A Yes.  
Q Do you apply for your husband? A Yes.

Attorney here states that she does not apply for her husband.

- Q Have you any children for whom you wish to make application at this time? A I have one.

- Q What is that child's name and age? A She is a year and five months old and her name is Lorseter.
- Q How do you spell it? A L-o-r-s-e-t-e-r.
- Q You are the child's mother? A Yes.
- Q What is the name of her father? A Albert Gethan.
- Q When and where were you married to him? A Water Valley Mississippi.
- Q When? A Two years ago on the 15th of November, nearly three years ago. The 15th of November it will be three years ago.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q Have you any reason to think that it is? A I think it might be.
- Q What makes you think that it might be, did you ever live in the Indian Territory? A No I never lived here before, never been here before.
- Q Did you ever apply to the Choctaw tribal authorities to have yourself enrolled as a member of that tribe? A Yes-----No.
- Q You never applied then to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.
- Q Well do you think it probable that that the Choctaw tribal authorities enrolled you when you never lived in the Indian Territory? A Yes.
- Q What makes you think so? A Because I am Choctaw.
- Q Do you think the Choctaw tribal authorities would go around and put people's names on the rolls when they never apply? A Well Yes because I am a Choctaw.
- Q Well do you think they put the names on the rolls whether people apply or not? A Yes it is on the roll if they put it there.
- Q Well what makes you think that they have put your name on the roll? A After I come to be a citizen I think they would.
- Q Whether you applied or not? I am asking you whether your name is on the tribal rolls of the Choctaw Nation, that is the rolls made up here in the Indian Territory? A I don't know.
- Q Well do you think it is? A I don't know whether it is or not.
- Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A Yes.
- Q What was done with that application, do you understand that you are under oath and that you should tell the truth? A Yes but I don't understand what you are talking about.
- Q Well then say that you don't understand? Don't try to answer Yes or No, without understanding because that is perjury.
- Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw Nation? A No.
- Q That is five years ago? A No.
- Q Did anybody apply for you in 1896? A Not that I know of.
- Q You did not authorize any one to apply for you? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the Dawes Commission? A No not that I know of.
- Q You do not think that they have or you would not be here to day? 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 Say that over again I didn't understand it.
- Q Well, have you ever been admitted to citizenship, that is made a citizen of the Choctaw Nation by a judgment of the United States Court in Indian Territory? A Not that I know of.
- Q Well you don't think you have? A You asked me if I had been made a citizen?

- Q Yes here in the Indian Territory? A Not that I know of.
- Q Have you ever before this time applied to either the Choctaw tribal authorities or the authorities of the United States to yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A Yes.
- Q When? A I don't know, I don't know when it was no how.
- Q Did you ever go before the Choctaw Council or before any of the United States authorities before this time and make application for yourself or child? A No.
- Q That is what that first question means? A No I did not understand it.
- Q Is this the first application you have ever made of any kind? A What do you mean.
- Q I mean is this the first time you have tried to be made a citizen of the Choctaw Nation? A Why Yes.
- Q What do you come here for to-day? A I come here to make--- to come before the Dawes Commission to get my claim in the Indian Territory and to be made a citizen.
- Q What kind of a claim do you have? A By my father.
- Q What is your father? A He is a Choctaw.
- Q Any particular kind of a Choctaw? A Only one kind of Choctaw that I know of.
- Q What kind is that? A Indian Choctaw.
- Q Do you want to be identified as a Mississippi Choctaw? A Yes.
- Q That means do you claim that you are a descendant of a Choctaw Indian who lived in Mississippi and complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q What makes you think you have a right to claim here in the Indian Territory? A Because my father is Choctaw.
- Q You are making your claim here then because you have been taught that you had Choctaw blood? A Yes my father is a Choctaw that is why I have Choctaw blood.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Explain that so I can understand it.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is, if you promise to do anything and some other person promises to do something for you then you have made an agreement or contract. Do you understand that? A Yes.
- Q Well a treaty is an agreement between Nations. Do you know what a Nation is? A Yes there is different kinds of Nations.
- Q Well the United States is a Nation and the Choctaw tribe is some times called a Nation? A Yes.
- Q How do you claim anything here because of any agreements made between the United States and the Choctaw Tribe? A Yes.
- Q Do you know what particular treaty or agreement you claim under? A Because I am a Choctaw.
- Q Well you don't make any special claim under any treaty then? A A treaty what does that mean.
- Q Well I have just tried to explain it to you, that a treaty is an agreement and asked if you claimed anything under any of the treaties or agreements made between the United States and the Choctaw tribe? A Yes.
- Q Under what agreement? A Because father is a Choctaw.
- Q Well you don't know anything about any agreements that were made between the United States and the Choctaws? A It has been an agreement that all Mississippi Choctaws should have a right in the Indian Territory.
- Q Well do you know what agreement that was? A No; Do I know what agreement that was?
- Q Yes do you know when it was made? A No I don't know when it was made. I know it was made.



The law which gives the Commission the right to hear these application, such as you are now making, gives it the power to determine the identity, that is decide on the right of these applicants, who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in the States of Mississippi and Alabama for the purpose of giving them land west of the Mississippi river in exchange for their land in Mississippi and Alabama and move them to the Country west of the Mississippi River but some of the Indians did not want to leave Mississippi and the other Indians did not want to make any agreement until something was done for those Choctaws who wanted to remain in Mississippi, so this fourteenth article was made a part of the treaty for the sake 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; and if 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."

That means that those Indians who did not want to go west if they would go to the Indian Agent there in Mississippi within six months after that treaty was accepted and tell him that they wanted to stay in Mississippi and become citizens of the United States, they would get land from the government for themselves and their children, if they lived on that land for five years they would get a title to it and they article provided that in doing this they would not lose the right of Choctaw citizenship but if they ever removed they would not get any part of the Choctaw yearly payments of money? Do you understand that now? A Yes.

- Q Do you claim anything under that article of the treaty? A Do I claim anything now?
- Q Yes do you claim anything because that article was put in the treaty? A Yes I claim that I have a right in the Indian Territory.
- Q Well do you claim that you have a right in the Indian Territory under the provisions of that article which I have just quoted to you? A Yes.

Within six months after that treaty was agreed on, between the Choctaws and the United States a great many Indians went to the Indian Agent there and told him that they wanted to stay there 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 there were a great many of them who claimed 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 the United States sent men to go down there and look into this matter and see which of these Indians were entitled to land under the fourteenth article of the treaty of eighteen hundred and thirty, these men, Commissioners, took up and passed on a great many of these cases. They allowed a good many of them and some they 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 these Indians claimed had not already been sold it was given to them if it had been sold they were given scrip. (Applicant) What do you mean by that? Well they could use this scrip to buy land with, to pay for land in Mississippi, Arkansas, Louisiana or Alabama. They could buy land with this scrip at fifty cents an acre.

- Q Now did any of your ancestors own any land in these States.  
Do you know what ancestor means? A Yes I reckon I do.
- Q What does it mean? A It means whether I owned any land in any of these States or the Territory.
- Q It means whether your father or mother or your father's father or mother or your great grand parents ever owned any land in these States? A Yes.
- Q Well which one of your ancestors did? A They didn't own any that I knows of.
- Q Did not own any? A Yes.
- Q Was your father a slave? A No.
- Q You never heard that your father was a slave? A No.
- Q Was your mother a slave? A No.
- Q Are you sure? A I am sure she was not a slave.
- Q How old is your mother? A About thirty.
- Q She must be older than that? A No either thirty four or five.
- Q What is your mother? A She is a negro.
- Q Was either of your father's parents slaves? A No not that I knows of.
- Q You never heard? A No.
- Q What was the name of your ancestor, that is your father's father or mother or your father himself or your great grand parents who lived in the old Choctaw Nation in eighteen hundred and thirty and were Choctaw Indians? A What was his name?
- Q Yes? A I don't know.
- Q Do you know what your father's father's name was? A Jim Shumake I think.
- Q Do you know what your father's mother's name was? A I know but I can't think of it right now.
- Q Do you know which one of your father's parents claimed to be a Choctaw Indian? A His father and his mother.
- Q Both claimed to Choctaw? A Yes.
- Q Do you know how old they would be if they were living now? A A No I don't know how old they would be if they were living now.
- Q Well you understand that it is going to be pretty hard to identify you as a Mississippi Choctaw if you can't tell which one of your ancestors lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian? A I have to find that out by letter probably later.
- Q Well do you want to supply that later? A Yes.
- Q Do you know if any of your ancestors came west with the other Choctaw Indians between eighteen hundred and thirty three and eighteen hundred and thirty eight to the present Indian Territory? A No I don't know that.
- Q Do you know if any of them went to the Indian Agent there in Mississippi within six months after this treaty or agreement was ratified and told him that they wanted to stay in Mississippi and become citizens of the United States? A No I don't know that.

#6

- Q Do you think you will be able to get any evidence about that?  
A I think so from the people that are older than I am.
- Q You understand do you that it is important to your case that you get that evidence? A Yes.
- Q And that you get evidence to show which one of your ancestors was living in Mississippi in eighteen hundred and thirty when this treaty was made who was a Choctaw Indian? A Yes.
- Q Do you understand that it is very important to your case that you do get that evidence do you? A Yes.
- Q Would you like to have your father testify that you are his daughter while he is here to-day? A Yes.
- Q and just make application for himself? A Yes.
- Q Would you like to have him identify you as his daughter? A Yes.
- Q Would you like to have a copy of his testimony filed in your case? A No answer.
- Q What I mean is would you like to have a copy of of the statement which your father made here this morning filed with the papers in your case? A Yes.
- Q Is there anything else that you would like to say now? A No.
- Q Have you any papers that you want to file now? A Yes.

Written application of Rebecca Cothan, offered in evidence, marked exhibit "A" filed and made a part of the record in this application.

This applicant has kinky black hair, dark eyes and thick lips and the features and general appearance of a negro. It may be possible that there is some some slight trace of Indian blood although it is scarcely perceptible in her features.

- 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 knows very little about her ancestors and does not know which one 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 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.

*G. Rosenwinkel*

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

*David Shelby*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3178

In the matter of the application of Nelson Shumake for identification of himself and his three minor children as Mississippi Choctaws.

Applicant represented by attorney George M. Fortune.

Nelson Shumake being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q How do you spell that Shumake? A S-h-u-m-a-k-e.  
Q How old are you? A Fifty-four years old in November.  
Q What is your post-office address? A Mouth McAlester now.  
Q Indian Territory? A Yes Indian Territory.  
Q How long have you lived there? A Since December 1900.  
Q Where did you live before you lived there? A Water Valley, Mississippi.  
Q How long did you live in Mississippi? A Lived there all my life.  
Q You were born in Mississippi? A Yes in Yalebusha County.  
Q What is your father's name? A James Shumake.  
Q Is he living? A I can't tell you he left for the West when I was about six years old.  
Q What is your mother's name? A Sallie.  
Q Sallie Shumake? A She was Sallie Perry at first before she married my father.  
Q Is she living? A No.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A Three-fourths.  
Q Did you get all the three-fourths from your father? A My grandmother was one-half.  
Q Which one? A My Grandmother.  
Q Of which one of your parents? A My mother's mother.  
Q Then you claim to get Choctaw blood through both of your parents don't you? A Yes.  
Q Were your father and mother married? A Yes I suppose they were.  
Q Have you evidence of that marriage? A I don't know.

Attorney states that he has sent for such evidence of the marriage of the applicants parents and will file it later.

- Q Have your father or mother ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw Tribal authorities or the authorities of the United States? A I don't know I was only two years old when my father came west.  
Q Was your father a slave? A No.  
Q How much Choctaw blood did your father claim to have? A Full blood.  
Q How much Choctaw blood did your mother claim to have? A She was only one-quarter.

- Q What was the other blood of your mother's? A Colored.
- Q Was your mother ever a slave? A Yes.
- Q Were you ever a slave? A No.
- Q How does it happen that your mother was a slave and you were not? A Well my father was not a slave and they could not make me a slave.
- Q Well children generally followed their mother in slavery times, were you not a slave for awhile? A No they took me away from my mother when I was eight years old.
- Q Who took you away? A The white people and hired me out.
- Q Well then you must have been a slave? A Yes I reckon I must have been but they had no right to make a slave of me.
- Q Are you married? A Yes.
- Q What is your wife's name? A Caroline.
- Q Is she living? A Yes.
- Q What is she? A She is a nigger.
- Q Do you make any application for your wife? A Yes .

Attorney says that applicant do s not apply for Caroline his wife.

- Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? A Yes I have three children.
- Q Give the names and ages of these children? A Ruthie, she is twelve years old.
- Q Next? A Joe David.
- Q How old? A Ten.--,Le ttie.
- Q L-e-t-t-i-e? A I guessthat is the way.
- Q How old? A Seven.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Caroline.
- Q When and where were you married to Caroline Shumake? A Water Valley, Mississippi.
- Q When? A In eighty-one.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by a minister or an official authorized to perform such marriages? A By a minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A ( By attorney) That has been sent for with the others and when it doe s come we desire to file it.
- 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? No I can't find any of my people.
- 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 your self or your children enrolled as members of that tribe? A I once did but never got any answer and once wrote to Wolf and Harris at Tishemingo who said they could not do anything with it at the time but would let me hear later.
- Q That has nothing to do with it I asked you if you had ever made application? A No I never have.
- Q When was this you wrote to Wolf & Harris? A That was last fall a year ago.
- Q You could not have applied to the Choctaw tribal authorities then? I have written to them but get no answer when they told me they could not do anything at that time.
- Q Well did you ever apply to the Choctaw tribal authorities before the year 1896? A No, 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 I got a lawyer to write to McKinley the President.
- Q When was that? A About two years ago.
- Q I asked you if you applied to the Dawes Commission in 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.
- 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 I wrote to McKinley and he told me to come to the Indian Territory and make myself a citizen.
- Q How did you come to write to McKinley? A Well I don't know anything about the Dawes Commission and just got a couple of lawyers to write that knew something about it.
- Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to have your 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 of any kind? Yes the first of any kind I ever made.
- Q What kind of an application do you want to make now? A I want to be a citizen here in the Choctaw Nation.
- Q Well what do you claim to be? A Choctaw.
- Q What kind of a Choctaw? A Mississippi.
- 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 Well I wanted to come here; my people all came here when I was a child.
- Q Well what makes you think you have a right to be a citizen here? A Well because I am Choctaw that's all.
- Q You are claiming now because you have 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 know.
- Q Do you know what a treaty is? A I don't know I am not an educated person.
- Q Do you know what an agreement is? A Well I know what an agreement is when I agree to do anything.
- Q A treaty is an agreement between Nations. Do you understand that? A Yes.

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."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty/

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. The State of Mississippi was being filled up with white settlers and it was very hard to the United States to protect the Indians in their tribal government and so the United States thought it would be best to give them land west of the Mississippi River and move them all to that land so that they could set up their tribal government there and not be bothered by white people 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 the State of Mississippi and article fourteen was made a part of the treaty for the benefit of these Choctaws who did not want to come west to the new country and after that article was made a part of the treaty the Indians signed it alright and it was ratified by both 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 claim anything under the provisions of this article of this treaty? A No I never had any land or anything of the sort.

Within six months after this 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 an agent was sent down by the government to locate the land for these Indians he 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 there in Mississippi whose names were not on the roll which the Indian Agent had made, so under different acts of Congress Commissioners were sent down there to 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 took up a great many cases, examined witnesses, took depositions and finally passed on several hundred, some were allowed and some were rejected. In whatever cases 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 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 these States?  
A No not that I knew of.
- Q You never heard anything about it? A No I never did.
- Q You know what is meant by the word ancestor? A You mean my parents?
- Q Yes, or their parents or your great grandparents? A No if they did I never heard anything about it.
- 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 Well I guess my father was there at the time.
- Q Do you know how old your father would be if he were living now?  
Q No he lived in Mississippi and went west when I was about five or six years old.
- Q You don't know about how old he was when he left? A No.
- Q How long has your father been dead? A About thirty years.
- Q How old was he when he died? A I don't remember now exactly I think he was forty-seven years as well as I can remember he was forty seven.
- Q Do you know what your father's father's name was? A They told me he was a Shumake.
- Q Do don't know what his first name was? A No.
- Q You know what your father's mother's name was? A No my father was an orphan.
- Q You know what your mother's father's name was? A Yes.
- Q What was it? A Joe Green.
- Q Was your mother's father a negro? A No I don't know. He came here to the Territory when the rest of the Indians left there.
- Q Well was he a freedman? A I guess so.
- Q Did he have any Indian blood at all? A I don't know of any Indian blood, I have it from my mother's side, my grandmother's side. I don't suppose her father had any Indian blood at all.
- Q Do you know what your mother's mother's name was? A My grandmother was named Rebecca Perry.
- Q And your grandmother you claim was a one-half Choctaw? A Yes.
- Q And the other half was negro? A Yes.
- Q Was your grandmother a slave? A I could tell you whether she was a slave or not.
- Q Well don't you know that it is very hard to establish your identity as a Mississippi Choctaw unless you know something about your ancestors and who they were? A They older people can tell you more about it.
- Q Did any of your ancestors come west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I can't tell you the time but they came west when I was between five and six years old.
- Q Which one of your ancestors was that? A That was my grandmother and my father.
- Q Your mother's mother and your father? A Yes.
- Q Did any of your ancestors go to the United States 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 whether they did or not.
- Q You say you don't know whether any of your ancestors owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't know.
- Q Do you think you will be able to get evidence to show whether your mother or your father or grandfather were Choctaw Indians and lived in the State of Mississippi in the year eighteen hundred and thirty? A I guess I can.



- Q You understand that it is a matter of importance to your case that you have such evidence? A Yes.
- Q Do you think you will be able to get any evidence to show whether any 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 become citizens of the United States? A I don't know whether I could tell him that or not.
- Q You understand that it is a matter of considerable importance to your case that you have evidence on that point? A I didn't know what kind of evidence I had to get.

Attorney says that this evidence will be furnished in due time and asks permission to file same later which permission is granted.

- Q Have you any papers that you want to file now? A (By Attorney) Yes.

Written application of Nelson Shunkke offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Letter of M. D. L. Stephens offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Deposition of Jack Gardner offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

- Q Who is Jack Gardner? A He is a colored man.
- Q How old is he? A He is about sixty-five years old.
- Q He knew your father and mother? A Yes.

Joint deposition of G. R. Cook and V. R. Boydston, offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q Who are G. R. Cook and V. R. Boydston? A They are citizens of Water Valley.
- Q Did they know your father and mother? A Yes.

Deposition of E. Badly offered in evidence, marked exhibit "E", filed and made a part of the record in this case.

- Q Who is E. Badly? A A resident of Water Valley.
- Q Did he know your father and mother? A Yes.

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 think you will offer evidence in the form of oral testimony? A I guess it could not be in any other way.
- Q Do you mean to bring your witnesses here before the Commission in person? A No I can have them sworn there.
- Q Could you not take them before the Commission at Meridian and have their oral testimony taken? A I don't know I have not got the money to pay their expenses.
- Q You understand that the oral testimony of witnesses carries more weight with it than depositions or affidavits and that it would be better to bring them here or to the Commission at Meridian? A I have not got the money to do that.

## Examination by Attorney.

- Q Did you ever hear anything about the existence of any treaty between the United States and the Choctaw Nation before you came here? A Knew I did'nt know anything about it.
- Q No one ever informed you that there were certain privileges provided you were a Choctaw? A No only this that the Choctaws had a right in the Choctaw Nation, that all of them Mississippi Choctaws had a right in the Nation.
- Q Did you know whether or not you could enjoy these privileges just the same by staying in Mississippi as you could by coming out here? A No.
- Q You never owned any land in Mississippi? A No only a house and lot in Water Valley.
- Q You never took any land there at all? A No.
- Q You never went before any Indian Agent? A No.
- Q You never yourself signified your intention of remaining in Mississippi? A No I never did.
- Q How far is it from Water Valley to Meridian? A I don't know, about one-hundred miles I suppose. It may be further than that.

## Examination by the Commission.

- Q You said that you understood that the Mississippi Choctaws had the same right here as other Choctaws. Do you know what a Mississippi Choctaw is? A No only just a Mississippi Choctaw.
- Q You don't know that the word Mississippi Choctaws means people who remained in Mississippi and took land there under the fourteenth article of the treaty of eighteen hundred and thirty? A Is that what it means.
- Q Well I say you did not understand that it means that? A No I did not.

The applicant in this case has grayish black hair, which is almost straight and rather prominent cheek bones, large nose and prominent chin. His appearance would indicate the possession of some Choctaw blood but his complexion and eyes resemble a negro and it would seem from his appearance that the negro blood predominates or is in equal amount with Indian blood.

- 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. He does not know the names of the parents of his father and mother and is not familiar with 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 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.

*G. Rosenwinkel*

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

*David Shelby*

Notary Public.

Muskegee, Indian Territory, January 15, 1903.

Rebecca Cothan,  
South McAlester, Indian Territory.

Dear Madam:

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

Nelson Shumake, et al.,	M.C.R. 3178
Rebecca Cothan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180

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 Nelson Shumake, Ruthie Sumake, Joe David Shumake, Lottie Shumake, Rebecca Cothan, Lorester Cothan, Ella Shumake and Brensie Shumake 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

-2-

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

Respectfully,

(SIGNED)

*T. B. Needles.*

*Commissioner in Charge.*

Registered.

*W. O. B.*

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

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3179.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 5, 1903.

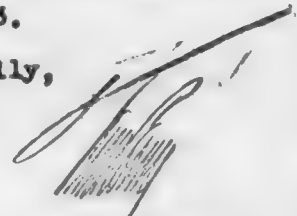
Rebecca Cothan,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that on the 26th day of October, 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 Nelson Shumake, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,



Chairman.

No. 3179

For Identification as a Mississippi Choctaw.

Date AUG - 1901

Name Rebecca Cothard

Age 20 Blood  $\frac{3}{8}$  claims  $\frac{7}{8}$

Post Office, So. McAlester, I. T.

Father: Nelson Shumake

Mother: Caroline Shumake

Claims through father

husband: Elbert Cothard  
(No claim for him)

Children:

F Lorseter Cothard 1-5-

Claims for self and child

Stenographer

G. Rosenwinkel

3179

*File*

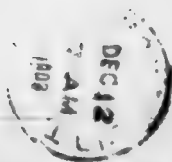


DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

DEC 14 1903

Chairman



General Office

M. C. R.

Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as a Mississippi Choctaw

**RECEIVED**

10

Rebecca Goddard

South McAlester

Indian Territory.

Department of the Interior  
 Commission to the Five Civilized Tribes  
 Muskogee, Okla.  
 1903  
 Penally  
 150 F  
 SOUTH  
 1903



General Office

W. C. R.

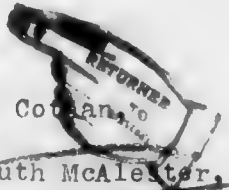
Advising that the Secretary of the Interior has affirmed Commission's decision, refusing application for identification as Choctaw Mississippi

10

**UNCLAIMED.**

Rebecca Coleman  
South McAlester,

Indian Territory.



Department of the Interior  
Commission to the Five Civilized Tribes  
MUSKOGEE DISTRICT  
1903  
Penalty for Private Use, \$300  
SOUTH McALESTER, OKLA. NOV 13 1903

RECORDS  
Rebecca Cothran, et al

R. 3179

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DECISION PREPARED



POST OFFICE  
SOUTH JAMAICA  
JAN 1 1903  
REGISTERED

COMMISSION  
F. L. P.

FEB 6 1903

*[Handwritten signature]*

ACTING CHAIRMAN

REGISTERED  
FEB 24 1903  
MUSKOGEE, IND. TER.

**REGISTERED**  
FEB 24 1903  
MUSKOGEE, IND. T58,

FEB 3 1903



Reg # 987

342



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



Rebecca Cothan,

South McAlester, Indian Territory.

2nd Notice Jan 24 1913

Choctaw MCR 3180

Ella Shumake

MCR 3180

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

3180

In the matter of the application of Ella Shumake for identification of herself and her minor child as Mississippi Choctaws.

Applicant represented by attorney George M. Fortune.

Ella Shumake being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ella Shumake.  
Q What is your age? A Eighteen years.  
Q What is your post office address? A South McAlester, Indian Territory.  
A How long have you lived there? A I have been there about since the first of February.  
Q You are sure of that? Yes.  
Q Was that this year? A Yes.  
Q Where did you live before you lived there? A Water Valley, Mississippi.  
Q How long have you lived in Mississippi? A I lived there all my life.  
Q Were you born there? A Yes.  
Q Never had a home anywhere else until you came to the Territory? A Yes.  
Q What is your father's name? A Nelson Shumake.  
Q Is he living? A Yes.  
Q What is your mother's name? A Caroline Shumake.  
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 Well I don't know. According to what he claims. I don't know exactly.  
Q How much does he claim to have? A I think he said three-quarters.  
Q You don't know how much that would make you if your father is three quarters? A No.  
Q Have you any evidence of your father's and mother's marriage? A No.  
Q Do you think you can get evidence? A No not that I know of.

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.

By Attorney "it will be filed with the other papers."

- 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 Not that I know of.

- Q Are you married? A Yes.
- Q What is your husband's name? A Rensie, R-e-n-s-i-e Shumake.
- Q Do you make application for your husband? A No.
- Q Have you any children for whom you want to make application?  
A One.
- Q What is the name and age of that child? A It will be two years old the 13th of October.
- Q What is its name? A Erensie Shumake.
- Q Is that a boy or girl? A That is a boy.
- Q When and where were you married to Rensie Shumake? A Water Valley, Mississippi.
- Q When? A In December.
- Q What year? A In the year 1897.
- Q What is your husband, what is his blood? A Why he claims to be Choctaw but I never knew how much.
- Q Well what is his blood besides Choctaw? A Well his mother was a white woman.
- Q Is he part Negro? A Well his father was a Choctaw and his mother a white woman.
- Q Was his father a full blood Choctaw? A No about three-quarters.
- Q Was his mother a full blood white woman? A Yes.
- Q Then your husband is mixed, white, Indian and negro? A Yes.
- Q Was your husband ever a slave? A No.
- Q Was your father ever a slave? A Not that I know of.
- Q Was your mother ever a slave? A No.
- Q She was too young to be a slave? A She says she was thirty eight years old.
- Q Do you know whether your father's father and mother were slaves?  
A No I don't know.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.
- Qx Have you ever applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No I suppose not.
- Q Did you or did anybody for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th 1896? A I don't know.
- Q You don't know what that means? A Yes but I don't know whether anybody applied for me.
- Q That is five years ago you would remember? A I remember papa registering somewhere but I don't remember where.
- Q You don't know then if any application was made for you in 1896?  
No I don't.
- Q Have you 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 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.
- 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 What kind of an?
- Q Yes what kind of an application do you want to make now? A I want to be a citizen of the Choctaw Nation.
- Q What do you claim to be? A Choctaw.
- Q What kind of a Choctaw do you claim to be? A Indian.
- 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 claim Choctaw through my father.
- Q You are making your claim now 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 Choctaw Indians? A What do you mean?
- Q You do n't know what the word treaty means? A No.
- Q You know what the word agreement means? A Yes.
- Q Well a treaty is an agreement between two Nations. Now do you understand what the word treaty means? A Yes.
- Q Well do you claim anything under any of the treaties between the United States and the Choctaw Indians? A No answer.
- Q Do you know that any treaties have been made? A No I did not know it.

The law which gives the Commission the right to hear these applications, such as you are making now, gives it 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 was trying to make a treaty with the Choctaw Indians who lived then 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 and move them all over here. Some of the Indians however did not want to come and the other Indians would not sign any agreement until something was done for those who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Choctaw who wanted to stay in Mississippi and did not want to come West to the New Country and after article fourteen was put in the treaty it was ratified, that is accepted by both 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 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."

That means that these Indians who did not want to come west could go to the Indian Agent there in Mississippi within six months after the treaty was agreed upon and tell him that they wanted to stay in Mississippi and become citizens of the United States and if they did that they would get land 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 this they would not lose their right of Choctaw citizenship but if they ever removed or left that Country they would not get any part of the Choctaw yearly payments of money.

- Q Do you understand that now? A Yes.
- Q Well do you claim anything under that article of the treaty?  
A Yes my father said that his parents lived in Mississippi until they came west.

Here attorney for applicant asks permission to file evidence in support of this point; permission is granted.

Within six months after this treaty was made, the Indians there a great many of them went to the Indian Agent there and told him that they wanted to remain in Mississippi but when a man was sent down by the government to locate, that is mark off the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent whose names were not on the list which the Indian Agent had made, so under different acts of Congress, that is under different laws of the United States, men were sent down there as Commissioners to look into this matter and find out which of the Indians who claimed that they had gone to the Indian Agent had a right there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a large number of cases, they had witnesses come before them and examined them, and took depositions and tried to find out just which ones of the Indians had gone to the Agent and told him that they wanted to stay, and they passed on a great many cases. Where the land which these Indians had not already been sold, if the Commissioners allowed the claim and it was approved by the Secretary of War and by the President this land was given to the Indian but if the land had been sold they were given scrip. They could use this scrip instead of money to buy land in Mississippi, Arkansas, Louisiana or Alabama. Did any of your ancestors own any land in one of these States? A I don't think they did.

Q You never heard that they did? A No.

Q You know what is meant by the word ancestor? A Yes.

Attorney: "Evidence on that point will be filed later on."

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 Choctaw Indian? A My father's father whose name was Jim Shumake and his mother's name was Sallie Shumake.

Q You think they were the ancestors who lived in Mississippi in eighteen hundred and thirty? A Yes.

Q Have you any evidence to show that? A Yes I think I have.

Q You mean you think you can get it? A Yes.

Attorney: "Evidence on that point will be secured and filed hereafter."

Q You understand that it is important that you get this evidence? A Yes.

Q Did either one of these ancestors either your grandfather or grandmother or any other ancestor come west with the other Choctaws to the present Choctaw Nation in Indian Territory? A Yes.

Q You will get evidence to show that will you? A Yes.

Q Do you know if any of them went 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 Not that I know of.

Q You never heard that they did? A No.

Q You intend to secure evidence on that point? A Yes.

Attorney: "Evidence upon that point will be filed hereafter."

Q Have you any papers that you want to file? A No.

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Q Do you understand the importance of securing evidence along the points that you have been asked about to day in order to make up 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 your case.

Q Do you understand what that means? A No.

Q Well it means that if you want to get that evidence that you have been talking about, that you said you thought you could get, you will be allowed to do it, and it will be made a part of the record in your case; so that when the Commission comes to pass on on your case all that evidence will be in your application which you have made to day. Ylu understand it now? A Yes.

Q Do you speak Choctaw? A No.

The applicant in this case has the appearance and characteristics of a full blood negro, thick lips and woolly peculiar to that race. 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 is not very familiar with her 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 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.

*G. Rosenwinkel*

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

*David Shelby*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

In the matter of the application of Nelson Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3178.

In the matter of the application of Rebecca Cathan et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3179.

In the matter of the application of Ella Shumake et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 5, 1901, M.C. 3180.

George M. Fortune, attorney representing applicants in above entitled causes:

Nelson Shumake being called and sworn as a witness in the above cases testified as follows on behalf on the applicants.

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A South McAlester,  
Q Indian Territory? A Yes.  
Q How long have you been there? A Ever since the ninth of December  
Q This last Year? A Yes.  
Q Where were you living before you came here? A Water Valley  
Q Mississippi.  
Q Lived there all your life? A Yes.  
Q Born there? A Yes.  
Q You just made application here for identification as a Missis-  
Q sippi Choctaw? A Yes.  
Q Do you know Rebecca Cathan and Ella Shumake who just applied here?  
Q A I do.  
Q How long have you known them? A All their lives.  
Q What relation are they to you if any? A They are my children.  
Q I am their father.  
Q They get their Choctaw blood through you? A Yes.  
Q And all the statements that you have made as to your ancestors  
Q will apply to their cases as well as to yours? A Yes.

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 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 12th day of October 1901.

*G. Rosenwinkel*  
*Robert Shelby*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3178

In the matter of the application of Nelson Shumake for identification of himself and his three minor children as Mississippi Choctaws.

Applicant represented by attorney George M. Fortune.

Nelson Shumake being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nelson Shumake.  
Q How do you spell that Shumake? A S-h-u-m-a-k-e.  
Q How old are you? A Fifty-four years old in November.  
Q What is your post-office address? A South McAlester now.  
Q Indian Territory? A Yes Indian Territory.  
Q How long have you lived there? A Since December 1900.  
Q Where did you live before you lived there? A Water Valley, Mississippi.  
Q How long did you live in Mississippi? A Lived there all my life.  
Q You were born in Mississippi? A Yes in Yalebusha County.  
Q What is your father's name? A James Shumake.  
Q Is he living? A I can't tell you he left for the West when I was about six years old.  
Q What is your mother's name? A Sallie.  
Q Sallie Shumake? A She was Sallie Perry at first before she married my father.  
Q Is she living? A No.  
Q Through which one of your parents do you get your Choctaw blood?  
A My father.  
Q How much Choctaw blood do you claim? A Three-fourths.  
Q Did you get all the three-fourths from your father? A My grandmother was one-half.  
Q Which one? A My Grandmother.  
Q Of which one of your parents? A My mother's mother.  
Q Then you claim to get Choctaw blood through both of your parents don't you? A Yes.  
Q Were your father and mother married? A Yes I suppose they were.  
Q Have you evidence of that marriage? A I don't know.

Attorney states that he has sent for such evidence of the marriage of the applicants parents and will file it later.

- Q Have your father or mother ever been recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw Tribal authorities or the authorities of the United States? A I don't know I was only two years old when my father came west.  
Q Was your father a slave? A No.  
Q How much Choctaw blood did your father claim to have? A Full blood.  
Q How much Choctaw blood did your mother claim to have? A She was only one-quarter.

- Q What was the other blood of your mother's? A Colored.
- Q Was your mother ever a slave? A Yes.
- Q Were you ever a slave? A No.
- Q How does it happen that your mother was a slave and you were not? A Well my father was not a slave and they could not make me a slave.
- Q Well children generally followed their mother in slavery times, were you not a slave for awhile? A No they took me away from my mother when I was eight years old.
- Q Who took you away? A The white people and hired me out.
- Q Well then you must have been a slave? A Yes I reckon I must have been but they had no right to make a slave of me.
- Q Are you married? A Yes.
- Q What is your wife's name? A Caroline.
- Q Is she living? A Yes.
- Q What is she? A She is a nigger.
- Q Do you make any application for your wife? A Yes .

Attorney says that applicant does not apply for Caroline his wife.

- Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? A Yes I have three children.
- Q Give the names and ages of these children? A Ruthie, she is twelve years old.
- Q Next? A Joe David.
- Q How old? A Ten.--, Little.
- Q L-e-t-t-i-e? A I guess that is the way.
- Q How old? A Seven.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Caroline.
- Q When and where were you married to Caroline Shumaker? A Water Valley, Mississippi.
- Q When? A In eighty-one.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by a minister or an official authorized to perform such marriage? A By a minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A (By attorney) That has been sent for with the others and when it does come we desire to file it.
- 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? No I can't find any of my people.
- 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 I once did but never got any answer and once wrote to Wolf and Harris at Tishomingo who said they could not do anything with it at the time but would let me hear later.
- Q That has nothing to do with it I asked you if you had ever made application? A No I never have.
- Q When was this you wrote to Wolf & Harris? A That was last fall a year ago.
- Q You could not have applied to the Choctaw tribal authorities then? I have written to them but got no answer when they told me they could not do anything at that time.
- Q Well did you ever apply to the Choctaw tribal authorities before the year 1896? A No, 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 I got a lawyer to write to McKinley the President.
- Q When was that? A About two years ago.
- Q I asked you if you applied to the Dawes Commission in 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.
- 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 I wrote to McKinley and he told me to come to the Indian Territory and make myself a citizen.
- Q How did you come to write to McKinley? A Well I didn't know anything about the Dawes Commission and just got a couple of lawyers to write that knew something about it.
- Q Have you ever made application before this time to either the Choctaw tribal authorities or the authorities of the United States to have your 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 of any kind? Yes the first of any kind I ever made.
- Q What kind of an application do you want to make now? A I want to be a citizen here in the Choctaw Nation.
- Q Well what do you claim to be? A Choctaw.
- Q What kind of a Choctaw? A Mississippi.
- Q Do you want to be identified as a Mississippi Choctaw? A Yes.
- QQ What makes you think you have a right to be identified as a Mississippi Choctaw? A Well I wanted to come here; my people all came here when I was a child.
- Q Well what makes you think you have a right to be a citizen here? A Well because I am Choctaw that's all.
- Q You are claiming now because you have 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 know.
- Q Do you know what a treaty is? A I don't know I am not an educated person.
- Q Do you know what an agreement is? A Well I know what an agreement is when I agree to do anything.
- Q A treaty is an agreement between Nations. Do you understand that? A Yes.

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, 1896, 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.

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In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. The State of Mississippi was being filled up with white settlers and it was very hard to the United States to protect the Indians in their tribal government and so the United States thought it would be best to give them land west of the Mississippi River and move them all to that land so that they could set up their tribal government there and not be bothered by white people 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 the State of Mississippi and article fourteen was made a part of the treaty for the benefit of these Choctaws who did not want to come west to the new country and after that article was made a part of the treaty the Indians signed it alright and it was ratified by both 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 claim anything under the provisions of this article of this treaty? A No I never had any land or anything of the sort.

Within six months after this 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 an agent was sent down by the government to locate the land for these Indians he 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 there in Mississippi whose names were not on the roll which the Indian Agent had made, so under different acts of Congress Commissioners were sent down there to 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 took up a great many cases, examined witnesses, took depositions and finally passed on several hundred, some were allowed and some were rejected. In whatever cases 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 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's own any land in any of these States?  
A No not that I know of.
- Q You never heard anything about it? A No I never did.
- Q You know what is meant by the word ancestor? A You mean my parents?
- Q Yes, or their parents or your great grandparents? A No if they did I never heard anything about it.
- 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 Well I guess my father was there at the time.
- Q Do you know how old your father would be if he were living now?  
Q No he lived in Mississippi and went west when I was about five or six years old.
- Q You don't know about how old he was when he left? A No.
- Q How long has your father been dead? A About thirty years.
- Q How old was he when he died? A I don't remember now exactly I think he was forty-seven years as well as I can remember he was forty seven.
- Q Do you know what your father's father's name was? A They told me he was a Shumake.
- Q Do don't know what his first name was? A No.
- Q You know what your father's mother's name was? A No my father was an orphan.
- Q You know what your mother's father's name was? A Yes.
- Q What was it? A Joe Green.
- Q Was your mother's father a negro? A No I don't know. He came here to the Territory when the rest of the Indians left there.
- Q Well was he a freedman? A I guess so.
- Q Did he have any Indian blood at all? A I don't know of any Indian blood, I have it from my mother's side, my grandmother's side, I don't suppose her father had any Indian blood at all.
- Q Do you know what your mother's mother's name was? A My grandmother was named Rebecca Perry.
- Q And your grandmother you claim was a one-half Choctaw? A Yes.
- Q And the other half was negro? A Yes.
- Q Was your grandmother a slave? A I could tell you whether she was a slave or not.
- Q Well don't you know that it is very hard to establish your identity as a Mississippi Choctaw unless you know something about your ancestors and who they were? A They older people can tell you more about it.
- Q Did any of your ancestors come west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I can't tell you the time but they came west when I was between five and six years old.
- Q Which one of your ancestors was that? A That was my grandmother and my father.
- Q Your mother's mother and your father? A Yes.
- Q Did any of your ancestors go to the United States 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 whether they did or not.
- Q You say you don't know whether any of your ancestors owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't know.
- Q Do you think you will be able to get evidence to show whether your mother or your father or grandfather were Choctaw Indians and lived in the State of Mississippi in the year eighteen hundred and thirty? A I guess I can.

- Q You understand that it is a matter of importance to your case that you have such evidence? A Yes.
- Q Do you think you will be able to get any evidence to show whether any 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 become citizens of the United States? A I don't know whether I could tell him that or not.
- Q You understand that it is a matter of considerable importance to your case that you have evidence on that point? A I didn't know what kind of evidence I had to get.

Attorney says that this evidence will be furnished in due time and asks permission to file same later which permission is granted.

- Q Have you any papers that you want to file now? A (By Attorney) Yes.

Written application of Nelson Shundake offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Letter of M. D. L. Stephens offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Deposition of Jack Gardner offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

- Q Who is Jack Gardner? A He is a colored man.
- Q How old is he? A He is about sixty-five years old.
- Q He knew your father and mother? A Yes.

Joint deposition of G. R. Cook and V. R. Boydston, offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q Who are G. R. Cook and V. R. Boydston? A They are citizens of Water Valley.
- Q Did they know your father and mother? A Yes.

Deposition of E. Badly offered in evidence, marked exhibit "E", filed and made a part of the record in this case.

- Q Who is E. Badly? A A resident of Water Valley.
- Q Did he know your father and mother? A Yes.

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 think you will offer evidence in the form of oral testimony? A I guess it could not be in any other way.
- Q Do you mean to bring your witnesses here before the Commission in person? A No I can have them sworn there.
- Q Could you not take them before the Commission at Meridian and have their oral testimony taken? A I don't know I have not got the money to pay their expenses.
- Q You understand that the oral testimony of witnesses carries more weight with it than depositions or affidavits and that it would be better to bring them here or to the Commission at Meridian? A I have not got the money to do that.

Examination by Attorney.

- Q Did you ever hear anything about the existence of any treaty between the United States and the Choctaw Nation before you came here? A Knew I did'nt know anything about it.
- Q No one ever informed you that there were certain privileges provided you were a Choctaw? A No only this that the Choctaws had a right in the Choctaw Nation, that all of them Mississippi Choctaws had a right in the Nation.
- Q Did you know whether or not you could enjoy these privileges just the same by staying in Mississippi as you could by coming out here? A No.
- Q You never owned any land in Mississippi? A No only a house and lot in Water Valley.
- Q You never took any land there at all? A No.
- Q You never went before any Indian Agent? A No.
- Q You never yourself signified your intention of remaining in Mississippi? A No I never did.
- Q How far is it from Water Valley to Meridian? A I don't know, about one-hundred miles I suppose. It may be further than that.

Examination by the Commission.

- Q You said that you understood that the Mississippi Choctaws had the same right here as other Choctaws. Do you know what a Mississippi Choctaw is? A No only just a Mississippi Choctaw.
- Q You don't know that the word Mississippi Choctaws means people who remained in Mississippi and took land there under the fourteenth article of the treaty of eighteen hundred and thirty? A Is that what it means.
- Q Well I say you did not understand that it means that? A No I did not.

The applicant in this case has grayish black hair, which is almost straight and rather prominent cheek bones, large nose and prominent chin. His appearance would indicate the possession of some Choctaw blood but his complexion and eyes resemble a negro and it would seem from his appearance that the negro blood predominates or is in equal amount with Indian blood.

- 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. He does not know the names of the parents of his father and mother and is not familiar with 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 case 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.

*G. Rosenwinkel*

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

*Wm. Shelby*  
Notary Public.

Muskegee, Indian Territory, January 15, 1903.

Ella Shumake,

South McAlester, Indian Territory.

Dear Madam:

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

Nelson Shumake, et al.,	M.C.R. 3178
Rebecca Cothan, et al.,	M.C.R. 3179
Ella Shumake, et al.,	M.C.R. 3180

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 Nelson Shumake, Ruthie Shumake, Joe David Shumake, Lottie Shumake, Rebecca Cothan, Lorseter Cothan, Ella Shumake and Erensis Shumake 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).

*T. B. Needles.*

*Commissioner in Charge.*

Registered.

M.C.R. 3180.

Muskogee, Indian Territory, November 5, 1903.

Ella Shumake,

South McAlester, Indian Territory,

Dear Madam:

You are hereby notified that on the 26th day of October, 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 Nelson Shumake, et al., of which decision you were advised by registered mail on the 18th day of January, 1903.

Respectfully,

(SIGNED)

*Tamr Dixie*

Chairman.

Ella Shumake et al

R3180

1900

1901

1902

1903

1904

DECISION PREPARED

No. 3180

For Identification as a Mississippi Choctaw.

Date AUG -5 1901

Name Ella Shumake

Age 18

Blood

3/5

Post Office, South McAlester, Ok.

Father: Nelson Shumake ✓

Mother: Caroline Shumake ✓

Claims through father

husband: Rensie Shumake ✓  
(no claim for him)

Children:

Erensie Shumake 2

Claims for self and  
minor child

Stenographer

G. Rosenwinkel



Choctaw MCR 3181

Susan Cornelia Marshall

See MCR 3547

MCR 3181

R. 0181

Susan Cornelia Marshall, et al  
H. 1000 D

NO. 1000 D  
FOR THE  
AND

Departmental approval of Harok. 14. 1902.  
rescinded; and Commission directed to  
identify Applicants on 24. 1903.

Supplemental decision identifying  
SUSAN CORNELIA MARSHALL, et al. Dec. 11. 1903.

**IDENTIFIED**

COPY OF ... APPLICANT

... DED  
... AT ...

27 3547

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 5, 1901.

3181.

In the matter of the application of Susan Cornelia Marshall for identification of herself and her two minor children as Mississippi Choctaws.

Applicant represented by A. Telle her Attorney.

Susan Cornelia Marshall being first duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Susan Cornelia Marshall.  
Q How do you spell your name--M-a-r-s-h-a-l-l? A Yes.  
Q What is your age? A Thirty-three.  
Q What is your post-office address? A Garland Texas.  
Q How long have you lived there? A Four years.  
Q Where did you live before you lived there? A I came from Mississippi in ninety-three.  
Q And you have been living in Texas ever since ninety-three? A Yes.  
Q You were born in Mississippi were you? A Yes.  
Q And lived there until you moved to Texas? A Yes.  
Q What is your father's name? A Henry D. Burton.  
Q Is he living? A No.  
Q What is your mother's name? A Susan S. Burton.  
Q Is she living? A Yes.  
Q Through which one of your parents do you get 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 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 husband's name? A Charles H. Marshall.  
Q Is he living? A Yes.  
Q Do you make any 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 make application at this time? A I have two children.  
Q Give the names and ages of these children? A John H. Marshall.  
Q How old is John H.? A Two years old.  
Q And what is the name of the other one? A Valentine Marshall.  
Q Is that a boy or girl? A That is a girl five years old.  
Q These are both your children? A Yes.  
Q What is the name of their father? A Charles H. Marshall.  
Q When and where were you married to him? A I was married in eighty-five in Denton County.  
Q In Mississippi? A No in 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? No.

- Q Have you ever applied 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 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 or your children 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 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 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 do you want to make at this time? A Under the treaty of eighteen hundred and thirty.
- Q Do you want to be identified as a Mississippi Choctaw under 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 Under the whole treaty.
- Q Did you say under the whole treaty? A Yes.

The law which gives the Commission Authority to hear these applications empowers it to determine the identity of Choctaws 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 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 where they could set up their Tribal Government and not be bothered by white people but some of the Indians did not want to leave the State of Mississippi and the others would not make any treaty until some provision was made for those who wanted to stay, 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 this article was made a part of the treaty the Indians signed it alright and it was ratified by both 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 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 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 citizens 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 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 there to locate the land for these Indians it was found that there were a great many who claimed to have gone to the Indian Agent whose names did not appear on the rolls which he had made; so under different acts of Congress Commissioners were appointed and sent down to investigate and find out who of these 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 claims; some were allowed and others refused. In those cases where the Commissioners allowed the claim and their action was 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, they were given scrip, with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestor's own land in one of these States? A Yes.
- Q Which one of these States? A Mississippi.
- Q Which one of your ancestors? A My great grandmother and my grandmother and-- I don't know how they owned it.

By Attorney A. Telle.

She refers to her great great grandmother.

By the Commission.

- 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 Her name was Susanna Graham.
- Q What relation was she to you? A She is my great great grandmother.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father's name? A Hardy Crump.
- Q What was her mother's name? A Mary Stewart or Crump after she was married.
- Q Through which one of your mother's parents did she get her Choctaw blood? A Her mother.
- Q Mary Crump? A Yes.
- Q What was Mary Crump's mother's name? A Susanna----Well, I don't remember her mother's name.---It was Susanna Stewart and she afterwards married Graham.
- Q Well was that Mary Crump's mother,--What relation was Mary Crump to you? A She was my grandmother.
- Q Well your mother is living now you say? A Yes.
- Q How old is she now? A Seventy-four years old.
- Q Did you know your mother's mother Mary Crump? A I remember seeing her once when I was very small.
- Q Is she dead now? A Yes she has been dead a long time?
- Q How old would she be if she were living now? A I don't know.

- Q De you know how old she was when she died? A About sixty years old I heard my mother say.
- Q And do you know about how long she has been dead? A It must be between twenty-five and thirty years. Twenty-five years anyhow.
- Q Your mother you say is about seventy-four? A Yes.
- Q Was she the oldest one of her mother's children? A Yes.
- Q Your mother then must have been born before the treaty of eighteen hundred and thirty was made? A Yes.
- Q Then Mary Stewart's name was Mary Crump at the time of the making of this treaty? A Yes.
- Q And Mary Crump was a married woman and the head of a family at the time this treaty was made? A Yes.
- Q Did Mary Crump 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 do not know.
- Q Do you think you could get any evidence to show whether she did? A I do not know.
- Q How much Choctaw blood did Mary Crump claim to have? A I don't know, I think tho' that her mother was one-half blood.
- Q You said that some of your ancestors owned land in Mississippi. Which one of these ancestors owned land in Mississippi? A My grandmother.
- Q Mary Crump? A Yes.
- Q Where did she own that land? A In Simpson County.
- Q You know how she owned it? A I think she came by it through her mother.
- Q You don't know whether she got it from the government under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did any 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? A I do not know.

Copy of names registered by William Ward, United States Indian Agent to the Choctaws in Mississippi, of Choctaws who within six months from the ratification of the treaty of Dancing Rabbit Creek signified their intention of remaining and becoming citizens of the United States examined and the name of Suhannah Grayham, who, this applicant claims as her great grandmother found thereon.

- Q You know I presume that you can have the record of land transfers in Simpson County Mississippi examined and find out how your grandmother owned that land, from whom she get it and what disposition was made of 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 You understand the importance of securing evidence to show that your grandmother Mary Crump was a Choctaw Indian 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 and become a citizen of the United States? A Yes.
- Q You intend to try to secure that evidence? A Yes.

Applicant excused.

#0

Joseph R. Plummer being called as a witness duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Joseph R. Plummer.  
Q What is your age? A Sixty-eight.  
Q What is your post-office address? A Lehigh, Indian Territory.  
Q Are you a recognized citizen of the Choctaw Nation in the Indian Territory? A Yes.  
Q How did you become a citizen of the Choctaw Nation? A By placing my petition with the Choctaw Council and as being a grandson of Susannah Graham.

Examination by Attorney A. Telle.

- Q I believe Mr. Plummer that you were called upon to make a statement in the case of Henry D. Burton when he appeared for identification as a Mississippi Choctaw? A Yes sir.  
Q Now this present applicant Mrs. Marshall, do you know her from her mother's statement and the statement of her brother? A I never met her before, until just now. She told me of her family affairs.  
Q Then as a matter of family history you knew her as a child of Susan S. Burton? A I do sir, Susan S. Burton told me that she was her daughter. Susan S. Burton and myself were raised together grandchildren of Susanna Graham.  
Q The statement that you made with reference to the identification of Henry D. Burton as a Mississippi Choctaw would be applicable to the case of Mrs. Marshall would it? A Yes sir.

Witness Excused.

Henry D. Burton being called as a witness duly sworn testified as follows:

-Examination by the Commission-

- Q What is your name? A Henry D. Burton.  
Q What is your age? A Forty-nine---thirty nine years old.  
Q What is your post-office address? A Durant, Indian Territory.  
Q You have appeared before the Commission as an applicant for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with the applicant Susan C. Marshall? A Yes.  
Q What relation is she to you if any? A She is my sister.  
Q Do you get your Choctaw blood from the same source that she does? A Yes.  
Q You both had the same mother? A Yes.  
Q You get your Choctaw blood through your mother? A Yes.  
Q And Susan C. Marshall has the same quantity of Choctaw blood that you have? A Yes.

Witness excused.

A p p l i c a n t R e c a l l e d .

- Q Have you any papers that you would like to file now? A No.

#6

Here Attorney A. Telle says that applicant will file what proof she can secure. Attorney also ask's permission to file copy of the testimony of J. R. Plummer given at the time of the application of Henry D. Burton, for identification of himself and children at Atoka, Indian Territory, March 28, 1901, which permission is granted.

The appli'ant in this case has dark brown hair and eyes and dark complexion. Her features and general appearance resemble those of a white person although her complexion might indicate some quantity of Indian blood.

Q Do you speak Cheetaw? A No.

She does not speak the Cheetaw language and knows of no compliance on the part of her grandmother, Mary Crump with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty but it appears from her testimony that her great grandmother Susanna Graham owned land in Mississippi and the name of Subannah Grayham appears on Wards register. It appears also from the testimony of this applicant that her grandmother Mary Crump was married and at the head of a family 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 and foregoing 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.

*G. Rosenwinkel*

Subscribed and sworn to before me this 27th day of September 1901

*W. W. Shelby*  
Notary Public.



Muskogee, Indian Territory, November 25, 1901.

Susan Cornelia Marshall,  
Garland, Texas.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Bettie Robinson et al, you are informed that under date of June 19, 1901, the Secretary of the Interior 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 5, 1901, you made personal application to this Commission for the identification of yourself and two minor children as Mississippi Choctaws 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 Thursday

S. C. M. 2.

December 19, 1901 at eleven 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. 3181

Acting Chairman.

Muskogee, Indian Territory, December 14, 1901.

C. H. Marshall,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 11, with which you inclose certified copy of the marriage license and certificate of C. H. Marshall and Susan C. Burton, which you offer for filing in support of the application of Susan Cornelia Marshall et al. for identification as Mississippi Choctaws. The same has been made a part of the record in this case.

You ask if you will be permitted to file a certified copy of the affidavit of Mary C. Wilkinson, the original of which is filed in support of the claim of Susan S. Burton, with your wife's application, and you ask to be advised if her case will be taken up at the same time with those of Susan S. Burton and Henry D. Burton; that they have received notice that their applications will be heard December 19, 1901, but your wife has received no such notice.

In reply you are informed that the affidavit of Mary C. Wilkinson will be considered in support of the application of Susan Cornelia Marshall et al. for identification as Mississippi Choctaws. You are also advised that notice of the hearing of the case of Susan Cornelia Marshall at Muskogee, Indian Territory, December 19, 1901,

C.H.M. 2

was mailed to her at Garland, Texas. Her application will be taken up for rehearing at Muskogee, Indian Territory, at eleven o'clock A. M. December 19, 1901, in connection with the cases of Susan B. Burton and Henry D. Burton.

Yours truly,

Commissioner in Charge.

MC 3181

M.C.R. 3161

Muskogee, Indian Territory, March 22, 1902

Susan Cornelia Marshall,  
Garland, Texas.

*Re-mailed to C. H. Marshall 9/12/02  
Durant J.*

Dear Madam:-

You are hereby advised that on the 14th day of March, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Susan S. Burton, et al., of which decision you were duly advised by registered mail on February 3, 1902.

Yours truly,

Commissioner in Charge

*Sub*

M C R 3101

McKaguee, Indian Territory, September 15, 1902.

G. H. Marshall,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing certified copy of patent issued February 7, 1846, to Susan or Susanna Graham and her child, Choctaw Indians, for lands in Mississippi, which you ask to have filed with the record in the case of Susan Cornelia Marshall.

In reply you are informed that the Commission, on February 3, 1902, rendered its decision refusing the application made by Susan Cornelia Marshall for the identification of herself and minor children as Mississippi Choctaws. On the same date she was notified by registered mail of such decision and of the forwarding of the record to the Secretary of the Interior for review.

On March 14, 1902, the Secretary of the Interior approved the decision of the Commission refusing her application, and on March 22, 1902, she was duly notified thereof. The letters notifying Susan Cornelia Marshall of the decision of the Commission and of the approval by the Secretary of the Interior of such decision, were addressed to her at Garland, Texas, the latest post office address given by her, and were returned to this Commission "unclaim-

C. H. M.--2.

ed,\* and are herewith enclosed you.

The evidence in this case shows that the applicants are descendants of Susan or Susanna Graham, through her daughter Mary V. Crump, nee Stewart, and that Mary V. Crump was married and the head of a family and resided in the state of Louisiana at the time of the conclusion of the treaty between the United States government and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and the decision holds that:

"Mary V. Crump, nee Stewart, was married and the head of a family, and under the provisions of article fourteen of the treaty of eighteen hundred and thirty, as such head of a family, should have herself complied with the requirements of that article in order to derive any benefits thereunder, and her descendants cannot rely upon the compliance of her mother Susanna Graham in their attempt to establish their rights to be identified as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty of 1830, but must show a compliance with its provisions on the part of said Mary V. Crump, nee Stewart."

In view of the decision in this case, as above quoted, the certified copy of the patent issued to Susan or Susanna Graham is herewith returned to you.

Yours truly,

Acting Chairman.

Enc. McM--195

M C R 3181

Muskogee, Indian Territory, August 11, 1903.

Susan C. Marshall,  
Durant, Indian Territory.

Dear Madam:

On June 26, 1903, the Secretary of the Interior directed this Commission to advise the principal applicants in the consolidated Mississippi Choctaw case of Susan S. Burton, et al., and the attorneys for the Choctaw and Chickasaw Nations, that they would be given an opportunity to file arguments.

In accordance with the instructions above referred to, you are hereby notified that you will be allowed thirty days from this date within which to file any argument you may desire in support of your application for identification as a Mississippi Choctaw, a copy of such argument to be served upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.



H.C.R. 3181

Muskogee, Indian Territory, August 21, 1903.

Susan Cornelia Marshall,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 14, for Mr. L. D. Horton to appear as your attorney in the matter of your application for the identification of yourself and your children as Mississippi Choctaws. This information has been made a part of the record in your case.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, December 11, 1903.

Susan Cornelia Marshall,  
Durant, Indian Territory.

Dear Madam:

You are hereby notified that on November 24, 1903, the Secretary of the Interior, with his letter of that date, rescinded departmental decision of March 14, 1902, affirming the decision of the Commission of January 15, 1902, refusing the applications of Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall, and directed the Commission to identify the above named persons as Mississippi Choctaws.

In accordance with such instructions the Commission has this day rendered a decision identifying Susan S. Burton, Henry D. Burton, Austin G. Burton, Susan O. Burton, Florence A. Burton, Jewel A. Burton, Susan Cornelia Marshall, John H. Marshall and Balentine Marshall as Mississippi Choctaws.

You are advised that you and your children, John H. Marshall and Balentine Marshall, will be allowed six months from the date of the rendition of this decision, or until June 11, 1904, within which to remove to and make settlement in the Choctaw-Chickasaw country, and that proof of such settlement must be made

S C X 2

to the Commission at either of its land offices at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation, prior to December 11, 1904.

Respectfully,

Commissioner in Charge.

Registered

MoM 77

M C R 3181  
M C R 7435

Muskogee, Indian Territory, March 24, 1904.

Charles H. Marshall,  
Attorney at Law,  
Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, by reference from the Secretary of the Interior. Therein you ask if your wife, Susan Cornelia Marshall, and children have been approved as Mississippi Choctaws.

In reply you are informed that the names of Susan Cornelia Marshall and two minor children, Valentine and John H. Marshall, appear upon a schedule of duly identified Mississippi Choctaws approved by the Secretary of the Interior February 5, 1904.

Our records further show that Charles Harold Marshall, infant son of Charles H. and Susan Cornelia Marshall, was identified by this Commission as a Mississippi Choctaw on March 12, 1904, but his name has not yet been placed upon a schedule of such Mississippi Choctaws prepared for forwarding to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

M C R 3181

Muskogee, Indian Territory, March 21, 1905.

Charles H. Marshall,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Susan Cornelia Marshall, and that of the attending physician, Jas. L. Shuler, relative to the birth of William H. Marshall, infant son of Charles H. and Susan Cornelia Marshall, October 29, 1903; said affidavits being submitted in the form of an application for the identification of the above named child as a Mississippi Choctaw.

Respectfully,

Chairman.

No. 3181

For Identification as a Mississippi Choctaw.

Date AUG - 8 1901

Name Susan Cornelia Marshall

Age 33 Blood 1/8

Post Office, Garland, Texas

Father: Henry D. Burton (dead)

Mother: Susan D. Burton

Claims through mother

Husband: Charles H. Marshall  
(no claim for him)

Children:

John H. Marshall 2

F. Valentine Marshall 3

Claims for self and  
2 minor children

Stenographer

J. Rosenwinkel

Choctaw MCR 3182

Jonathan G. Eppler

MCR 3182

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

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In the matter of the application of Jonathan G. Eppler, et al., for identification as Mississippi Choctaws, consolidating the applications of--

Jonathan G. Eppler,	M.C.R.3182
Mary E. Nixon, et al.,	M.C.R.3183
James F. Gould,	M.C.R.1540
Myrtle Sims,	M.C.R.1505

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 Jonathan G. Eppler, before the Dawes Commission for identification as a Mississippi Choctaw,.....	1
Original application of Mary E. Nixon, et al., before the Dawes Commission for identifica- tion as Mississippi Choctaws,.....	7
Certified copy of marriage certificate between Daniel Awalt and Martha A. Watson,.....	13
Affidavit of William H. Rhoades,.....	14
Affidavit of William H. Rhoades,.....	15
Original application of James F. Gould before the Dawes Commission for identification as a Mississippi Choctaw,.....	16



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Original application of Myrtle Sims before the Dawes Commission for identification as a Mississippi Choctaw.....	19
Decision of the Commission refusing the application of Jonathan G. Eppler, et al., for identification as Mississippi Choctaws.....	22

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 6, 1901.

3182

In the matter of the application of Jonathan G. Eppler for identification as a Mississippi Choctaw.

J. H. Linebaugh attorney representing applicant.

Jonathan G? Eppler being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jonathan G. Eppler, E-p-p-l-e-r.  
Q What is your age? A I am fifty-one past.  
Q What is your post office address? A It is hard to say but I will just say Cisco, Texas, I am going to move but that is where I am from.  
Q How long have you been there? A Nineteen years.  
Q Have you had a home there continually for the last nineteen years? A Yes.  
Q Where did you live before you lived there? A Bastrop County, Texas.  
Q How long have you lived in Texas? A Ever since fifty-four.  
Q Where did you live before you lived in Texas? A Sebastian County Arkansas.  
Q How long did you live in Arkansas? A I am fifty-one past and we left there in forty-nine or fifty, I was four years old.  
Q You were born in Arkansas? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q You never lived in Mississippi? A No.  
Q Never lived in the Indian Territory? A No.  
Q What is your father's name? A Miles Eppler.  
Q Is he living? A Yes.  
Q What is your mother's name? A Minerva Eppler.  
Q Is she living? A Yes.  
Q Through which parent do you get your Choctaw blood? A My mother.  
Q How much Choctaw blood do you claim? A About one-sixteenth or more.  
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 Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Eula, E-u-l-a Eppler.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A No.  
Q You are making this application for yourself alone? A Yes.  
Q You have no children under twenty one years of age and unmarried for whom you wish to make application? A No.  
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 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 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, I have not.
- Q Have you ever before this time made any kind of an application to the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q 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 As a Mississippi Choctaw.
- Q What makes you think you have a right to make such application? A Well under the fourteenth article of the treaty of eighteen hundred and thirty, where the Mississippi Choctaws come in, in the fourteenth article of the treaty of eighteen hundred and thirty.
- Q How did it happen that you did not apply to the Dawes Commission in 1896? A Why I don't know.
- Q You knew at that time that you were Indian? A Yes.
- Q What do you claim under the fourteenth article of the treaty of eighteen hundred and thirty? A Well I claim that there is a certain part of land and if we are admitted it will be set apart for us.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Well tolerably only.
- Q Well just state what you understand by that article of the treaty? A Well just for the land that is here but it goes on and says that we shall have so much land but no annuities but still we can be citizens of the Choctaw tribe. That is the I look at it.

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 for the purpose of moving west of the Mississippi 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 stay in Mississippi so article fourteen was made a part of the treaty for the benefit for the sake of those Indians 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 Nation. 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 State for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Now within six months after this 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 an Agent was sent down by the government to locate the land for these Indians he found that there were a great many who claimed they had gone to the Indian Agent and told him that they wanted to stay there 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 into Mississippi and investigate the matter and find out just which of these claimants were really entitled to land there under the fourteenth article of the treaty. These Commissioners took up and passed on a large number of cases, several hundred, some were refused and some were allowed. 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 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 these States?  
 A I don't know.  
 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 Rhodes, my grandmother Bradshaw.

By Attorney.

- Q Give her given name? A Rebecca Bradshaw.

By the Commission.

- Q How much Choctaw blood did Rebecca Bradshaw claim to have? A One-quarter.  
 Q Was she a recognized member of the Choctaw tribe in eighteen hundred and thirty? A Well we understood that she was, that was what my mother told me.  
 Q you claim your Choctaw blood through your mother? A Yes.  
 Q And you say your mother is still living? A Yes.  
 Q How old is she? A Sixty-nine I think or nearly seventy.  
 Q What was her mother's name? A Rebecca Awalt, her maiden name was Rebecca Bradshaw.  
 Q And what was your mother's father's name? A George Awalt.  
 Q Which one of your mother's parents claimed to be Choctaw? A Which one of my mother's?  
 Q Yes? Why her mother Rebecca.  
 Q Is your grandmother living? A No.  
 Q How long has she been dead? A She died in sixty-nine.  
 Q Do you know how old she was when she died? A Fifty-three past.

- Q Was your grandmother named Rebecca Bradshaw or Rebecca Awalt in eighteen hundred and thirty when this treaty was made? A It was Rebecca Bradshaw.
- Q She was not married then? A I don't know when she was married.
- Q Your mother you say is sixty-nine years old? A Yes.
- Q Was your mother the oldest one of her mother's children? A Yes.
- Q Well your mother's mother must have been a married woman in eighteen hundred and thirty? A Yes she must have been.
- Q Well do you realize that it is a matter of some importance to know what her name was in eighteen hundred and thirty? A Well I suppose it was Rebecca Bradshaw I don't know but I can find out.
- Q Did Rebecca Bradshaw come west with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight to the present Choctaw Nation in the Indian Territory? A No she went to Tennessee.
- Q When did she go to Tennessee? A In eighteen hundred and thirty six.
- Q Did they own any land in Tennessee? A I don't know that.
- Q Did Rebecca Bradshaw go to the United States 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 Will you be able to secure any evidence to show whether she did or not? A I don't know whether I can or not.
- Q You understand that it is a matter of importance to your claim to know whether she did or not? A Yes I don't know whether I can establish it or not.
- Q Do you expect to try? A Well I could put in more evidence about our people but I don't know whether I can get it or not.
- Q Well do you understand that it is a matter of importance to your claim to have these evidence? A Yes.
- Q Do you understand that you are making application for valuable property rights and in such a case even the sworn statement of the party in interest will carry very little weight unless supported by outside evidence? A Yes.
- Q What kind of evidence do you think you will be able to secure? A Well I think I can secure evidence that we are Mississippi Choctaws.
- Q Well what is a Mississippi Choctaw? A Why those that remained there and those that did not come here with them.
- Q you don't think then that it makes any difference to show that you are a Mississippi Choctaw whether your grandmother complied with the treaty of eighteen hundred and thirty or not? A I don't know whether she applied with it or not.
- Q You don't think that it makes any difference whether your grandmother did comply with it or not? A Well I think it would be better.

By Attorney.

- Q Well then you understand that to be necessary Mr. Eppler do you? A Yes.

By the Commission.

- Q You don't know whether any of your ancestors owned land in Mississippi, Alabama, Arkansas or Louisiana? A No I don't
- Q Do you know if your grandmother had any Choctaw name? A No.
- Q Did you know your grandmother personally? A Yes.
- Q Where did you know her? Well I was raised right by her.
- Q Where? A In Texas and also in Arkansas.
- Q So when your grandmother left Tennessee she came to Arkansas and? A Yes.
- Q And then went to Texas? A Yes.

#6

- Q She never came to the Indian Territory? A No.  
Q Did your grandmother talk Choctaw? A Yes she talked it well.  
Q Did you hear her talk it? A Yes.  
Q You heard her carry on conversations ~~ix~~ with other Choctaws? A Yes.  
Q Did other Choctaws live near you in Texas or Arkansas? A No that was when we came through the Territory she talked right smart to the children.  
Q Did you hear her carry on conversations with the Choctaw Indians? A Yes when I was small I came through the Nation and also in Arkansas there were Indians came around grandpa.  
Q Did your grandmother have any Choctaw name? A No not that I know of.  
Q Do you speak Choctaw? A No.

By Attorney.

- Q Mr. Eppler I would like to have you state if your great grandmother was living in Mississippi in eighteen hundred and thirty two?  
A It is my understanding that she was living in Mississippi.  
Q What was her name? A My great grandmother, Sallie Rhodes.  
Q Then if she was living there in eighteen hundred and thirty her name was Sallie Bradshaw? A Yes.  
Q And what degree of Choctaw Indian blood did you understand that she claimed she had? A One-half.  
Q She was a one-half blood? A Yes.

By the Commission.

- Q You expect to try to secure evidence to show what your grandmother's name was in eighteen hundred and thirty, whether it was Rebecca Bradshaw or Rebecca Awalts? A Yes I expect to send that in.  
Q Is there any one living who knew your grandmother from childhood and would be able to testify about these things? A Well old man Basham knew grandmother for a long time but he did not know her from a child. I heard him say that he was at father and mother's wedding fifty years ago.  
Q You don't know anyone who knew your grandmother in Mississippi? A No not now.

This applicant has grayish brown or black hair and mustache, dark eyes and dark complexion. His features and general appearance are those of a white man 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 although he states in his testimony that his grandmother and his great grandmother lived in Mississippi in eighteen hundred and thirty.

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.

c By Attorney.

The applicant will wish to file some evidence later on.

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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 6, 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 16th day of October 1901.

*Charles H. Sawyer*

Notary Public.

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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 Jonathan G. Eppler, et al., for identification as Mississippi Choctaws, consolidating the applications of--

Jonathan G. Eppler,	M.C.R. 3182
Mary E. Nixon, et al.,	M.C.R. 3183
James F. Gould,	M.C.R. 1540
Myrtle Sims,	M.C.R. 1505

--: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 Jonathan G. Eppler for himself; by Mary E. Nixon for herself and her six minor children, Ella, Jack, Joe, Erwin, Alta and Carl Nixon; by James F. Gould for himself, and by Myrtle Sims 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 also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sallie Bradshaw, nee Rhodes, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It 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 Sallie Bradshaw, nee Rhodes, or an ancestor less remote, signified (in person or by proxy) to Colonel Jm. Ward, Indian Agent, Choctaw Agency, an intention to com-

ply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180) and August 23, 1842, (5 Stat., 518).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jonathan G. Eppler, Mary E. Nixon, Ella Nixon, Jack Nixon, Joe Nixon, Erwin Nixon, Alta Nixon, Carl Nixon, James F. Gould and Myrtle Sims 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: James Bixby.  
Acting Chairman.

SIGNED: T. B. Needles.  
Commissioner.

SIGNED: C. E. Drachmire.  
Commissioner.

Muskogee, Indian Territory.

APR 10 1903

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27654--1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, July 2, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings before the Commission to the Five Civilized Tribes in the matter of the application of Jonathan G. Eppler for the identification of himself; of Mary H. Nixon for the identification of herself and her six minor children, Ella, Jack, Joe, Erwin, Alta and Carl Nixon; of James W. Gould for the identification of himself; and of Myrtle Sims for the identification of herself, all as Mississippi Choctaws:

On April 9, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of these applicants is insufficient to determine their identity as Mississippi Choctaws entitled to rights in the lands of the Choctaw Nation, under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have inherited their Choctaw blood from a common ancestor, Rebecca Bradshaw, who married George Awalt, and

that the great grandmother of the principal applicant, Jonathan G. Eppler, was Sallie Rhodes, nee Bradshaw, and that her father was named Samuel Bradshaw.

An examination of the record evidence and of the records in this office fails to show that any person by the name of Rebecca Bradshaw, George Awalt, Sallie <sup>Rhodes, nee</sup> Bradshaw, or Samuel Bradshaw ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land, or scrip in lieu thereof, thereunder.

By reason of the premises the office considers said decision of the Commission correct and recommends that it be affirmed by the Department.

Very respectfully,

W. A. Jones,  
Commissioner.

WCB-8

COPY.

M.C.R.3182

Muskogee, Indian Territory, April 9, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

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

Jonathan G. Eppler,	M.C.R.3182;
Mary E. Nixon, et al.,	M.C.R.3183;
James F. Gould,	M.C.R.1540;
Myrtle Sims,	M.C.R.1505.

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 Jonathan G. Eppler, Mary E. Nixon, Ella Nixon, Jack Nixon, Joe Nixon, Erwin Nixon, Alta Nixon, Carl Nixon, James F. Gould and Myrtle Sims 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,

K., McN. & C., 2.

will be forwarded to the Secretary of the Interior through the  
Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

*James H. ...*  
Chairman.

COPY.

Muskegee, Indian Territory, April 9, 1903.

J. H. Limbaugh,

Attorney-at-Law,

Atoka, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jonathan G. Eppler, et al., embracing the following applications for identification as Mississippi Choctaws;

Jonathan G. Eppler,	M.C.R.3182;
Mary E. Nixon, et al.,	M.C.R.3183;
James F. Gould,	M.C.R.1540;
Myrtle Sims,	M.C.R.1505.

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 Jonathan G. Eppler, Mary E. Nixon, Ella Nixon, Jack Nixon, Joe Nixon, Erwin Nixon, Alta Nixon, Carl Nixon, James F. Gould and Myrtle Sims as Choctaw Indians entitled to rights in the Choctaw

J. H. L., 2.

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

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

Respectfully,

(SIGNED)

*James H. ...*  
Chairman.

Registered.



M.C.R. 3182.

COPY.

Muskogee, Indian Territory, April 9, 1903.

Jonathan G. Eppler,

Clisco, Texas.

Dear Sir:

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

Jonathan G. Eppler,	M.C.R. 3182;
Mary E. Nixon, et al.,	M.C.R. 3183;
James F. Gould,	M.C.R. 1540;
Myrtle Sims,	M.C.R. 1505.

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 Jonathan G. Eppler, Mary E. Nixon, Ella Nixon, Jack Nixon, Joe Nixon, Erwin Nixon, Alta Nixon, Carl Nixon, James F. Gould and Myrtle Sims as Choctaw Indians entitled to rights in the Choctaw

J. G. E., 2.

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

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

Respectfully,

(SIGNED)

*Tamc Dixey.*  
Chairman .

Registered.

(COPY)

Muskogee, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Jonathan G. Eppler, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

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

Jonathan G. Eppler,	M.C.R. 3182,
Mary E. Nixon, et al.,	M.C.R. 3183,
James F. Gould,	M.C.R. 1540,
Myrtle Sims,	M.C.R. 1505.

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

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Samuel Bradshaw, et al., decision in which was rendered by the Commission on May 13, 1902, and approved by the Secretary on March 11, 1903.

Respectfully,

Through the  
Commissioner of Indian Affairs.

(Signed)

TAMM BIXBY,

2 enclosures M.C.R. 3182.

Chairman.

(COPY)

D.C.22220

ITD.5402-1903.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

J.P.

W.C.F

HAF.

August 8, 1903.

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

Gentlemen:

On April 25, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Jonathan G. Eppler; of Mary E. Nixon and her minor children Ella, Jack, Joe, Erwin, Alta and Carl Nixon; of James F. Gould, and of Myrtle Sims; including your decision of April 9, 1903, refusing the applications.

The applicants base their claim to identification as Mississippi Choctaws upon their descent from Sallie Bradshaw (nee Rhodes), through her daughter, Rebecca Awalt (nee Bradshaw), who was the grandmother of the principal applicant, Jonathan G. Eppler, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830.

The evidence submitted by the applicants, as well as the records of the Indian Office, fails to show that any one of said ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

Reporting July 2, 1963, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

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

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 3182.

Muskogee, Indian Territory, August 25, 1903.

Jonathan G. Eppler,

Cisco, Texas.

Dear Sir:

You are hereby notified that on the 8th 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 Jonathan G. Eppler, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

*James D. Dinkley,*  
Chairman.

COPY.

M.O.R.3182.

Muskogee, Indian Territory, August 25, 1903.

J. H. Linebaugh,

~~Attorney-at-Law,~~

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th 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 involved in the consolidated case of Jonathan G. Eppler, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

*Tame Dixby.*

Chairman.

COPY. H.C.R. 3182.

Muskogee, Indian Territory, August 25, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th 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 Jonathan G. Eppler, et al., of which decision you were advised by mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

*James Dixey.*

Chairman.



Consolidated Case  
of  
Jonathan S. Eppler  
3182

(sup to 1334)

Supplemental to 1834

Minerva Awalt 69-  
mar  
Miles Eppler

mar  
3182

Jonathan S. Eppler 51- $\frac{1}{16}$   
wife  
Eula Eppler w

Sallie Rhodes  $\frac{1}{2}$   
mar

Rebecca Bradshaw  $\frac{1}{4}$   
dead

Daniel Awalt  
mar (dead)

mar  
3183

Mary E. Awalt 41- $\frac{1}{16}$   
mar

Samuel S. Bradshaw

George Awalt  
mar

Martha A. Watson

Hiram Nixon w

mar  
3183

Ella Nixon 19  
" Jack Nixon 17  
" Joe Nixon 14  
" Erwin Nixon 12 - in a slip  
" Alta Nixon 9  
" Carl Nixon 6

?

(\* 1343 on original table)

Henry Bowen  
wife

mar  
1555

Myrtle Bowen 18- $\frac{1}{16}$  out 32  
mar

Ellen A. Bowen

John Sims

mar +1500 appl. house + land  
syon

ms  
1540

Mary J. Gould

James F. Gould  $\frac{3}{8}$

hus  
J. W. Gould

+ testifies that he claims through Sallie Bradshaw (J<sup>h</sup>?)  
but does not give relationship.

No. 3182

For Identification as a Mississippi Choctaw.

Date **AUG -6 1901**

Name *Jonathan G. Eppler*

Age *51* Blood *1/6*

Post Office, *Cisco, Texas*

Father: *Miles Eppler* ✓

Mother: *Minerva Eppler* ✓

Claims through *mother*

wife: *Eula Eppler* ✓  
(*no claim for her*)

Children:

*Claims for self only*

Stenographer

*G. Rosenwinkal*

Jonathan G. Eppler  
R. 3182

DECISION RENDERED. APR 9 - 1903

3183-1540-1505

Choctaw MCR 3183

Mary E. Nixon

MCR 3183

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 6, 1901.

3183

In the matter of the application of Mary E. Nixon for identification of herself and her six minor children as Mississippi Choctaws.

J. H. Linebaugh attorney representing Applicant.

Mary E. Nixon being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary E. Nixon, N  
Q How do you spell that? A N-i-x-o-n.  
Q How old are you? A Forty-one.  
Q What is your post-office? A Well it has been---but my post-office will be Wapanucka.  
Q Indian Territory? A Yes.  
Q How long have you lived in the Indian Territory? A Well I just came here the eleventh day of July.  
Q Where did you live before you came here? A In Eastland County, Texas.  
Q Were you born in Texas? A Yes.  
Q And never had a home anywhere else until you came to the Indian Territory? A Yes.  
Q You never had a home anywhere but in Texas until you came here I mean? A Well only the eight months that I was in New Mexico.  
Q When was that? A That was in eighty-three.  
Q What is your father's name? A Daniel Awalt.  
Q Is he living? A No.  
Q What is your mother's name? A Her name was Martha Watson.  
Q Well when she was your mother what was her name? A Martha Awalt of course.  
Q Is that her name now? A Yes.  
Q Through which one of your spernts do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A I have been taught that it was 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  
A No.  
Q Have you any evidence of your father's nad mother's marriage? A  
A Not now if it will be necessary 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 the application you make to be identified as a Mississppi Choctaw.
- Q A Well I can get it.  
Q Are you married? S A Yes.  
Q What is your husband's name? A Hiram Nixon.  
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 I have six of them all under twenty-one.
- Q They are all unmarried? A Yes.
- Q Give the names and ages of these children? A Ella, E-l-l-a Nixon, nineteen.
- Q Next? A Jack Nixon, seventeen.
- Q Next? A Joe Nixon, fourteen.
- Q Next? A Erwin, E-r-w-i-n Nixon, twelve.
- Q Next? A A;ta Nixon.
- Q That is a girl is it? A Yes.
- Q How old? A She is nine.
- Q Next? A Carl Nixon.
- Q How old? A Six.
- Q Is that all? A Yes.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A Hiram Nixon.
- Q When and where were you married to Hiram Nixon? A Well I was married in Texas.
- Q What year? A In eighty-one.
- 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 Yes I suppose so I don't understand.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation here 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 or to have 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 by 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 tribe? 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 I don't know just exactly how to answer that. I don't fully understand it. Under the treaty of eighteen hundred and thirty.
- Q You claim your rights under the fourteenth article of the treaty of eighteen hundred and thirty, you say? I don't understand the question.
- Q Well I asked you what kind of an application you wanted to make and you said under the treaty of eighteen hundred and thirty, then I asked if you claimed your rights under the treaty of eighteen hundred and thirty, do you? A Yes.
- Q Do you claim under any particular part of the treaty or under the whole treaty? A I don't understand that.



- Q Well is there any particular section or article of that treaty which you claim under or do you claim under the whole treaty?  
 A I don't know.
- Q You don't know then whether you claim under the whole treaty or under some particular part of it? A No I am not sure because I don't know.
- Q You claim to be a Mississippi Choctaw? A Yes.
- Q Do you know what is meant by a Mississippi Choctaw? A Well I don't know that I fully understand it.
- Q What have you always been taught is meant by the words "Mississippi Choctaw"? A Well I know but I could not explain it to save my life, I don't full understand it.

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 gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then 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 and move them all to the country west of the Mississippi River. The State of Mississippi was filling up very rapidly with white settlers and it was very hard for the United States to protect the Choctaws in their tribal government and the United States thought it would be best to move them to the country west of the Mississippi River where they could set up their tribal government and not be disturbed, but some of the Indians did not want to leave their homes and come west and the others 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 remain in Mississippi. After that 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:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee

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

- Q Now, do you claim anything under the provisions of this article of this treaty? A Do I claim that any of them ever removed.
- Q Do you claim that any of your ancestors lived in Mississippi and complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Do I claim that they never moved here?
- Q Now the question is, do you claim that some of your ancestors stayed there in Mississippi ~~and~~ when the other Indians came west and that your ancestor complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Yes they stayed there.

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 an Agent was sent down there by the United States government it was found that there were a great many Indians who claimed that they had gone to the United States Indian Agent and told him that they wanted to stay in Mississippi whose names were not found on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed and sent down there to investigate and find out who of these Indians were entitled to land there in Mississippi 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 others were refused. In those cases which the Commissioners allowed and which were 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 land in any of these States? A I don't know.
- Q You never heard about that? A No I don't know.
- 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 and my great grandmother.
- Q What was the name of your grandmother? A Well her married name was Rebecca Awalt and her maiden name was Rebecca Bradshaw.
- Q Do you claim your Choctaw blood through your father? A Yes.
- Q What was your father's father's name? A His name was George Awalt.
- Q And what was your father's mother's name? A Rebecca Awalt, her maiden name was Bradshaw.
- Q You say your father is dead? A Yes.
- Q About how long has he been dead? A Let see, I got it on this piece of paper. --He died in ninety-two.
- Q How old was he? A How old is he, lets see nine from ninety-two, that is not right. How old was he? He would have been sixty-two now and nine years from sixty-two would leave fifty two. He was fifty-two when he died.
- Q Do you know what your grandmother's name was in eighteen hundred and thirty? Whether it was Rebecca Awalt or Rebecca Bradshaw? A No I don't.

- Q What was your grandmother's father's name? A Rhodes.
- Q What was his given name? A Oh! my grandmother's father, he was a Bradshaw.
- Q What was his given name? A Samuel.
- Q What was your grandmother's mother's name? A She was a Rhodes.
- Q What was her given name? A Well now some say Sallie and some say, I don't know she was a Rhodes but whether it was Sallie I won't say positively.
- Q Well you say her maiden name was Rhodes? A Yes.
- Q And she married Samuel Bradshaw? A Yes.
- Q Well now was her name Rhodes or Bradshaw when this treaty was made in eighteen hundred and thirty? A It was Bradshaw.
- Q But you are not sure about your grandmother whether she was a Awalt or Bradshaw when this treaty was made? A No I am not
- Q Do you think you will be able to secure evidence on that point? A Yes I think so.
- Q You understand that it is a matter of some importance to know what your grandmother's name was at the date of the making of this treaty? A Yes I should think it was.
- Q Did your great grandmother or your grandmother 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 Some west of the Indian Territory?
- Q Yes? A No I suppose not.
- 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 stay in Mississippi and become citizens of the United States? A I don't know.
- Q Do you think you will be able to secure any evidence on that point? A I don't know I will try.
- Q You understand that it is a matter of importance to your claim to get evidence to show whether either of your ancestors went there or not? A Yes I think so.
- Q How much Choctaw blood did your grandmother have? A Well I don't exactly, some say she was a half blood but we have got the blood, it was handed down to us.
- Q Now did your grandmother have any Choctaw name? A I don't know.
- Q Will you be able to get any evidence to show that your grandmother had Choctaw blood and was a Choctaw Indian? A Yes I can get that.
- Q Can you get outside evidence, I mean evidence outside of your own family? A Yes.
- Q You understand that you are making application for valuable property rights and that members of your own family are more or less interested in the outcome of this case and you understand I suppose that even the sworn statement of an interested party does not carry as much weight with it as the statement of an disinterested party. Now do you understand what I mean by outside evidence? A Yes.
- Q You think you will be able to get such evidence to show that your grandmother or great grandmother were Choctaw Indians? A Yes.
- Q Is there anyone living who knew your grandmother in eighteen hundred and thirty and who could tell where she was living at that time and that she was a recognized Choctaw Indian and whether she went to the Indian Agent there and told him that she wanted to stay in Mississippi? A I don't know.
- Q You understand that it is material to your case to have evidence on all of these points? A Yes.
- Q And you expect to get such evidence? A All I can.
- Q Do you expect to bring witnesses in person before the Commission in person to testify in your case? A Well I don't know.

- Q If you can't do that can you secure their depositions? A Well I think so.
- Q You understand that oral testimony carries more weight with it than depositions or affidavits? A Yes I didn't know it was necessary.
- Q You understand that it is better testimony than to get their depositions or affidavits? A Well I don't understand that/
- Q You don't understand now? A I don't understand why their affidavits would not do?
- Q The Commission will accept affidavits and make them a part of the record in your case but I am telling you for your interest that witnesses in person carry more weight than depositions or affidavits? 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.

This applicant has rather reddish brown hair, brown eyes and moderately fair complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood.

- 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 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 6, 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 16th day of October 1901.

*G. Rosenwinkel*  
*Charles W. Sawyer*  
 Notary Public.

COPY.

Muskogee, Indian Territory, April 9, 1903.

Mary E. Nixon,

Wapamucka, Indian Territory.

Dear Madam:

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

Jonathan G. Eppler,	M.C.R. 3182;
Mary E. Nixon, et al.,	M.C.R. 3183;
James F. Gould,	M.C.R. 1540;
Myrtle Sims,	M.C.R. 1505.

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 Jonathan G. Eppler, Mary E. Nixon, Ella Nixon, Jack Nixon, Joe Nixon, Erwin Nixon, Alta Nixon, Carl Nixon, James F. Gould and Myrtle Sims as Choctaw Indians entitled to rights in the Choctaw

M. E. N., 2.

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

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

Respectfully,

(SIGNED)

*Tamc Stacy.*  
Chairman.

Registered.

COPY. M.C.R. 3183.

Muskogee, Indian Territory, August 25, 1903.

Mary E. Nixon,

Wapanucka, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th 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 Jonathan G. Epplor, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

Chairman.

Mary E. Nixon, et al  
R3183

DECISION RENDERED. APR 9- 1903



## For Identification as a Mississippi Choctaw.

Date AUG - 6 1901

Name *Mary E. Nixon*Age *41* Blood *1/16*Post Office, *Wapanuska. L. I.*Father: *Daniel Awalt (dead)*Mother: *Martha Awalt* ✓Claims through *father*~~Husband: *Hiram Nixon*~~  
(*no claim for him*)

Children:

<i>Ella</i>		
<i>Ella Nixon</i>		<i>19</i>
<i>Jack</i>	"	<i>17</i>
<i>Joe</i>	"	<i>14</i>
<i>Irvin</i>	"	<i>12</i>
<i>Alta</i>	"	<i>9</i>
<i>Carl</i>	"	<i>6</i>

Claims for self and 6 children

Stenographer

*G. Rosenwintel*

MBR 3183

Name of Child

Evidence Erwin

Ship Irwin.

Choctaw MCR 3184.

William A. Sanders

MCR 3184

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 6, 1901.

In the matter of the application of William L. Singleton et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901, M.C. 2975.

In the matter of the application of William A. Sanders et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 6, 1901, M.C. 3184.

In the matter of the application of Lafayette Sanders et al for identification as Mississippi Choctaws heard at Atoka, Indian Territory, August 6, 1901, M.C. 3185.

Hudson & Arnold attorneys for applicants; No appearance by attorneys.

William L. Singleton called as a witness duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A W. L. Singleton.  
Q What does the "W" stand for? A William.  
Q What is your age? A Fifty-four last January.  
Q Have you made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know the applicants, William A. Sanders and Lafayette Sanders, who have just appeared here for identification as Mississippi Choctaws? A Yes.  
Q What relation are they to you if any? A They are my nephews and are my sisters sons.  
Q Then their mother was your sister? A Yes.  
Q And what was your father's name? A Sterling Singleton.  
Q You and your sister had the same father? A Yes.  
Q And you both get your Choctaw blood through your father? A Yes that is what we have always been taught.  
Q Did you secure any evidence of the marriage of your father and mother? A We have not yet.  
Q Do you think that it can be secured? A I don't hardly think that it can.  
Q Can you get affidavits of witnesses who knew that they lived together as man and wife? A Yes.  
Q If it is utterly impossible to get the record of the Court which issued their license or the marriage certificate, and if you cannot secure the affidavits of persons who were present at their marriage you might file affidavits of two or three disinterested parties who knew that they lived together as man and wife? A I believe we might do that but I think it would be utterly impossible to do the other.  
Q You remember Sterling Singleton do you? A Yes but I was small.  
Q Do you know about when he died? A No not exactly.  
Q About how old were you when he died? A I was about ten and one-half years old.  
Q Well he has been dead then about forty or forty-five years? A Yes about that.  
Q You know about how old he was when he died? A No.  
Q Where did he live when he died? A In Tennessee.  
Q Where did he go to from Tennessee? A My understanding was from citizens that knew him when he came from Mississippi that he was with the Choctaws when they came west to this Country but that he dropped out and stayed in Tennessee.  
Q Do you know whether he went to the Indian Agent there in Mississippi within six months from the ratification of the treaty and told him that he wanted to stay in Mississippi? A No I do not.

#2

- Q You don't know if he ever owned any land in Mississippi? A No.  
Q You know that these two applicants William A. Sanders and Lafayette Sanders are grandchildren of your father Sterling Singleton's? A My mother always taught me that their mother was my sister and that Sterling Singleton was our father. That is as far back as I can go.  
Q It is a matter of history in your family that you both had the same father and that these children are your sister's children?  
A Yes.

To William A Sanders and Lafayette Sanders:

Is there anything else that you want to bring out by this witness? A Both reply "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 6, 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 22nd day of October 1901.

*Charles K. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 6, 1901.

3184

In the matter of the application of William A. Sanders for identification of himself and his minor child as Mississippi Chectaws.

Hudson & Arnold, attorneys representing applicant. No Appearance by attorneys.

Said William A. Sanders being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Q. A. Sanders.  
Q What does that "W" stand for? A William.  
Q How do you spell the last name? A S-a-n-d-e-r-s.  
Q What is your age? A Forty-five.  
Q What is your post-office address? A Dallams Creek, Kentucky.  
Q How long have you lived there? A Four years in Kentucky.  
Q Where did you live before you lived there? A In Tennessee.  
Q How long did you live in Tennessee? A I lived there all my life.  
Q Were you born in Tennessee? A Yes.  
Q What is your father's name? A Richard Sanders.  
Q Is he living? A No.  
Q What is your mother's name? A Evaline.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Chectaw blood? A Through my mother.  
Q How much Chectaw blood do you claim? A About one-eighth I suppose. My grandfather was supposed to be three-quarters.  
Q Has your mother ever been recognized in any manner or enrolled as a member of the Chectaw tribe of Indians by the Chectaw tribal authorities or the authorities of the United States? A No not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Lucy, L-u-c-y.  
Q Is she living? A Yes.  
Q Do you apply for your wife? A No.  
Q She is a white woman and makes no claim to Chectaw 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.--One.  
Q Give the name and age of that child? A He is sixteen years old.  
Q What is his name? A Willie B. Sanders.  
Q You are the father of this child? A Yes.  
Q What is the name of its mother? A Lucy.  
Q When and where were you married to Lucy? A In Tennessee.  
Q When? A In eighteen hundred and eighty-two.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by a minister or an official? A By a minister.  
Q Have you your marriage license and certificate and desire to offer same in evidence? A No not with me.

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 child.

- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you ever applied to the Choctaw tribal authorities to have yourself or your child enrolled as members of that tribe? A I have not.
- Q Did you or did any one for you or your child in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10th, 1896? A Did not.
- Q Have you or your child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your child 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 citizens of the Choctaw Nation? A I have not.
- 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 am applying for citizenship.
- Q Citizenship in the Choctaw Nation? A Yes.
- Q What makes you think you have a right? A Because I think we have the blood?
- Q Are you applying then for enrollment as a Choctaw by blood? A Yes.
- Q You understand that the right to hear original applications for citizenship by blood in the Choctaw Nation expired within ninety days from June 10th, 1896? A I understood that yes.
- Q And do you mean that you are making an application of that kind now? A No it is since.
- Q Well under what law and treaty are you making this application? A Under the last treaty that was made.
- Q What treaty was that? A Well I can't explain it.
- Q Do you know when it was made? A No I don't believe I know.
- Q Well what kind of a claim do you think you have here to-day? A Well I just supposed I had a claim because I contained the blood, that is why I make my application.
- Q What kind of a Choctaw do you claim to be? A I claim to be a Choctaw Indian by blood and Chickasaw.
- Q You claim to be part Chickasaw too? A No it is Choctaw.
- Q Why have you never made application for enrollment as a Choctaw by blood before this time? A Well because my parents died; my grandparents, and I don't really know how to make the application until I was instructed that is why it comes that I don't understand it and then at one time I believed the rolls were closed until I heard of this last treaty.
- Q But you don't know what treaty that is? A I can't call the name of it now.--It is the treaty of eighteen hundred and thirty.
- Q You think that was the last treaty that was made? A Why no, there has been another treaty since then.
- Q Do you claim then under the treaty of eighteen hundred and thirty? A Yes.
- Q Do you claim under that whole treaty or under a part of it? A Well I suppose it is under the whole treaty.--No, I reckon it would only be under part of it.
- Q Do you know what part that is? A Well it is under the last part is it not?

The law under which the Commission is acting at this time in hearing applications for identification as Mississippi Choctaws--

- Q Is that the kind of an application you are trying to make today? A Yes the the blood and the Mississippi Choctaw it all comes under the same head I think. I understand that I am coming in under the Dawes Commission as a Mississippi Choctaw.

The law under which the Commission is acting at this time in hearing 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."

Under this law the Commission can determine the identity of those applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the the State of Mississippi was being filled up with white settlers and it was very difficult to protect the Choctaw Indians in their tribal government and the United States thought it would be better to remove them to a Country west of the Mississippi River and give them land over here where they could set up their own tribal government and not be troubled by white people but some of the Indians did not want to leave their homes their in Mississippi and the other Indians would not sign any treaty until some provision was made 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 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 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 any portion of the Choctaw annuity."

- Q Do you make your claim here because you are a descendant of a Mississippi Choctaw who lived in Mississippi in eighteen hundred and thirty and who complied with the provisions of that article?  
A Yes.



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 remain in Mississippi 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 whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to investigate and find out which of the Indians were entitled to land under article fourteen of the treaty of eighteen hundred and thirty. This Commission took up and passed on a large number of cases, several hundred, 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 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 any of these States? A If they did I don't know it.
- 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 Sterling Singleton.
- Q What relation was he to you? A My grandfather.
- Q How much Choctaw blood did he claim to have? A I was told that he was three-quarters or a full blood.
- Q Did you ever know your grandfather? A No.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father's name? A Sterling Singleton.
- Q What was your mother's mother's name? A Louisa Hickman.
- Q Louisa Singleton? A That was her maiden name.
- Q What was her maiden name? A Hickman.
- Q Which one of your grandparents claimed to be Choctaw? A My grandfather.
- Q How long has your father been dead? A I don't know he died when I was very small.
- Q How long has your mother been dead? A I don't know that.
- Q About how old were you when your mother died? A I was about eleven years old.
- Q About how old was your mother when she died? A I don't know.
- Q About how old? A About thirty-five.
- Q Have you any evidence of the marriage of Sterling Singleton to his wife? A No only as I have heard it.
- Q Do you think you can get it? A Yes.
- Q Did Sterling Singleton have any Choctaw name? A None only Sterling Singleton that is all I remember.
- Q Well that is an English name? A Well they called him Star light.
- Q Well that is a nick-name, I want to know his Indian name if he had one? A He never had one that I heard.
- Q Have you any evidence to show that Sterling Singleton was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty? A I can produce that I think.
- Q What kind of evidence will that be? A Which do you mean by person or certificate?
- Q Yes? A Well I might get the persons but it would cost a great deal but I know I can go sworn.
- Q Who is it that is living who knew your grandfather in eighteen hundred and thirty? A Yes there are several.
- Q Can you name them? A B. F. Sullivan, Mose Drennen and Ben Bright.
- Q Any other's? A I could name others.

- Q Where do these people live now? A In Tennessee.
- Q How old are they? A Well I suppose B. F. Sullivan is about sixty-five and the others are about the same age.
- Q Do you understand that knowing your grandfather in eighteen hundred and thirty a witnesses would have to be over seventy-years old now? A Well I misunderstood the question, I thought you asked if I knew of anybody living that knew my grandfather when he was living.
- Q You don't know then if there is anybody living who knew your grandfather in eighteen hundred and thirty? A I think I can produce it.
- Q You think you can also show that he was a Choctaw Indian? A Yes
- Q Did he come west between eighteen hundred and thirty-three and eighteen hundred and thirty eight to the present Choctaw Nation with the other Choctaw Indians? A Well he started but I don't know whether he got here or not.
- Q Well if he started west with the other Indians, what kind of a claim have you as a descendant of a Choctaw Indian who stayed in Mississippi in eighteen hundred and thirty, if your grandfather came west with the other Choctaws? A Did you ask if he started west.
- Q I asked if your grandfather came west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I don't know.
- Q Well what do you think was the question you were answering at that time? A The first question I thought you asked me did I know whether my grandfather came from Mississippi and I misunderstood the question, I think you wanted to know whether I knew that he did come and I didn't know.
- Q But you said he started west but you did not know whether he got here, now when do you mean he started west? A I mean that he started west when this treaty was made but I don't know if he got here.
- Q Started where? A To Mississippi.
- Q Where was he living in eighteen hundred and thirty? A In Mississippi.
- Q You said he started to Mississippi? A I just got the Country mixed that was all.
- Q Now did your grandfather Sterling Singleton come west from the Choctaw Nation from Mississippi or Alabama to the present Choctaw Nation in Indian Territory between eighteen hundred and thirty-three and eighteen hundred and thirty eight when the other Indians moved here? A If he did I have no knowledge of it.
- Q What did you mean by saying that he started west? A I did not understand the question.
- Q Did you know your grandfather at all? A No.
- Q You never saw him? A No.
- Q Where did he die? A In Tennessee.
- Q When did he live in Mississippi and go to Tennessee? A I don't know.
- Q Do you know that he lived in Mississippi in eighteen hundred and thirty? A I don't know only what I have been told.
- Q Do you think that you can get any evidence to show that he was living in the Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A Yes.
- Q What kind of evidence? A I think I can produce it by certificate.
- Q What kind of a certificate? A In a certificate--but the evidence you mean, can I prove that he was.
- Q What kind of proof, what form are you going to submit that proof in? A Do you mean whether I am going to send it in writing or produce it in person or affidavits? A
- Q Yes? A By affidavits.

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- Q By who will these affidavits be made? A Well I could name several.
- Q Well name some of them? A Mose Brennan.
- Q How old is Mose Brennan? A About sixty-five years old.
- Q Well he is not old enough? A No I could not produce that evidence, I understood you to say could I produce evidence to show that Sterling Singleton was my grandfather.
- Q I asked you if you could produce evidence to show that Sterling Singleton was a Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty? A No I can't produce that evidence.
- Q Do you understand that it is a matter of considerable importance to have some evidence to show whether he was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A I think that evidence can be produced but I don't know whether I can produce it.
- Q Who do you think can produce it? A I don't know my uncle is here.
- Q You understand that you are making application for valuable property rights and in such a case even the sworn statement of the party in interest does not carry as much weight with it as outside evidence? A Yes.
- Q Did Sterling Singleton 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 Can you secure any evidence on that point? A I don't know I think it can be produced.
- Q You understand that is also a material matter in your case? A Yes.
- Q You expect to do all in your power to secure evidence on these points do you? A Yes.
- Q And you say you don't know whether any of your ancestors owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No.
- Q You have no records in your family to show anything of that kind? A No.
- Q Is there any other statement that you would like to make at this time in support of your application? A No I don't think so.

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 Do you speak Choctaw? A No.
- Q You don't know whether your grandfather spoke Choctaw or not? A No

This applicant has grayish hair and mustache which seems originally to have been black, dark eyes and complexion but 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 he states that his grandfather through whom he claims lived in Mississippi in eighteen hundred and thirty.

6. 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 6, 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.

*Rosenwinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H Sawyer*

Notary Public.

Muskogee, Indian Territory, May 5, 1903.

William A. Sanders,  
Dallas Creek, Kentucky,

Dear Sir:

You are hereby advised that on the 5th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah J. (or Jane) Sims, et al., embracing the following application for identification as Mississippi Choctaws:

Sarah J. (or Jane) Sims, et al.,	M C R 2976
Hattie Drennon, et al.,	M C R 2977
John R. Sims, et al.,	M C R 2978
William L. Singleton, et al.,	M C R 2978
William H. Singleton, et al.,	M C R 2979
George W. Sanders, et al.,	M C R 3219
William A. Sanders, et al.,	M C R 3184
Lafayette Sanders, et al.,	M C R 3185
Dora Reynolds,	M C R 2706

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Sarah J. (or Jane) Sims, Lucy Sims, Dollie Sims, Mattie Drennon, Ewell Vaughter, Homer D. Drennon, Rosie Lee Drennon, John R. Sims, Azelle Sims, Abbie Sims, William L. Singleton, Anna Singleton, Sally Bettie Singleton, William H. Singleton, Alice Singleton, Susie Singleton, William Harvey Singleton, Ann Lee Singleton, Mary Jennie Singleton, Sallie May Singleton, Virgil Singleton, George W. Sanders, Elmer, T. Sanders, Willie M. Sanders, Essie B. Sanders, William A. Sanders, Willie B. Sanders, Lafayette Sanders, Stanley Sanders, Esther Sanders, Bessie Sanders, Allie Sanders, Allen Sanders, Hardy Sanders, Dora Reynolds and Willis Reynolds, 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,

*Tamo Birby*  
Chairman.

Register.

M.O.R. 8184.

Muskogee, Indian Territory, December 29, 1903.

William A. Sanders,

Ballant Ballant Creek, Kentucky. *Received July 2, 1904*

Dear Sir:

You are hereby notified that on the 17th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah J. (or Jane) Sims, et al., of which decision you were advised by registered mail on the 5th day of May, 1903.

Respectfully,

*Tame Dixby.*  
Chairman.

William A. Sanders et al  
R. 3184

REFUSED

DEPARTMENT OF THE INTERIOR

MAY 1 1900

OFFICE OF THE ASSISTANT ATTORNEY GENERAL

MAY 1 1900

OFFICE OF THE ASSISTANT ATTORNEY GENERAL  
FOR THE INDIAN DEPARTMENT

MAY 3 1900

ROAD FORWARD

MAY

ACTION DEPARTMENT OF THE INTERIOR

FORWARD APPLICANT.

MENTAL ACTION

FORWARD APPLICANT.

MENTAL ACTION

FORNEY OR CHOOTAW

AND THICKSKIN NATIONS.

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR



No. 3184

For Identification as a Mississippi Choctaw.

Date AUG - 6 1901

Name William A. Sanders

Age 45 . Blood 1/8

Post Office, Dallams Creek, Ky

Father: Richard Sanders (dead)

Mother: Eveline " "

Claims through mother

wife: Lucy Sanders ✓  
(no claim for her)

Children:

Willie B. Sanders 16

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3185.

Lafayette Sanders

MCR 3185

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 6, 1901.

3185

In the matter of the application of Lafayette Sanders for identification of himself and his six minor children as Mississippi Choctaws.

Hudson & Arnold attorneys; No appearance by attorneys.

Lafayette Sanders being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lafayette Sanders.  
Q How do you spell it? A L-a-f-a-y-e-t-t-e.  
Q Do you spell it with two capitals or one? A Only one.  
Q How old are you? A I am forty-one years old.  
Q What is your post-office address? A Maude, M-a-u-d-e, Texas.  
Q How long have you lived there? A In Texas, I have been there about twenty years.  
Q Where did you live before you came to Texas? A In Tennessee.  
Q How long did you live in Tennessee? A About twenty or twenty-one years.  
Q You were born there? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q You never lived in Mississippi or the Indian Territory? A No.  
Q What is your father's name? A Richard Sanders.  
Q Is he living? A No.  
Q What is your mother's name? A Her name is--I forgot that. She died when I was very small. I will think of it directly--- Evaline.  
Q She is dead you say? 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 About one-eighth, I don't know just how it runs.  
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 Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Jennie Harris.  
Q Jennie Sanders? A Yes Harris was her maiden name.  
Q Is she living? A Yes.  
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 under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes I have seven.  
Q Give the names and ages of these children? A Stanley, fourteen years old.  
Q Next? A Esther, M-a-t-h-e-r, twelve years old.  
Q Next? A Bessie, ten,  
Q Next? A Allie.  
Q How do you spell that? A-l-l-i-e.  
Q How old? A She is seven years old.

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- Q Next? A Allen.  
Q How old? A Five.  
Q Next? A Hardy.  
Q H-a-r-d-y? A Yes.  
Q How old? A He is one year old.  
Q Is that all? A I believe that is all.  
Q Well that is only six? A Well I missed one then.  
Q You gave Stanley, Esther, Bessie, Allie, Allen and Hardy? A  
Q Have you got Esther?  
Q Yes? A Well that is right the other is married.  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Jennie Sanders.  
Q When and where were you married to her? A In Texas.  
Q When? A In eighty-two.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A  
Q A By an ordained minister.  
Q Have you your marriage license and certificate and desire to  
offer same in evidence? A Not with me.

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

- Q A Yes I can get a certificate and send it in.  
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 in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No.  
Q Did you or did anyone for you or your children 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 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 that tribe, the Choctaw tribe of Indians? 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 make application for citizenship as a Mississippi Choctaw.  
Q You want to apply as a Mississippi Choctaw, what makes you think you have a right to be identified as a Mississippi Choctaw?  
A Well I have been taught that ever since, --I heard them speak about it, --my folks.  
Q Upon what do you base your right to be identified as a Mississippi Choctaw? A I have been taught that I had Choctaw blood.  
Q You are making your application then 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 Indians? A Yes.  
Q What do you claim under the treaties? A I claim citizenship of Mississippi Choctaws.  
Q Which one of the treaties do you claim this right under? A  
eighteen hundred and thirty.  
Q Do you claim under any particular part of this treaty or under the whole treaty? A Well under a part of it I would suppose.

I don't understand this treaty exactly . I never thought much about it.

- Q Do you know what part of the treaty you claim under? A Under the treaty that they----I don't know that I can explain it.
- Q Well you said that you claimed under some particular part of the treaty, now I ask you if you know what part of the treaty you claim under? A Under the treaty that was made with the Choctaw Indians.
- Q Well do you mean the treaty of eighteen hundred and thirty? A A Yes.
- Q Well you said a little while ago you claimed under a part of the treaty. I want to know what part of that treaty you claim under? A Well the fourteenth division.
- Q You think then that the fourteenth article or section of that treaty applies to your right? A I think so, of course I am not posted enough.

The law under which the Commission is acting at this time authorizes it 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 lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the Mississippi river where they could set up their tribal government and live undisturbed by the white settlers, but some of the Indians did not want to come away from Mississippi and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi.

- Q Of course you know what a treaty is? A Well I reckon I do.
- Q An agreement between Nations? A Yes that is what I took it to be.

So the fourteenth article was put in the treaty for the benefit of these Indians who wanted to stay in Mississippi and 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 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 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 How do you think that this is the provision which applies to your claim? 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 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 whose names did not appear on the roll which the Indian Agent had made, so under different acts of Congress Commissioners were appointed and sent to Mississippi and these Commissioners examined into the matter and tried to find out which of the Indians were entitled to land under the fourteenth article of the treaty. These Commissioners took up and passed on a large number of claims. 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 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 in Mississippi, Arkansas, Louisiana or Alabama.

Q How did any of your ancestors own land in any of these States?  
A If they did I never knew about it.

Q You have no records in your family to show 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 Sterling Singleton.

Q What relation was he to you? A He was my grandfather, I have always been taught that.

Q Did you ever see him? A No.

Q He was your mother's father? A Yes.

Q What was your mother's mother's name? A Louisa.

Q Singleton? A Yes.

Q Did your mother's mother claim to have any Choctaw blood? A A I don't know if she did.

Q You never heard that she did? A No.

Q Have you any evidence to show that your grandfather and mother were legally married? A No I have not.

Q You think you can secure such evidence? A I don't know unless some of the older ones in the family could. I think may be I could

Q Can you secure any evidence to show that Sterling Singleton was a recognized Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty? A No I could not.

Q You understand that that is a material point in your claim and you should secure evidence along that line? A I know but I can't say if it can be produced, I think it can.

Q That he lived there in eighteen hundred and thirty and was a Choctaw Indian? A Yes.

Q You understand that that is a matter of considerable importance in your case? A Yes.

Q Do you know if Sterling Singleton 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 You never heard? A No.

Q Do you know whether he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there and become a citizen of the United States? A I do not.

#6

- Q You think you can secure any evidence to show whether he did or not? A No I hardly think I can.
- Q You understand that is a material point in your case? A I would think that it would be but I don't know whether I can produce the evidence or not.
- Q Do you expect to try to get evidence? A Yes I expect to try.
- Q You understand that you are making application for valuable property rights here and in such cases even the sworn statement of an interested party does not carry much weight unless supported by outside evidence? A Yes I understand.
- Q Of course you are at liberty to have the testimony of any of your family offered regarding your ancestors or to identify you as a member of the family or anything of that kind? A Yes I understand that.
- Q Is there any other statement that you would like to make at this time in support of your application? A No I don't think so.
- Q Have you any papers that you want to file now? A I have not.
- Q Do you wish to offer the testimony of your uncle taken in your case? A Yes to identify me as a grandson of Sterling Singleton.
- Q Well that will be done.

If you desire to offer any further evidence in support of your application, either oral testimony of witnesses or 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 dark brown hair, blue eyes and tawny mustache. His features and general appearance are those of a white person and he shows no traces of Indian blood. His complexion is somewhat florid.

- 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 his grandfather through whom he claims lived in Mississippi at the date of the making of this treaty.

- Q Did your grandfather have any Choctaw name? A I think not if he did I never heard it.
- Q How much Choctaw blood did your grandfather claim to have? A One-quarter---three-quarters or one-half I have been taught.

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 6, 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 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 6, 1901.

In the matter of the application of William L. Singleton et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, July 16, 1901, M.C. 2975.

In the matter of the application of William A. Sanders et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 6, 1901, M.C. 3184.

In the matter of the application of Lafayette Sanders et al for identification as Mississippi Choctaws heard at Atoka, Indian Territory, August 6, 1901, M.C. 3185.

Hudsen & Arnold attorneys for applicants; No appearance by attorneys.

William L. Singleton called as a witness duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A W. L. Singleton.  
Q What does the "W" stand for? A William.  
Q What is your age? A Fifty-four last January.  
Q Have you made application for identification as a Mississippi Choctaw? A Yes.  
Q Do you know the applicants, William A. Sanders and Lafayette Sanders, who have just appeared here for identification as Mississippi Choctaws? A Yes.  
Q What relation are they to you if any? A They are my nephews and are my sisters sons.  
Q Then their mother was your sister? A Yes.  
Q And what was your father's name? A Sterling Singleton.  
Q You and your sister had the same father? A Yes.  
Q And you both get your Choctaw blood through your father? A Yes that is what we have always been taught.  
Q Did you secure any evidence of the marriage of your father and mother? A We have not yet.  
Q Do you think that it can be secured? A I don't hardly think that it can.  
Q Can you get affidavits of witnesses who knew that they lived together as man and wife? A Yes.  
Q If it is utterly impossible to get the record of the Court which issued their license or the marriage certificate, and if you cannot secure the affidavits of persons who were present at their marriage you might file affidavits of two or three disinterested parties who knew that they lived together as man and wife? A I believe we might do that but I think it would be utterly impossible to do the other.  
Q You remember Sterling Singleton do you? A Yes but I was small.  
Q Do you know about when he died? A No not exactly.  
Q About how old were you when he died? A I was about ten and one-half years old.  
Q Well he has been dead then about forty or forty-five years? A Yes about that.  
Q You know about how old he was when he died? A No.  
Q Where did he live when he died? A In Tennessee.  
Q Where did he go to from Tennessee? A My understanding was from citizens that knew him when he came from Mississippi that he was with the Choctaws when they came west to this Country but that he dropped out and stayed in Tennessee.  
Q Do you know whether he went to the Indian Agent there in Mississippi within six months from the ratification of the treaty and told him that he wanted to stay in Mississippi? A No I do not.



- Q You don't know if he ever owned any land in Mississippi? A No.
- Q You know that these two applicants William A. Sanders and Lafayette Sanders are grandchildren of your father Sterling Singleton's? A My mother always taught me that their mother was my sister and that Sterling Singleton was our father. That is as far back as I can go.
- Q It is a matter of history in your family that you both had the same father and that these children are your sister's children? A Yes.

To William A Sanders and Lafayette Sanders:

Is there anything else that you want to bring out by this witness? A Both reply "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 6, 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 22nd day of October 1901.

*Charles W. Sawyer*

Notary Public.

Muskogee, Indian Territory, September 16, 1901.

Mr. J.E. Arnold

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of August 29th, enclosing certificate of the Clerk of the County Court of Bowie County, Texas, of the marriage of L. O. Sanders and Virginia Harris, which you offer for filing in support of the application of L. O. Sanders.

In reply to your letter you are advised that it does not appear from our records that any person by the name of L. O. Sanders has applied for identification as a Mississippi Choctaw. Our records show that Lafayette Sanders, forty-one years old, of Naud, Texas, applied for the identification of himself and his minor children as Mississippi Choctaws at Atoka, Indian Territory, on August 6th, 1901. The name of his wife appears as Jennie Sanders.

If these are the persons mentioned in the marriage certificate as L. O. Sanders and Virginia Harris, kindly advise us and explain this discrepancy in the names. Until such explanation is

J. E. A., #2.

received no further consideration can be given the evidence of marriage offered for filing in support of the application of L. O. Sanders.

Yours truly,

X.C.3188

Muskogee, Indian Territory, October 26, 1901.

J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

On September 16, 1901, the Commission acknowledged receipt of your letter of August 29th, enclosing certificate of the Clerk of the County Court of Bowie County, Texas, as to the marriage of L. O. Sanders and Virginia Harris, which you offered for filing in support of the application of L. O. Sanders for identification as a Mississippi Choctaw.

Replying to your letter you were advised that it did not appear from our records that any person by the name of L. O. Sanders had applied for identification as a Mississippi Choctaw but our records did show that a Lafayette Sanders, 41 years of age, of Maud, ~~Mississippi~~ had applied for the identification of himself and his minor children as Mississippi Choctaws at Atoka, Indian Territory, on August 6, 1901. The name of his wife as given at that time, appears as Jennie Sanders.

You were requested to inform the Commission if the marriage certificate offered by you of L. O. Sanders and Virginia Harris was for these parties and also explain the discrepancy in the name of Virginia and Jennie Harris.

J E A 2

The evidence of marriage is now returned to you herewith with the information that no consideration can be given the same until this explanation is made.

Yours truly,

Acting Chairman.

M.C.R.3185

Enc Y 57

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

*Copy*

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 1, 1901.

J. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, with which you inclose certificate of Frank A. King, County Clerk of Bowie County, Texas, and affidavit of T. J. Watlington, as to the marriage between L. O. Sanders and Miss Virginia Harris, which you offer for filing in support of the application for identification as Mississippi Choctaws of Lafayette Sanders and his minor children. The same have been duly filed with the record in this case.

Yours truly,

Acting Chairman.

MC 3185

Muskogee, Indian Territory, May 5, 1903.

Lafayette, Sanders,  
Maude, Texas.

Dear Sirs:

You are hereby advised that on the 5th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah J. (or Jane) Sims et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah J. (or Jane) Sims, et al.,	M C R 2976
Hattie Drennon, et al.,	M C R 2977
John R. Sims, et al.,	M C R 2978
William L. Singleton, et al.,	M C R 2975
William H. Singleton, et al.,	M C R 2979
George W. Sanders, et al.,	M C R 3219
William A. Sanders, et al.,	M C R 3184
Lafayette Sanders, et al.,	M C R 3185
Dora Reynolds,	M C R 2706

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the

evidence herein is insufficient to determine the identity of Sarah J. (or Jane) Sims, Lucy Sims, Dollie Sims, Hattie Drennon, Ewell Vaughter, Homer D. Drennon, Rosie Lee Drennon, John R. Sims, Azelee Sims, Abbie Sims, William L. Singleton, Anna Singleton, Sally Bettie Singleton, William H. Singleton, Alice Singleton, Susie Singleton, William Harvey Singleton, Anna Lee Singleton, Mary Jennie Singleton, Sallie May Singleton, Virgil Singleton, George W. Sanders, Elmer T. Sanders, Willis M. Sanders, Essie B. Sanders, William A. Sanders, Willie B. Sanders, Lafayette Sanders, Stanley Sanders, Esther Sanders, Bessie Sanders, Allie Sanders, Allen Sanders, Hardy Sanders, Dora Reynolds and Willis Reynolds, 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)

*Tam's Dixby*  
Chairman.

Register.



M. C. R. 3185.

COPY:

Muskogee, Indian Territory, December 29, 1903.

Lafayette Sanders,  
Maude, Texas.

Dear Sir:

You are hereby notified that on the 17th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah J. ( or Jane ) Sims, et al., of which decision you were advised by registered mail on the 5th day of May, 1903.

Respectfully,

(SIGNATURE)

*Tame Dixby.*  
Chairman.

No. 3185

For Identification as a Mississippi Choctaw.

Date AUG -6 1901

Name Lafayette Sanders

Age 41 Blood 1/8

Post Office, Maude, Texas

Father: Richard Sanders (dead)

Mother: Eveline Sanders (dead)

Claims through mother

wife: Jennie Sanders  
(no claim for her)

Children:

Stanley Sanders	14
Esther	" 12
Bessie	" 10
Allie	" 7
Allen	" 6
Hardy	" 1

Claims for self and 6  
minor children

Stenographer

G. Rosenwinkel

Lafayette Saunders et al  
R 3185

RECEIVED

DEC 11 1903  
MAY 5 1903

NOTICE OF APPOINTMENT  
MAY 5 1903

NOTICE OF APPOINTMENT  
FOR  
MAY 5 1903

RECEIVED  
MAY 21 1903

ACTION APPROVED BY SECRETARY OF INTERIOR

DEC 11 1903

FOR FEDERAL ACTION  
FORWARDED APPLICANT.  
DEC 21 1903

FOR FEDERAL ACTION  
FORWARDED ATTORNEY FOR APPLICANT.  
DEC 21 1903

FOR FEDERAL ACTION  
FOR CHOCTAW  
AND CHICKSAW NATIONS.  
DEC 21 1903

REFER TO M. C. R. 2976.

DECISION PREPARED

Choctaw MCR 3186

Edith N. Eberman

MCR 3186

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 7, 1901.

3186

In the matter of the application of James M. Blevins for identification of his minor step daughter Edith Narcissa Eberman and his two minor children Carl and Jewel Blevins as Mississippi Choctaws.

Applicant not represented by attorney.

James M. Blevins being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James M. Blevins.  
Q What is your age? A Forty-four years.  
Q What is your post office address? A Sterrett, Indian Territory.  
Q How long have you lived there? A I have lived there a little over six years.  
Q Where did you live before you lived there? A In the Chickasaw Nation part of the time?  
Q How long have you lived in the Indian Territory? A It will be fourteen years in December.  
Q You want to make application for your children and your step child? A Yes.  
Q Where have they lived all their lives? A They lived with me all their lives.  
Q Have they lived in the Indian Territory all their life? A No not my step daughter she was born in Texas.  
Q You don't make any claim for yourself? A No.  
Q Give the names and ages of these children for whom you wish to make application? A Edith, E-d-i-t-h Narcissa Eberman.  
Q How old is Edith.  
Q She is sixteen the twenty-ninth of June.  
Q What is the next? A Carl Blevins.  
Q How old is Carl? A He is ten years.  
Q What is the next? A Jewel.  
Q Is that a boy or girl? A A girl.  
Q How old? A She will be five years old the twenty-seventh of January next.  
Q What is the name of Edith Eberman's father? A His name is William Eberman.  
Q He is dead is he? A Yes.  
Q You are the father of the other two? A Yes.  
Q What is the name of the mother of these children? A Jennie Damsel Blevins--Jennie D. Reynolds.  
Q Well was not her name Blevins? A Yes.  
Q Is she living? A No she is dead.  
Q Jennie Damsel Blevins is the mother of all three of these children? A Yes.  
Q And you are the father of Carl and Jewel? A Yes.  
Q And William Eberman is the father of Edith Eberman? A Yes.  
Q Have you your marriage license and certificate between you and Jennie Blevins? A No.  
Q Have you the marriage license and certificate between Jennie Reynolds and William Eberman? A No not with me but at home.

It will be necessary for the Commission to be supplied with evidence of both of these marriages in support of the application you make for your step child and your own children .

- Q These children claim their Choctaw blood through their mother?  
A Yes.
- Q How much Choctaw blood did their mother claim to have? A She claimed to have about one-eighth I believe.
- Q Was the name of the mother of these on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Had she ever been recognized 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 the names of the children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever made any application to the Choctaw tribal authorities to have your children enrolled as members of that tribe? No not before this.
- Q Well this is not the Choctaw tribal authorities, this is the authority of the United States? A No.
- Q Did you for your children or did any one else for them in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No.
- Q Have these children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have they 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 applied before this time to either the Choctaw tribal authorities or the authorities of the United States to have these children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind that has ever been made for them? A Yes.
- Q What kind of an application do you want to make for them now? A Application for citizenship by blood.
- Q The time for the hearing of original applications for citizenship in the Choctaw Nation expired within ninety days after the act of Congress of June 10, 1896, and since that time the Commission has had no authority to hear or make any record of original applications for citizenship? A I make it now under the Commission, the law of course I don't know. I am not a lawyer. I want to get a right here for them.
- Q I am just trying to find out what kind of an application you want to make, you stated you wanted to make application for citizenship by blood and I told you that the time for making such applications had long since expired. Now what kind of an application do you want to make? A I don't know.
- Q What do you claim for your children? A I claim a right as a Choctaw citizen, a Mississippi Choctaw.
- Q You want to claim as a Mississippi Choctaw? A Yes.
- Q Then you want to make application to have them identified as Mississippi Choctaws? A Yes.
- Q What makes you think that your children are Mississippi Choctaws? A Well that has always been our understanding and we have proof to prove it.

- Q Well what makes you think that, what is the reason that you think that? A Why it is evidence that they are.
- Q Well what is a Mississippi Choctaw? A Well I don't know that I can tell you.
- Q Well you say that your children are Mississippi Choctaws, now I ask you what a Mississippi Choctaw is. What do you understand by that word? A These are the Choctaws that were originally in Mississippi.
- Q Well all Choctaws originally came from Mississippi or Alabama? A Well I don't understand you.
- Q Well what distinguishes a Mississippi Choctaw in your mind from any other kind of Choctaws? A I don't know as I can answer you on that. I think I could if I knew how.
- Q Do you claim that your children are descended from 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? A It is under the fourteenth article that I am working under.
- Q You are making your claim under the fourteenth article for your children? A No only that is the claim that we are working under.

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 move them all over here. The state of Mississippi was being rapidly filled up with white settlers and it was becoming very hard to protect the Choctaws in their tribal government and the United States thought it would be best to bring them over to the new Country where they would not be molested by the white people in their tribal government but some of the Indians did not want to come 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 these Indians who wanted to remain in 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 between the United States and the Choctaw Nation concluded in 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 and told him that they wanted to stay there 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 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 were not found on the rolls made by the Indian Agent, so under different acts of Congress Commissioners were appointed and sent down there to investigate 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 several hundred cases, some 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 if the land which they claimed 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 any land in any of these States, any of the ancestors of these children I mean? A I could not say.
- Q What was the name of the ancestor of these children who lived in Mississippi in the old Choctaw Nation, in eighteen hundred and thirty who was a recognized Choctaw Indian? A Why these who were here claimed under the grandfather of these children as Green B. Reynolds.
- Q Did he live in Mississippi in eighteen hundred and thirty? A I don't know, he lived there some time. I suppose that will be brought out by evidence and by proof and the children's great grandfather was Mitchell Reynolds. That will have to be proved by witnesses..
- Q How much Choctaw blood did Mitchell Reynolds claim to have? A He claimed to have about one-half I believe.
- Q Your children claim their Choctaw blood through their mother? A Yes.
- Q And through which one of their mother's parents did she claim her Choctaw blood? A On the Reynolds side; her father.
- Q What was her mother's name? A Narcissa Reynolds.
- Q What was her father's name? A My wife's father's name?
- Q Yes? A Green B. Reynolds.
- Q Have you any evidence of the marriage of your wife's father and mother? A I seen a certificate.

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

- Q What was Green B. Reynolds' father's name? A Mitchell Reynolds.
- Q And what was his mother's name? A I don't know.
- Q Through which one of his parents did Green B. Reynolds get his Choctaw blood? A From Mitchell Reynolds, his father.
- Q Did you know Green B. Reynolds? A Yes.
- Q How long has he been dead? A About six years I believe it is.
- Q About how old was he when he died? A I don't recollect.
- Q You don't know about how old? A I think about sixty.
- Q He was living then in eighteen hundred and thirty? A No I guess not, I am not positive. I reckon not.
- Q That would make him at least seventy-one years old if he were living then? A Well he would not be that old.
- Q Have you any evidence to show that Mitchell Reynolds and Green B. Reynolds were Choctaw Indians? A We think we have.
- Q What kind? A We have witnesses to prove it by.
- Q Can you bring them before the Commission? A I don't know if we can.
- Q Will you have evidence to show whether Green B. Reynolds or Mitchell Reynolds lived in the old Choctaw Nation in 1830? A I don't know about that.



#

- Q Do you know if Mitchell Reynolds went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there and become a citizen of the United States? A I don't know.
- Q Will you be able to secure any evidence on that point? A I don't know.
- Q You understand that these are important points in your case? A Yes.
- Q You understand that you are making application for valuable property rights and that in a case of this kind even the sworn statement of a party in interest will carry very little weight unless supported by outside evidence? A Yes.
- Q And you understand that if you can bring your witnesses before the Commission in person to testify it will carry more weight than affidavits.
- Q If you cannot get their oral testimony can you get their depositions? A I suppose, we can tell more about that later on.

Should you desire to offer any further evidence in support of your application, or the application you make for your children and your step-child, 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 Have you any papers that you want to file now? A Not now, may be before I leave this evening.
- Q Is there anything further that you want to say in support of this application? A No.

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 7, 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 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

In the matter of the application of Edith Narcissa Eberman et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3186.

In the matter of the application of Gladis E. Blevins et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3187.

In the matter of the application of Eva Campbell et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901, M.C. 3201.

In the matter of the application of Charles M. Reynolds et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901 M.C. 3202.

Not represented by attorney.

Narcissa Reynolds being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Narcissa Reynolds.  
Q What is your age? A Sixty-one.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q What Nationality are you? A White.  
Q Are you acquainted with the applicants Eva Campbell and Charles M. Reynolds, John W. Blevins and James M. Blevins? A Yes.  
Q What relation are they to you if any? A Well the Blevins' boys wives were my daughters and Eva Campbell is my daughter and Charles M. Reynolds is my son.  
Q John W. Blevins, and James M. Blevins only applied for the identification of their minor children? A Yes.  
Q And their children are your grandchildren? A Yes.  
Q And get their Choctaw blood through their mother's? A Yes.  
Q And their mother's were your daughters? A Yes.  
Q And your children get their Choctaw blood through their father? A Yes.  
Q Did you ever know Mitchell Reynolds? A Yes.  
Q Where did you know him? A In Indiana.  
Q How much Choctaw blood did he claim? A He claimed one-half.  
Q Did he look like a half blood Indian? A Yes he looked pretty dark.  
Q Did he have any other Indian features? A Well I was not much acquainted with Indians then days but I can see now that he looked much like an Indian.  
Q Do you know where Mitchell Reynolds was living in eighteen hundred and thirty? A I think if I am not mistaken that he just moved from Mississippi to Kentucky.  
Q Of course you don't know anything about that personally? A No only what I heard them talking about him going backward and forward from one State to the other, he would go around a great deal and he would take this Green Berry with him as a little child.  
Q Do you know how your husband's father owned this land in Mississippi? A No I don't know.  
Q Do you know what part of Mississippi this land was in? A I don't know exactly but it was pretty close to Kentucky by his taking the little boy.

Q (to Mrs. Campbell, M.C. 3201) Is there anything else that you would like to have brought out by your mother? A No I think not.

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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*  
Notary Public.

copy.  
M.C.R. 3186

Muskogee, Indian Territory, October 13, 1902

Edith Narcissa Eberman,  
Sterrett, Indian Territory.

Dear Madam:-

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

Eva Campbell, et al.,	M.C.R. 3201
Edith Narcissa Eberman, et al.	M.C.R. 3186
Gladis E. Blevins, et al.,	M.C.R. 3187
Charles M. Reynolds, et al.,	M.C.R. 3202

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 Eva Campbell, Frankie Campbell, Edith Narcissa Eberman, Carl Blevins, Jewel Blevins, Gladis E. Blevins, Leslie G. Blevins, Nobia W. Blevins, Charles M. Reynolds and Lottie E. Reynolds

Edith Harriess Sherman-----2

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

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

Respectfully,

(SIGNED)

*T. B. Neenan*  
Commissioner in Charge

Registered.

REFER IN REPLY TO THE FOLLOWING:

M C R 3186

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

Muskogee, Indian Territory, January 24, 1907.

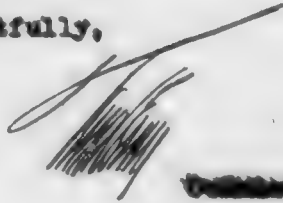
Edith H. Eberman,  
Sterrett, Indian Territory.

Dear Madam:

The records of this office show that on December 9, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Eva Campbell, et al., of which the application of Edith H. Eberman, et al. is a part, but that through inadvertence no notice of such Departmental action was furnished the applicants.

You are now advised that this case, having been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, is considered closed.

Respectfully,



Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG - 7 1901

Name James M. Blevins

Age 44 Blood of children 1/8

Post Office, Sterrett, D. T.

Father:

Mother:

Children Claims through mother

Claims for two minor children and one step child.

Children:

Edith N. Eberman 16

Carl Blevins 10

Jewel " F 5

Mother: Jennie Blevins (dead)

Father of Edith

William Eberman (dead)

Father of others

James M. Blevins

Stenographer

G. Rosenwikel



RECEIVED  
FEB 26 1907

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Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



No 3186

Edith N. Eberman,

Sterrett, Indian Territory.

REFUSED

Edith N. Eberman, et al

R. 3186

DECISION

OCT 11 1907

NOV 11 1907

REPORT FORWARDED TO DEPT. OF INTERIOR

OCT 11 1907

ACTION APPROVED BY DEPT. OF INTERIOR

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT

JUN 24 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT IN CHOCTAW  
AND CHICKASAW TERRITORIES

JUN 24 1907

REFER TO R. 3200

Choctaw MCR 3187

Gladis E. Blevins

MCR-3187

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 7, 1901.

3187

In the matter of the application of John W. Blevins for identification of his three minor children Gladis E., Leslie G., and Nobia G. Blevins for identification as Mississippi Choctaws.

Applicants not represented by attorney.

John W. Blevins being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John W. Blevins.  
Q What is your age? A Forty-eight.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q How long have you lived there? A Six years.  
Q Where did you live before you lived there? A West of Colbert in the Chickasaw Nation.  
Q How long have you lived in the Indian Territory? A Eleven years  
Q Where did you live before you lived in the Indian Territory?  
A Texas.  
Q Lived in Texas all your life? A No I was raised in Indiana considerably.  
Q You say you want to make application for your minor children?  
A Yes.  
Q Your children claim their Choctaw blood through their mother?  
A Yes.  
Q Is their mother living? A No.  
Q Has any guardian ever been appointed for these children? A No.  
Q Give the names and ages of these children? A The oldest one is Gladis E. Blevins.  
Q How old? A thirteen.--Leslie G. Blevins, twelve years old.  
Q Is that a boy or girl? A Boy.  
Q Next? A The next is Nobia N. Blevins.  
Q Is that a girl? A Yes.  
Q How old? A She is eight years old.  
Q Is that all? A Yes.  
Q These are your children? A Yes.  
Q What is the name of their mother? A Eliza Blevins.  
Q When and where were you married to her? A Married in Texas in the year 1886.  
Q Have you your marriage license and certificate and wish to offer same in evidence? A No I have not got them.

It will be necessary for the Commission to be supplied with evidence of the marriage between yourself and your wife Eliza in support of the application you make for these minor children.

- Q A Yes I will get them later.  
Q These children have always lived with you? A Yes.  
Q Was the mother of these children ever 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 ever made application to the Choctaw tribal authorities in Indian Territory or has application ever been made for these children to have them enrolled as citizens of the Choctaw

Nation? A No.

- Q Did you for them or any one else in 1896 apply to the Dawes Commission under the act of Congress of June 10, 1896 to have your children admitted to citizenship in the Choctaw Nation? A No not that I know of.
- Q Have ~~you~~ they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have they 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 Has any application ever been made before this time to either the Choctaw tribal authorities or the authorities of the United States to have your children enrolled or admitted as members of the Choctaw Nation? A No.
- Q This is the first application that has ever been made for them? A Yes.
- Q What kind of an application do you want to make now? A Why I want to make application for the children as Mississippi Choctaw Indians?
- Q What makes you think that your children have a right to claim as Mississippi Choctaws? A By their ancestors.
- Q Who is that ancestor? A Evidence from people we aim to substantiate that my wife's father was a Mississippi Choctaw.
- Q Do you know what a Mississippi Choctaw is? A I have an idea.
- Q Well make a statement what you think it is? A My idea of Mississippi Choctaws is that they are Choctaws who have not been entered on the rolls in this Country.
- Q Well what kind of a claim do you make for your children as Mississippi Choctaws? A What kind of a claim?
- Q Yes? A Why we make a claim through the ancestor of my children that we are Indians.
- Q You are making claim for them because you have always been taught that they 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 know that I understand that.
- Q I say, do you claim anything for your children under any of the treaties between the United States and the Choctaw Indians? A No.

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 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."

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 living then in Mississippi and Alabama for the purpose of moving them from that Country to a Country west of the Mississippi River and give them land here in exchange for their land in the States of

Mississippi and Alabama 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 Choctaw who wanted to remain in Mississippi so article fourteen was made a part of the treaty for the benefit of these Choctaws who wished 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 in ending 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?  
 A Well I make claim under the fourteenth article.  
 Q You claim under this article which I have just repeated? A Yes.  
 Q you claim that your children are descendants of a Choctaw Indian who lived in Mississippi in eighteen hundred and thirty and complied with the provisions of this article of the treaty? A Yes.

Within six months after this treaty was ratified a large number of Indians went to the Indian Agent in Mississippi and told him that they wanted to stay and become citizens of the United States but when an agent was sent down by the government to locate the land for these Indians he found that there were a great many who claimed that they had gone to the Indian Agent whose names were not found on the roll which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and find out which of these claimants were really entitled to land there under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases, some of them they allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land 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 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 the ancestors of your children own land in any of these States? A I don't know.  
 Q What was the name of the ancestor of your children who lived in Mississippi in eighteen hundred and thirty who was a recognized Choctaw Indian? A My understanding was that it was Mitchell Reynolds.  
 Q What relation was he to your children? A Great grandfather.

Q Have you any evidence of the marriage of your wife's father and mother? A No I don't know any official evidence, the only evidence I know they lived as husband and wife.

It will be necessary for the Commission to be supplied with evidence of the marriage of your wife's father and mother in support of the application you make for your minor children.

Q What was your wife's father's name? A Green B. Reynolds.  
 Q What was Green B. Reynolds' father's name? A Mitchell Reynolds.  
 Q What was his mother's name? A I don't know.  
 Q Was Green B. Reynolds a recognized Choctaw Indian? A Not that I know of.  
 Q Was Mitchell Reynolds a recognized Choctaw Indian who lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty? A I don't know but I understood that he was.  
 Q Is Green B. Reynolds dead? A Yes.  
 Q About how old would he be if he were living now? A I don't know I don't remember the exact date of his death.  
 Q Well about how old? A Well I think he was about sixty or sixty two years old when he died that would make him about sixty-eight years old.  
 Q He was not living in eighteen hundred and thirty then when this treaty was made? A No I reckon not.  
 Q Will you be able to secure any evidence to show that Mitchell Reynolds was a recognized Choctaw Indian and lived in the old Choctaw Nation in eighteen hundred and thirty? A Yes I think so.  
 Q Did Mitchell Reynolds come west to the present Choctaw Nation with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I think not.  
 Q Did he go to the Indian Agent there in Mississippi within six months from the ratification of this treaty and tell him that he wanted to stay there and become a citizen of the United States? A I can't say.  
 Q You think you will be able to secure any evidence on that point? You understand that is a material point in your case? A Yes.  
 Q How much Choctaw blood did Mitchell Reynolds claim to have? A My understanding was that he claimed to be one-half Choctaw.  
 Q How much Choctaw blood do you claim for your children? A Well if that would be the case I claim one-eighth for the children.  
 Q Did Mitchell Reynolds have any Choctaw name? A I did not understand you.  
 Q Did Mitchell Reynolds have any Choctaw name? A I don't know about that.  
 Q Do you think that you can bring witnesses before the Commission in person to prove whether your children's great grandfather was a recognized Choctaw Indian and lived in Mississippi in eighteen hundred and thirty and went to the Indian Agent there within six months after the treaty was ratified and told him that he wanted to stay there in Mississippi? A I can't say I don't know.  
 Q You understand that the oral testimony of witnesses before the Commission carries more weight than their depositions or affidavits? A Yes.  
 Q Do you understand also the importance of securing evidence to support the statements made by you? A Yes.  
 Q You understand that when valuable property rights are concerned even the sworn statement of an interested party will carry very little weight unless supported by outside evidence? A Yes.

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- Q You expect to do everything in your power to get such evidence?  
A Yes.

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

- Q Have you any papers that you would like to file now? A No not now.  
Q Are there any other statements that you would like to make now?  
A No.----I would like to have my wife's mother's testimony to identify my children as the children of her daughter.  
Q You said I believe that your wife got her Ojibwa blood through her father? A Yes.  
Q You will be permitted to offer the testimony of your wife's mother in support of this application.

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 7, 1901, and that the above 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 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

In the matter of the application of Edith Narcissa Nberman et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3186.

In the matter of the application of Gladis E. Blevins et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3187.

In the matter of the application of Eva Campbell et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901, M.C. 3201.

In the matter of the application of Charles M. Reynolds et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901 M.C. 3202.

Not represented by attorney.

Narcissa Reynolds being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Narcissa Reynolds.  
Q What is your age? A Sixty-one.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q What Nationality are you? A White.  
Q Are you acquainted with the applicants Eva Campbell and Charles M. Reynolds, John W. Blevins and James M. Blevins? A Yes.  
Q What relation are they to you if any? A Well the Blevins' boys wives were my daughters and Eva Campbell is my daughter and Charles M. Reynolds is my son.  
Q John W. Blevins, and James M. Blevins only applied for the identification of their minor children? A Yes.  
Q And their children are your grandchildren? A Yes.  
Q And get their Choctaw blood through their mother's? A Yes.  
Q And their mother's were your daughters? A Yes.  
Q And your children get their Choctaw blood through their father? A Yes.  
Q Did you ever know Mitchell Reynolds? A Yes.  
Q Where did you know him? A In Indiana.  
Q How much Choctaw blood did he claim? A He claimed one-half.  
Q Did he look like a half blood Indian? A Yes he looked pretty dark.  
Q Did he have any other Indian features? A Well I was not much acquainted with Indians them days but I can see now that he looked much like an Indian.  
Q Do you know where Mitchell Reynolds was living in eighteen hundred and thirty? A I think if I am not mistaken that he just moved from Mississippi to Kentucky.  
Q Of course you don't know anything about that personally? A No only what I heard them talking about him going backward and forward from one State to the other, he would go around a great deal and he would take this Green Berry with him as a little child.  
Q Do you know how your husband's father owned this land in Mississippi? A No I don't know.  
Q Do you know what part of Mississippi this land was in? A I don't know exactly but it was pretty close to Kentucky by his taking the little boy.

(to Mrs. Campbell, N.C. 1901) Is there anything else that you would like to have brought out by your mother? A - No I think not.

Witness excused.

W. Resewinkel 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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*W. Resewinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, October 13, 1902.

John W. Blevins,

Sterrett, Indian Territory.

Dear Sir:-

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

Eva Campbell, et al.,	M.C.R. 3201
Edith Narcissa Kberman, et al.	M.C.R. 3186
Gladis E. Blevins, et al.,	M.C.R. 3187
Charles M. Reynolds, et al.,	M.C.R. 3202

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 Eva Campbell, Frankie Campbell, Edith Narcissa Kberman, Carl Blevins, Jewel Blevins, Gladis E. Blevins, Leslie G. Blevins, Nobia W. Blevins, Charles M. Reynolds and Lottie R. Reynolds as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

John W. Elving-----

of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED) *I. S. Needles.*  
Commissioner in Charge

Registered.

M C R 3187

Muskogee, Indian Territory, January 24, 1907.

John W. Blevins,  
Sterrett, Indian Territory.

Dear Sir:

The records of this office show that on December 9, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated Mississippi Choctaw case of Eva Campbell, et al., of which the application of Gladis E. Blevins, et al. is a part, but that through inadvertence no notice of such Departmental action was furnished the applicants.

You are now advised that this case, having been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, is considered closed.

Respectfully,

Commissioner.

REFUSED

Cladis & Blevins et al

R. 3187

OCT 11 1902

NOTICE OF DEPARTMENTAL ACTION

OCT 11 1902

FORWARDED TO DEPARTMENT

OCT 11 1902

RECORDS FORWARDED TO DEPARTMENT

OCT 20 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

1902

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APR 1902

JAN 22 1907

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APR 1902

REFER TO

No. 3187

For Identification as a Mississippi Choctaw.

Date AUG - 7 1901

Name John H. Blevins  
Age 48 Children's Blood 1/8

Post Office, Sterrett, D. T.

Father:

Mother:

Children  
Claims through mother

Children:

Gladis E. Blevins 13  
Leslie G. " M 12  
Nobia N. " F 8

Mother: Eliza E. Blevins (dead)

Claims for three children

Stenographer

G. Rosenwinkel

W.R. 3187  
name of child

Evidence Gladie  
E. Blevins

Ship Gladys E.  
Blevins



Choctaw MCR 3188

Sarah Everett

MCR 3188

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

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In the matter of the application of Sarah Everett, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3188.

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

	(Page)
Original application of Sarah Everett, et al., before the Dawes Commission for identification as Mississippi Choctaws,.....	1
Affidavit of H. R. Evans.....	10
Decision of the Commission refusing the application of Sarah Everett, et al., for identification as Mississippi Choctaws,.....	11

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 5, 1901.

In the matter of the application of Sarah Everett for the identification of herself and one minor child as Mississippi Choctaws.

Sarah Everett, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Sarah Everett.  
Q How old are you? A Forty five.  
Q What is your post office address? A Aquilla, Alabama.  
Q What county? A Choctaw County.  
Q How long have you lived in the Choctaw County? Alabama? A I was born there.  
Q Lived there all of your life? A Yes sir, right under the shadow of the place of my birth.  
Q Do you claim to have Choctaw blood? A Yes sir.  
Q How much Choctaw blood do you claim to have? A 1/8.  
Q Is your father living? A No sir, he is dead and mother too.  
Q What was your father's name? A Peter Everett.  
Q What was your mother's name? A Fanny Everett; she was Evans at first.  
Q Through which one of your parents do you derive your Choctaw blood? A My grand mother was half Choctaw.  
Q Now, wait ; I mean which one of your parents? A Oh! my mother.  
Q Your father had no Choctaw blood? A No sir.  
Q What was your father? A If he had any - he was kinder mixed; I couldn't certify to his blood; he used to tell me that his mother were part Indian or mulatto, he didn't know which.  
Q Wasn't he a slave? A Yes sir.  
Q Was your mother a slave? A My mother was a slave, but my great grand father was a free born Choctaw Indian. Her father - her mother's father was a free born Choctaw Indian - Indian Jim during the Indian war - You know more about that than I do - her old master got in a very close place while the Indians and whites were at war, and Indian Jim and him became intimate close friends, and Indian Jim married her according to the laws of the slaves at them days, and then my ~~was~~ mother's old master freed him from all service but his milking; that was my grand mother's mother; she was then freed for the sake of Indian Jim because he saved his life during the Indian war and they became intimate friends, and then Jim Indian and my great grand mother --  
Q She was a black woman? A Yes sir, said to be mixed, but my great grand father was a free born Choctaw Indian.  
Q How old would your mother be if she was living now? A Well she would be along up - I will have to count - she has been dead a good while, and her young master said at her death - she has been dead now going on twenty five years - and at her death I think he said she was sixty something.  
Q You think she would be about eighty five now, if she was living?  
A Yes sir.  
Q You claim your mother was a quarter blood Choctaw? A Yes sir.

Sarah Everett, et al., 2.

Q Through which one of her parents did she derive her Choctaw blood? A Her mother.

Q What was her mother's name? A Rachael.

Q And Rachael you claim was a half blood? A Yes sir.

Q Was she a slave? A Yes sir, but her mother for the sake of Jim Indian - that's the old record and what was handed down through generations - her mother for the sake of Jim Indian - you know it was against the law for a slave to be entirely free, and she was the house girl - but for Jim Indians' sake she was freed from only milking ~~the~~ because my grand father was, I reckon, an African on my mother's side, and finally had to leave the nation because he was a free man in that day.

Q What did you say Rachael's name was? A Hagar.

Q She was a slave ~~and~~ and she married to this man Jim Indian, who was a full blood Choctaw Indian? A Yes sir, free born; that was always the record of the old head of it - Jim Indian, when my mother's old master was in war with the -- what I want to state is the birth of my grand mother - and when that became Jim Indian's home, there in Wayne County, Mississippi - when her old master became intimate with him and after he saved his life, he married this woman, Hagar and my grand mother Rachael was born at Fort Winchester, Mississippi.

Q How long did your mother live there in Choctaw County, Alabama?

A My mother was born in Winchester, Mississippi, and was carried to Alabama, Choctaw County, when quite a child; old master Joe Evans moved there when she was a child, but she was born at Winchester, and the old head of the Evans --

Q Did your mother ever go out to the Choctaw Nation, Indian Territory? A No sir, she never went out there.

Q You never have been out there, have you? A No sir, I have never been out there at all.

Q Are you married? A Yes sir.

Q Is your husband living? A He went off, and is supposed to be dead.

Q What is his name? A Allen Everett.

Q You don't know whether he is living or dead? A No sir, I don't know whether he is living or dead; I haven't got a letter from him in six years.

Q Did he have any Choctaw blood? A Yes sir, he had it but I couldn't tell you; some has told me that I ought to trace it up on his side from a child, but I told them I couldn't trace it up, and his father was talking to me last night and said he was going back to his wife's mother and trace it up.

Q You make no claim for him now? A No sir, but his father told me he was going out to his owners and try to trace his Indian blood.

Q Have you any children? A Only one.

Q What is that child's name? A Willie.

Q Boy or girl? A Boy.

Q How old is Willie? A He will be sixteen years old the 20th of this month.

Q Is he living with you? A Yes sir.

Q You are the mother of Willie? A Yes sir.

Q What is the name of its father? A Allen Everett!

Q This application then is for yourself and one minor child is it? A Yes sir.

Q Is your name, or the name of this minor child on any of the Choctaw tribal rolls in Indian Territory? A I suppose they are - grand father's name is there. I suppose that they are; mother said it was always stated that her old man had Indian in him himself.

Sarah Everett, et al., 3.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or this minor child to be enrolled as members of the tribe? A No sir.

Q Did you make a plication to this Commission in 1896, for citizenship in the Choctaw Nation for yourself or this minor child? A No sir.

Q Have you ever made any application prior to this time either to the Choctaw tribal authorities or to the United States authorities for citizenship in the Choctaw Nation for yourself or this minor child? A No sir.

Q This, then 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 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 article 14 of the treaty of Dancing Rabbit Creek? A No sir, I don't understand that.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi between the United States Government and the Choctaw tribe of Indians on the 27th day of September, 1830, nearly seventy one years ago. At the time this treaty was made, the Choctaws occupied a part of the State of Mississippi, and a small portion of the State of Alabama along the western boundary. 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, a part of which is now occupied by the Choctaw tribe of Indians - the main portion of the tribe. At the time the treaty was made, some of the Indians were unwilling to leave this country and go out west to the new country west of the Mississippi, and for the benefit of those who preferred to stay here, the 14th article was put in the treaty. Now, that is only one little paragraph, or a part of 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 un 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."

Sarah Everett, et al., 4.

Q Do you think you understand that 14th article now, after hearing it read? A I don't think I understand it clearly.

I will endeavor to explain this 14th article so you will understand it clearly. As I have heretofore stated to you, this 14th article was put in there for the benefit of Choctaws who preferred to stay here in Mississippi and not move out to the new country west of the river, and by that 14th article these Choctaws that stayed here were entitled to certain benefits in the way of land, but they were required to do certain things in order to receive their land. The first thing that was necessary for them to do was for them to within six months from the time the treaty was ratified, which was on the 24th day of February, 1831, to signify to the United States Indian Agent here in Mississippi, their intention to remain in Mississippi and become citizens of the States and take land; the head of the family then would be entitled to a reservation of one section of land, a piece of land one mile square; and if he had a child in his family over ten years of age, that child was entitled to a half section, or 320 acres; if he had a child in his family under ten years of age, that child was entitled to a quarter section of 160 acres and the reservation of the children must adjoin the location of the parent, and that reservation must also include the present improvement of the head of the family; that is, the improvements that were there on the 24th day of September, 1830, the day the treaty was made; they were further required to live on that reservation for a period of five years from the 24th of February, 1831, the date the treaty was ratified, and they would then be entitled to a grant in fee simple to the land; that is, they would be entitled to a deed to it from the Government, and when they got that land, they could sell it and dispose of it at their own pleasure. A great many of the Choctaws down here did comply with its provisions, and they were given the land here in Mississippi and some of them disposed of it. The last clause of this 14th 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 entitled to any portion of the Choctaw annuity." That means that persons who chose to stay here in Mississippi and take advantage of the provisions of article 14 and get land here, should not lose the privilege of a Choctaw citizen by reason of the fact that they stayed here, but if they ever removed - if they went out to the new country west of the Mississippi River and join the main portion of the tribe, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid annually to the Choctaws by the Government under treaty stipulations.

Q Do you think now you understand - have a clear idea of the treaty of Dancing Rabbit Creek? A Yes sir.

Sarah Everett, et al., 5.

Q Did any of your ancestors ever comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A I couldn't tell you, only just as the old people have told me.

Q What have you heard? A I have heard ~~that~~ my mother speak about her grand father being Jim Indian, you know, and I have heard the old head of the Evans talking about that - used to be in camp with Jim Indian and Tom Indian, and I have heard Mr. Evans say they were friendly Indians; that's what I got from the old head; that they remained in Wayne County, and he said they were friendly with the whites. I have never heard about the people - and all

I have heard the old head talk it over about the Indians - they used to remain, and I have heard my mother and the Evans talk it over, and I have heard them call different names - Tom Indian and Jim Indian.

Q Did Jim Indian have a Choctaw name, the man you claim is your great grand father? A Yes sir.

Q What was his Choctaw name? A I have always heard it stated that Jim Indian was her grand father and camped, you know, there near Winchester, and I have never heard her go back about the descendants, but I have heard her call the different names.

Q I asked you if he had a Choctaw name? A I don't know any Choctaw proper name; I never heard.

Q What one of your Choctaw ancestors was living here in Mississippi and Alabama in the old Choctaw Nation, when this treaty was made?

Q Her father was one; Jim Indian was one, I reckon, during that time; I reckon you have heard me remark----

Q Well, your mother's father didn't have any Choctaw blood? A Her father?

Q Your mother's father? A I don't know sir; I have never heard.

Q I asked you which one of your Choctaw ancestors? A My mother's grand father; that's where she inherited hers from; she inherited it from him, and I have heard them remark and say that he was a free born Choctaw Indian, and the location was here about Winchester, and I have even heard Mr. Evans say that they were friends.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians here in 1830, when the treaty was made?

A He was.

Q How do you know he was? A I just know it from the old head knowing about the time -

Q Did you ever hear that he was a recognized member of the tribe at that time, in 1830? A I never heard the date, but he belonged to the ~~tribe~~ tribe, but I have never heard that - but from the conversation of her white owners, and her conversation of the history of my life about the Indians, you know - he died here at Winchester.

Q When did he die? A He died - I have heard her say that her grand ma and grand father both were buried down there near the grave yard of her old mistress and master.

Q I asked you when he died; now I wish you would tell me when he died if you know, and if you don't say so? A No sir, I don't know.

Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A Yes sir, they owned land, - according to her statement and Evans' statement. They owned land here - Jim Indian was one of them, according to the statement of the old head, and Tom Indian and the tribe.

Q Who was Tom Indian; ~~was~~ what relation was he to you? A They

Sarah Everett, et al., 6.

were related; I don't know sir, what, but these two names and a few more names - I used to hear him tell in my presence, -and she had always brought us up under the impression that they used to pass themselves as half.

Q Where did Jim Indian own an improvement in 1830, when this treaty was made? A In Wayne County, I suppose; that's what I have heard them say, that that was his home in Wayne County, and I have heard her say - that's all you know, I have to go by - I have heard her say all of my life that her grand father's home was in Wayne County; I have heard her speak of the animosity that rose and her people - that's all I can tell.

Q Do you know anything about his owning an improvement here at that time; do you know what it consisted of, or where it was? A She said they owned land.

Q How much land? A I never heard her say; I just heard her say they owned land.

Q Do you know what ever became of that land? A No sir.

Q Do you know how much it was? A No sir, nothing of the kind.

Q Did any of your Choctaw 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 According to her statement and Evans' statement, the old head --

Q Well, what was that statement? A The statement were that those that, you know, that remained in Wayne County and those that didn't go to Jasper and that removed and had gone to the Territory.

Q Did you intend to answer my question with that remark; was that the idea? I asked you if any of your ancestors -- Do you know what ancestors means? A Descendant.

Q That means your fore-fathers. I want to know whether any of your Choctaw ancestors removed from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory between the years 1833 and 1838, when the main body of the tribe went out there, nearly seventy years ago? 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 India 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, whether they did or not.

Q Did any of your Choctaw ancestors ever claim or receive any land from the Government of the United States 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 any of your Choctaw 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, or 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 register the names of Choctaws who might desire to remain



Sarah Everett, et al., 7.

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 the names of many Choctaws who did in fact signify to him their intention to remain and become citizens of the States, and he also, of course, failed to report their names to the Government, and as a result, the Government, at its public land sales, in many instances, sold land upon which Choctaw Indians had improvements, and which they supposed they would receive in accordance with the provisions of this 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 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 that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government; that commission did come 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 but a small number of them, comparatively speaking, 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 this work of hearing the Choctaw cases. This second commission was duly appointed by the President and the commissioners came down here and heard a great many more of these Choctaw cases; 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 If they did, I never have known 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 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 State of Mississippi, or Alabama, or Louisiana, or Arkansas, 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 of the United States under the provisions of this Act of Congress? A I don't know sir.

Q Have you any witnesses before the Commission to-day you want to introduce in your case? A No sir.

Q Do you know of the existence of any written testimony, or evidence of any kind showing that any of your ancestors ever claimed or received any benefits under article 14 of the treaty of Dancing Rabbit Creek, or ever complied with the provisions of that 14th article? A I don't know of any.

Sarah Everett, et al., 8.

- Q You never saw any deed or patent issued to any of your ancestors covering land received under this 14th article? A No sir; all that I ever knowed was by word of mouth; they weren't educated.
- Q You never heard of any of your Choctaw ancestors getting any land here in Mississippi from the Government? A No sir.
- Q Do you know of any persons who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this 14th article, or ever received any benefits thereunder? A Yes sir.
- Q Who? A Mrs. Evans; well, infact, she was not able to go to Winchester herself, our slave home --
- Q I asked you one question? A Mrs. Evans is the only one.
- Q Well, that's enough? A Yes sir.
- Q You don't know of any one else who would know about that? A No sir, she is the only one that I -
- Q How old is she? A About eighty years old, I reckon; she is an old woman.
- Q Have you any written evidence of any description that you want to offer at this time? A Yes sir.

The affidavit of H.R. Evans 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 more later? A I don't know sir, if it is necessary.

Well, of course, the question of its being necessary is not one that we can absolutely determine? A I don't exactly understand you, Mr., do you mean, do I want to send more papers in this case?

- Q Yes? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in your case. We would like for you to file this written evidence in thirty days, if you can. And if you see fit to bring any witnesses before the Commission in person to testify in your case, you can bring them here to Meridian, Mississippi, in a reasonable time, and we will hear their testimony.

sisters

- Q Have you any ~~brothers~~ living? A No sir, my sisters is all dead.
- Q Are any of the children of your sisters living? A Yes sir.
- Q How many? A Five.
- Q What are their names? A Albert.
- Q Albert what? A Canada.
- Q The next? A Jake Canada.
- Q The next? A Creole
- Q And the next one? A Oscar Shaw.
- Q The next one? A Willie.
- Q Is that all? A Yes sir, five.
- Q What is the name of the mother of the Shaw children? A Rachael.
- Q The mother of the other children? A Clara.
- Q Have any of these children been before the Commission? A No sir

Sarah Everett, et al., 9.

- Q Have you any brothers living? A Two.  
Q What are their names? A Eli Everett and Joe Everett.  
Q Your husband and you had the same name before you married?  
A Yes sir, his father and my father belonged to the same person.  
Q Have you any brothers dead? A ~~Yes sir~~ Yes sir, I have one dead.  
Q Did he have any children at the time of his death? A He was a single man.  
Q Any of your mother's sisters living? A No sir.  
Q Did that sister have any children when she died? A Yes sir, but there is only one living.  
Q What is that one's name? A Ellis.  
Q He was the son of your mother's sister? A Yes sir.  
Q What was that sister's name? A Rachael Patton.  
Q Did your mother have any brothers? A I don't think she has any living; I think they are all dead.  
Q Are any of the children of your mother's brothers living? A Yes sir.  
Q How many? A Four at Waynesboro  
Q About four that you know? A Yes sir.  
Q What are their names? A Dolly Rainy.  
Q The next one? A Rachael Brown.  
Q The next one? A Aslene Matthews.  
Q The next one? A The fourth one is there; her name is Rachael Evans She has been married - Rachael Trotter.  
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.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 5th day of Aug., 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.

off  
C.W.

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

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In the matter of the application of Sarah Everett, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3188.

--: 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 Sarah Everett for herself and her minor child Willie Everett,  
under the following provision of the act of Congress approved June  
28, 1898 (30 Stat., 495):

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

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between  
the United States and the Choctaw Nation, concluded September twenty-  
seventh, eighteen hundred and thirty, by reason of being descendants

of Jim Indian (or Indian Jim), who is alleged to have been a full blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said 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 Jim Indian (or Indian Jim), 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 Sarah Everett and Willie Everett, as Choctaw Indians entitled to rights

-3-

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

**COMMISSION TO THE FIVE CIVILIZED TRIBES,**

(SIGNED) James Bixby.  
Acting Chairman.

(SIGNED) I. B. Needles.  
Commissioner.

(SIGNED) C. R. Breckinridge.  
Commissioner.

Muskogee, Indian Territory,

OCT 31 1902

COPY.

Muskogee, Indian Territory, October 31, 1902.

Hensfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Everett, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 22, 1898, (30 Stats., 405) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Everett and Willie Everett 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."

Mansfield, McMurray & Cornish, ---3.

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

Respectfully,

*Tams Dixby.*  
Acting Chairman.



Muskogee, Indian Territory, October 31, 1902.

Sarah Everett,

Aquilla, Alabama.

Dear Madam:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Everett, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Everett and Willie Everett as Choctaw Indians entitled to rights in the Choctaw lands under 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."

Sarah Everett, —2.

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

Respectfully,

(SIGNED)

*Tamc Birby*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Sarah Everett, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31st, 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. Doby*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. H.C.R. 3188.

Muskogee, Indian Territory, December 1, 1902.

Harah Everett,  
Aquilla, Alabama.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, in which you state that the letter of the Commission notifying you of the refusal of your application and the granting of fifteen days time within which to file argument did not reach you in time to permit the filing of argument in support of your claim.

In reply you are informed that the fifteen days from October 31, 1902, granted you within which to file argument, expired on November 15, 1902. On November 17, 1902, the record in your case was forwarded to the Secretary of the Interior for review. Pending action thereon by him the Commission cannot receive or consider further evidence in this case.

Respectfully,

Acting Chairman.

Land.  
69838.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, July, 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, the record of proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Sarah Everett for the identification of herself and her minor child, Willie Everette, as Mississippi Choctaws.

On October 31, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of these applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that the Principal applicant herein claims to have inherited her Choctaw blood from ~~her~~<sup>an</sup> ancestor by the name of Jim Indian or Indian Jim who is alleged to have been a full blood Choctaw Indian, but there is nothing in said record evidence which in any way substantiates her claim since she submits no evidence showing that said Jim Indian or Indian Jim ever complied or attempted to comply with the provisions of said article 14 or secured a

patent for land or scrip in lieu thereof thereunder.

In an examination of the office records the following affidavits are found relative to Mississippi Choctaws by the name of Jim, Jimmy and Jimmie:

\* Jimmy, a full breed Choctaw, aged seventy, on being interrogated says his name is Jimmy. At the time of the Treaty of Dancing Rabbit Creek he had three unmarried children, names and ages as follows: 1. You-a-ho-Ka, a female, now at home keeping house, aged about 30 years at this time; 2. Is-to-noe-a, a male, present, aged at this time about 26 years; 3. Sampson, a male, present, aged about 24 years at this time. He is his grandchild. The son of his daughter, You-a-ho-Ka, first on this list. Colo. Fisher is his counsel.

\* Hi-a-ka, a full blood Choctaw, a witness of claimant, being first sworn on the Holy Evangel of Almighty God, deposes as follows:

\* That he is acquainted with Jimmy, who lives about nine miles beyond him. Knows his family; has been acquainted with them a great while; knew him before the treaty.

\* Jimmy had three children before the treaty; one of them is now at home; the other two are present. The eldest, Mou-a-ho-Ka, a female now at home; has seen her lately; was 30 years old at the treaty.

\* 2. Is-to-noea, a male, about 26 years old at the date of the treaty, present before him.

\* 3. Sampson, a grandson, son of You-a-ho-ka, aged 24 years at the time of the treaty, and now present before him.

\* You-a-ho-Ka was married, and when Sampson was very small they threw one another away. Her husband's name was A-la-Ziah. She

"was married a long time before the treaty. They threw each  
 "other away a great while before the treaty; at the time of the  
 "treaty she lived at Cain-ta-o-Ka (a Creek) at her own house.  
 " Jemmy, her father, lived at the same house. It was Jemmy's  
 "house. She never left her father's house; always lived with  
 "him.

Jemmy had a field and resided there at the time of the treaty  
 "and ever since. Witness is a brother-in-law of Jemmy. Has no  
 "interest in his claim. Witness was present at the payment of  
 "the annuity at Leflores. Jemmy was there; saw Jemmy go up to  
 "Colo. Ward. Ward asked him what he wanted. Jemmy told him he  
 "wanted to remain here. Ward asked him if he wanted to become  
 "a citizen of Mississippi. Ward put down his name and the names  
 "of his children. He put down Sampson's name. John Ellis in-  
 "terpreted for Jemmy. Claimant belongs to Capt. Cobb's company  
 "Jemmy did not receive any part of the annuity.  
 "A-la-ziah, the husband of You-a-ho-Ka, married another wife  
 sometime after he parted with her.

Hiaka, his X mark.

" Taken and sworn to this 10th,  
 "Jany. 1838, at Leflores before  
 " C. J. Murray.  
 P. D. Vroom  
 "Case 163.

"Tick-bam-bee, a full blood Choctaw man, five feet 8 1/2 in.  
 "height; small scar on lower hip; says he is forty-one years old.

" Statement filed.

"Witness: Charles Durant being first sworn says claimant is  
 "his son-in-law; married witnesses daughter Justine, who  
 "is now forty years old. Claimant is three parts Choctaw and

\*was the head of a family (Chocta) at the date of last treaty. He  
 \*had wife and four children:

\*1 Sa lis, a man, present.

2. Rachel, young woman, present.

3. Polly, a little girl, present.

4. Nicholas, a little boy, present, all under ten at date of  
 \*treaty, and living with their father, the claimant.

\*The claimant then occupied a house entirely to himself and

\*cultivated a separate field, under the same fence with Bill

\*Taylor, his brother-in-law, and lived about two hundred yards.

\*I was claimant's nearest neighbor, culled their crops separately.

\* He then lived about half mile on the west side of big black  
 \*on Dry creek; follow the road it is two miles from Big black.  
 \*Shonelache's Company and Leflores District and about seven  
 \*miles from Georgeville in Holmes County. The land was good  
 \*and branch water. He lived on this place, two years after the  
 \*treaty, and his brother-in-law, Sweeney Durant, being stabbed, he  
 \*moved to where Sweeney lived to take care of him. He intended  
 \*going back when he first moved, but his brother, Onah-cha-tub-  
 \*bee proposed to join him in a crop and he did so and  
 \*did not return to his old place but gave his crop which he had  
 \*planted to his uncle-in-law, Ben Taylor. Sweeney Durant died  
 \*in about seven weeks after being stabbed. He stayed with Onah-  
 \*cha-tubbee only that year, and then moved to the house of  
 \*witness, and cropped with witness two years and then moved  
 \*half a mile, made a house and field but the place being claimed  
 \*by a white man named Roper, who said he had entered it and  
 \*that he must leave, claimant then moved to Sugg's place on the  
 \*big black, built a house and opened a field and cultivated it



\*three years. Suggs was to have paid him for the improvement,  
 \*but never has. Suggs, wanting the place, told claimant to  
 \*move. He did move about seven miles on Long creek. Has never  
 \*been west, but always remained in the ceded country.

\* Witness and claimant went to Leflores at the time of the  
 \*annuity and went there to be registered for the five years  
 \*stay. He got into the house but did not see Ward in conse-  
 \*quence of the crowd, before it was reported that Ward would  
 \*register no more. Witness got into the small room and got his  
 \*name registered and about two hours after witness had regis-  
 \*tered, Ward said in the presence of the witness and others he  
 \*would register no more. He gave no reason for this conclus-  
 \*ion, as witness heard. Witness hearing Ward say he would  
 \*register no more, left the small room where Ward was doing  
 \*business, and saw claimant in the large room, at the door of  
 \*the small room, when witness told him that Ward would not  
 \*register any more. The claimant with witness returned to the  
 \*camp together.

\* Claimant received no part of the annuity and obtained no land  
 \*under any other article of treaty. Never sold his land or  
 \*scrip as witness knows or believes, and further says not.

\* The Board adjourned till tomorrow morning, Tuesday morning  
 \*February 14th, 1843.

\*Case 91.

\*Jim Tom, half negro and half Indian, black as a negro, five  
 \*ft. four and half in. no mark except his black face and wooly  
 \*head, says he is thirty five years old. Is registered one  
 \*place with two children, the other with four children.

\*Statement filed.

\*1 Witness, To ma la chah:

\* That he has known Jim Tom a long time. He was married at date of treaty. Has a wife a full blood Choctaw woman, named \*Shim-mah-ho-yah and four children, two step children by a former husband and three dead and two children of his own by his \*then wife. The children are:

- \*1. Steah ho ka, now dead, died five years after treaty.
- \*2. Ah lah ta mah, dead.
- \*3. Willie, gone west four years ago.
- \*4. Winee, dead.

\* The two last are Jim Tom's own children; the two first \*were step children, the children and his wife by a former \*marriage. That Shim-mah-ho-yo, had no children after treaty, but \*she named John now living at home, died seven years ago; that \*Ste-ah-ho-ka died leaving no children; also Ah lah ta mah; that \*the first child was fourteen, the second twelve, the third \*about six and fourth about four years old, at date of treaty; that \*Jim Tom with his family lived in a double house to themselves \*and cultivated a field under a common fence with others; that \*Salla-ho-yo, the mother in law of Jim Tom, lives in one end of \*the house; Salla ho yo had a son living with her named \*Eah-mock-in-tubbee, now dead; Oglah no watchie, daughter of \*her sister named Polla adopted by Salla ho yo; that Salla ho \*yo is a claimant; the others claim under her and no other way, \*that these two fields under this common fence, cultivated and \*owned, one by Jim Tom, the other by his mother-in-law and \*sons; says that Jim Tom and his mother-in-law reside together \*as one family and share their crops together as one family as \*is common for the Choctaws to do; that no other person lived

"in same yard but those named; that their nearest neighbor was  
 "father of Jim Tom named Tom, about three miles off, a free  
 "black man, had been for a great while, but previously belonged  
 "to the father of Adam Folsom who was a white man and owner of  
 "Tom; that Jim Tom then lived on the bluff of Tom Bigby River  
 "west side, five miles north of the old factory in Sumpter  
 "County Ala., that Jim Tom now lives on his fathers Tom's old  
 "place, three miles off from his former residence; that he  
 "moved to this place about six years before the treaty; that  
 "until this period he lived at his old place where he lived  
 "at the date of the treaty; that Jim Tom moved because he had  
 "sold his land, having obtained from the government as he under-  
 "stood (a title it is supposed) for his land. States the same  
 "as is related in his deposition in the case of Phallesongah  
 "(case 781) and that Jim Tom's name was then registered with  
 "his four children; that claimant always lived in the Choctaw  
 "country; never been west; that he has understood that claimant  
 "has received from the government one and half sections of  
 "land; that he ought to have received land for two more  
 "children with the exception of the above, he does not know  
 "that claimant has received any other under any other article  
 "of the treaty, nor has he sold or agreed to sell his land or  
 "scrio &c.

"Genl. Depo. of To ma lacha & Ho te ma ya. Joint depo. taken  
 "and filed".

---

The records in this office further show that Yock-a-tubbee, a deceased Choctaw Indian, had a child born after the treaty, named Jim, and that said Yock-a-tubbee, at the date of the treaty lived half a mile east of Kin-tauk-ke Creek in Leflore's district.

It further appears by the affidavit of E-yah-moon-tubbee given in 1844 that Yem-ma, a Choctaw Indian, who resided in Leflore's district, now, Neshoba County, who dies about three years after the treaty, left a child, among others, named Jimmy under ten years of age at the date of the treaty.

It also appears from the affidavit of Lucy, a half negro and half Indian, that she had a child named Jimmie who was three years old at the date of the treaty.

From the evidence in the record the office concludes that none of these persons named above could have been the Indian Jim described in the record as they are all too young, neither do the affidavits copied herein add much to the statements in the record or in any way show that these applicants are entitled to identification as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation.

The office considers that the Rachel mentioned in ~~the~~ one of said affidavits could not have been an ancestor of these applicants, from all of which the office concludes that said decision of the Commission is correct and recommends that it be approved by the Department.

Very respectfully,

W. A. Jones,  
Commissioner

W. C. B. ) P.

COPY.

D.C. 27352.  
ITD. 5676-1903.

W.C.F.  
EAF.

DEPARTMENT OF THE INTERIOR.

L.R.S.

Washington, September 28, 1903

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Sarah Everett and her minor child, Willie Everett, as Mississippi Choctaw Indians. Your decision refusing the application was rendered October 31, 1902.

The applicants base their claims to a right to identification as Mississippi Choctaws on their descent from Jim Indian (or Indian Jim), through his daughter, Rachael, through her daughter, Fanny Everett, mother of the principal applicant, it being alleged that Jim Indian (or Indian Jim), was a full blood Choctaw Indian.

The evidence furnished by the record fails to show that said ancestors complied or attempted to comply with the provisions of article 14 of the treaty, or with the subsequent acts of Congress relating thereto.

Reporting July 16, 1903, the Commissioner of Indian Affairs sets forth certain affidavits found upon the records of the Indian Office relative to Mississippi Choctaws by the name of Jim, Jimmie and Jimmy, and recommends that your decision be approved. A copy of his

letter is inclosed.

Comparing the information furnished by the record with that furnished by the records of the Indian Office, the Department is of the opinion that the ancestor through whom the applicants claim could not have been identical with the Jim, Jimmie or Jimmy, whose names appear on the records of the Indian Office. The Department therefore affirms your decision.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, October 12, 1903.

Sarah Everett,  
Aquila, Alabama.

Dear Madam:

You are hereby notified that on the 28th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Everett, et al., of which decision you were advised by registered mail on the 31st day of October, 1902:

Respectfully,

(SIGNED)

*Edwin D. Doby.*  
Chairman.

COPY.

Muskogee, Indian Territory, October 12, 1903.

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

Gentlemen:

You are hereby notified that on the 28th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Everett, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

*James Bisby.*  
Chairman.



#1265

No. 3188

For Identification as a Mississippi Choctaw.

Date AUG 5 1901

Name Sarah Everett

Age 45 Blood 1/8

Post Office, Aquilla, Ala.

Father: Peter Everett d.

Mother: Fanny " d.

Claims through mother  
husband Allen Everett  
(no claim for husband.)

Children:

Willie Everett 16

(Claims for self and one child)

Stenographer

A. S. Street

Sarah Everett, et al

P. 31 88

OCT 1 1903

NOTICE OF DEED

OCT 1 1903

FOR CHOCOLATE

OCT 1 1903

RECORD - DEED

NOV 1 1903

SEP 1 1903

OCT 1 1903

Choctaw MCR 3189

Edna Griffin

MCR 3189

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 5, 1901.

In the matter of the application of Edna Griffin for  
identification as a Mississippi Choctaw.

Edna Griffin, having been first duly sworn, upon her  
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Edna Griffin.  
Q How old are you? A Twenty six years old.  
Q What is your post office address? A Meridian, Mississippi.  
Q What is your local address? A 1702 is the number of the house,  
and Seventeenth Street and Sixteenth Avenue.  
Q How long have you lived in the State of Mississippi? A Nearly  
four years.  
Q Where did you live before that time? A In Alabama, Choctaw  
County.  
Q How long did you live in Choctaw County, Alabama? A Twenty two  
years.  
Q You were born and raised there? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A James B. Griffin.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Mary Frances Griffin.  
Q You claim to have Choctaw blood? A Yes sir.  
Q How much? A 1/32, I guess; my father is 1/16.  
Q You get your Choctaw blood through your father? A Yes sir.  
Q Have you lived with your father constantly since your birth?  
A Yes sir.  
Q Where did he live prior to that time? A He lived in Choctaw part  
of the time, and around near there; I don't know whether we ever  
lived in Mississippi before that or not. I think he has; I am  
not sure.  
Q How old is your father? A He is fifty years old.  
Q Has he been before the Commission? A Yes sir.  
Q When, do you know? A Last Monday, I believe, was a week ago.  
Q Two weeks ago to-day? A A week ago last Monday.  
Q Through which one of his parents did your father derive his  
Choctaw blood? A His father.  
Q Is his father living? A Yes sir.  
Q What is his name? A Thomas Griffin.  
Q Where does he live? A Whynot, Missi sippi.  
Q Is that a post office? A Yes sir.  
Q How old is he, Thomas B. Griffin? A I think he is about seventy  
eight years old.  
Q Whynot is in Lauderdale County, is it? A Yes sir.  
Q Through which one of his parents did Thomas B. Griffin derive his  
Choctaw blood? A His mother.  
Q What was her name? A Harriet.  
Q What was her maiden name? A Connor.  
Q How much Choctaw blood did Harriet Connor have? A 1/4 I think.  
Q Do you know where she lived during her life time? A No sir, I dont  
know.

Edna Griffin, 2.

- Q Did you ever see her? A No sir.
- Q What has been the residence of your father, Thomas B. Griffin?
- A My grand father?
- Q Yes? A In Mississippi as long as I have been here; as long as I can remember.
- Q Through which one of her parents did Harriet Connor derive her Choctaw blood? A Through her mother, I think.
- Q Do you know what her name was? A I believe her name was Polly.
- Q Do you know what her maiden name was? A No sir, I don't know.
- Q You never saw her of course? A No sir.
- Q Then, according to your statements, she was a half blood Choctaw?
- A Yes sir.
- Q Do you know anything about where she lived during her life time?
- A No sir.
- Q Has your grand father been before the Commission? A Yes sir.
- Q When was he here? A I don't know, sir, when he was here.
- Q How many brothers and sisters have you? A Five sisters and three brothers.
- Q Are any of them of age? A Yes sir, two of them.
- Q What are the names of those who are of age? A Lillian and Mary Elakely; she has married.
- Q Lillian is single? A Yes sir.
- Q Have either of them been before the Commission? A Mary has.
- Q How many brothers and sisters has your father? A I don't know, sir, really, I will have to name them; I know their names, I think. Sam, Rosier, George, Connor, and Nancy.
- Q The next? A Mary, Cary Ann, Margaret and Lucy. I think that's all.
- Q Is Nancy married? A Yes sir.
- Q What is her name? A Gray.
- Q Is Mary married? A No sir.
- Q Cary Ann married? A Yes sir, Grimes.
- Q Is Margaret married? A Yes sir, Williams.
- Q Is Lucy married? A Yes sir, Lucy Rollins.
- Q Have any of your father's brothers or sisters been before the Commission? A Yes sir, I think they have all been except Sam.
- Q Are your father and mother living together at this time? A Yes sir.
- Q Your grand father and grand mother, Thomas B. Griffin and wife, are living together at this time? A Yes sir.
- Q Has your father ever been to the Indian Territory? A No sir.
- Q Have you ever been out there? A No sir.
- Q Are you married? A No sir.
- Q This application then is for yourself only? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't know, sir.
- Q Have you ever made application to the Choctaw tribal authorities out there to have your name enrolled as a member of the tribe?
- A No sir.
- Q Did you, or any one for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation, under the Act of Congress of June 10, 1896? A Not that I know of.
- Q Have you ever been before admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir.

Edna Griffin, et al., 3.

Q Have you ever made any application of any description prior to to-day? A No sir.

Q Do 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 No 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 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 Indians occupied a part of Mississippi and a small portion of Alabama, along the western boundary. The policy of the Government for some years had been to secure the removal of the Indians west of the Mississippi, and that was the object of this treaty. At the time the treaty was made some of these Indians insisted upon remaining here in Mississippi, and for their benefit 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 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 ~~araxia~~ 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 14th article? A I don't know sir, whether I do or not.

Q Well, what is there about it you don't understand? A I don't know sir.

Well, I will try and explain it to you, then. As I have heretofore stated, this 14th article was put in the treaty for the benefit of the Choctaws who desired to stay here in Mississippi and not move out to the new country west of the river. By the provisions of that 14th article, they

Edna Griffin, 4.

were entitled to land here in Mississippi, upon their fulfilling certain conditions in that article. One of these conditions was that within six months from the time this treaty was ratified, which was on February 24, 1831, they should signify to the United States Indian Agent here in Mississippi, their intention to remain and take advantage of the provisions of this 14th article. They were then, that is, each Choctaw head of a family, was then entitled to a ~~one~~ reservation of one section of six hundred and forty acres of land; in other words, a piece of land a mile square, and if the head of the family had an unmarried child over ten years of age, he was entitled to one half section for that child, or three hundred and twenty acres, for each child he might have, no matter how many, and for each child in his family under ten years of age, he was entitled to 160 acres, or a quarter section of land. The reservation must include the improvement of the parent that he owned on the 27th day of September, 1830, when this treaty was made, and the reservation of the children must adjoin the location of the parent. Now the other requirement of the Indians was that they should live on that land continuously for five years after February 24, 1831, the date the treaty was ratified, and if they did live on that land for five years from February 24, 1831, they were entitled to a grant in fee simple for the land, or a deed or patent from the Government to the Indians for the land; he then could dispose of it at his pleasure. That 14th article provides further that persons who claim under that article, that is, persons who at that time preferred to stay here in Mississippi and take advantage of its provisions by signifying to the agent their intention to remain here and by taking land and living on that land for five years, should not lose the privilege of a Choctaw citizen, but if they ever removed, that is, if they ever went out to the country west of the Mississippi River, now occupied by the Choctaw tribe, and joined the tribe out there, they should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid to the Choctaws out in the Territory under treaty provisions, paid annually, each year.

Q Do you think now you understand that 14th article clearly? A Yes sir, I think so.

Q Did any of your ancestors ever comply with the provisions of that 14th article? A I don't know 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?

A I don't know sir.

Q Were any of them recognized members of the tribe here at that time? A I don't know whether they were or not.

Q Did any of them own an improvement here in the old Choctaw Nation at that time? A I don't know.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation, in Indian Territory, at the time of the removal of the main portion of the tribe ~~between~~ in the thirties? A I don't know.

Edna Griffin, 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 here in Mississippi, their intention to remain and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A If they did, I don't know it.

Q You never have heard of it if any of them ever received any land under this article? A No sir.

Q Did any of your Choctaw ancestors ever receive 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 I don't know sir.

In accordance with the provisions of article 14 of the treaty, the Government of the United States, directed an agent here in Mississippi to register the names of Choctaw Indians who desired to remain in Mississippi and become citizens of the States, in accordance with that article. The records of the Government show that this agent failed to record and report to the Government, the names of many Indians who did, in fact, signify to him their intention to remain and become citizens. On this account, the Government at its public land sales, in many instances, sold land upon which Indians had improvements, and which they supposed they would receive under the provisions of article 14 of the treaty I have just described to you. This occasioned a great deal of ill feeling and 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 August March, 1837, providing for the appointment of a commission to come down here to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government, and they had never received any benefits. This commission was duly appointed by the President and the Commissioners came down here 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 comparatively a small number of them, and Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of another commission whose duty it was to come down here and finish up the hearing of these Choctaw cases. That second commission was duly appointed, and the commissioners came down here in the early forties 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.



Edna Griffin, 6.

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 requisites of article 14 of the treaty of 1830, but that his land had been sold by the Government, he was entitled to select land elsewhere in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate to that effect should be issued to him; these certificates were commonly known as 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 So far as you know none of your ancestors ever received any land here in Mississippi from the Government of the United States?

A No sir.

Q And none of them ever received any scrip? A No sir, not that I know of.

Q Have any of your ancestors always lived in this country, so far as you know, in Mississippi and Alabama? A No sir, I have some in Texas.

Q What relatives are they A Have an uncle in Texas, Sam Griffin, lives in Texas.

Q Where did your great grand parents live? A I don't know sir.

Q You don't know ~~where~~ where any of your ancestors lived further back than your grand father? A No sir.

Q Have you any witnesses before the Commission now you want to introduce? A No sir, none except my cousin there, Florence Gray, and GriffinBuckalew.

Q What do you expect to prove by them? A They just know - I can prove that I am my father's child and Thomas Griffin's grand child.

Q Do you know of any one living who would be able to ~~swear~~ testify as to the amount of Indian blood you have, and as to your ancestry, 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 No sir, I don't know of any.

Q Have you any written evidence of any kind that you want to offer?

A No sir.

Q Do you want permission to offer some later? A I don't object.

You will be allowed a reasonable time in which to offer proper written evidence in support of your case. If you find any witnesses that might be informed as to the points raised in your case, and you care to either send them or bring them before the Commission, we will be glad to hear their testimony.

(Applicant excused.)

Florence Gray, having been called and first duly sworn as a witness in behalf of the above named applicant, testified as follows:

Examined by the Commission.

Edna Griffin, et al., 7.

- Q What is your name? A Florence Gray.  
Q What is your age? A Twenty three.  
Q What is your post office address? A Meridian.  
Q What is your local address? A 3320 Harrison Street.  
Q How long have you lived in Meridian? A Eight years.  
Q Where did you live prior to that time? A I lived at Wynnot, Mississippi.  
Q What county? A Lauderdale.  
Q How long have you lived there? A About all my life until I moved here.  
Q Do you claim to have Choctaw blood? A That's what they tell me.  
Q Is your father living? A Yes sir.  
Q What is his name? A J.B. Gray.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Nancy Gray.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q Has she been before the Commission? A Yes sir.  
Q Have you been before the Commission? A Yes sir.  
Q How long since? A About two weeks ago.  
Q Are you acquainted with the applicant who was just before the Commission? A Yes sir.  
Q What is her name? A Edna Griffin.  
Q Is she any relation ~~at~~ to you? A First cousins.  
Q What is the name of her father? A James B. Griffin.  
Q What is the name of her mother? A Frances Griffin.  
Q Through which one of her parents did she derive her Choctaw blood? A Her father.  
Q How long have you known this applicant? A Well, all my life.  
Q Her father and your mother are brothers and sisters? A Yes sir, her father and my mother.  
Q Do you know the name of her grand father on her father's side? Thomas Griffin.

(Witness excused.)

Allen G. Buckalew, having been called and first duly sworn as a witness in behalf of the above named applicant, testified upon his oath as follows:

Examined by the Commission.

- Q What is your name? A Allen G. Buckalew.  
Q What is your age? A Thirty three.  
Q What is your post office address? A Hurrican Creek, Mississippi.  
Q What county? A Clark County.  
Q How long have you lived in Mississippi? A About eight months.  
Q Where did you live before that? A Choctaw County, Alabama.  
Q How long did you live there? A All my life.  
Q Are you acquainted with the applicant who was just before the Commission? A Yes sir.  
Q What was her name? A Edna Griffin.  
Q Is she any relation to you? A Yes sir.  
Q What? A Second cousin.  
Q What is her father's name? A Jim Griffin.  
Q Has he any middle initial? A I don't know sir.

Edna Griffin, S.

Q What is her mother's name? A I don't know her mother's name.

Q Jim Griffin is your cousin? A Yes sir.

Q How long have you known this applicant? A I have never seen her until the other day.

Q You know she is the daughter of Jim Griffin? A Yes sir, that's what they say.

Q Do you know as to whether any of her ancestors ever received any benefits as Choctaw Indians from the Government of the United States? A No, sir, I don't know.

Q You know nothing at all on that subject? A No sir.

Q You don't know whether they were recognized members of the Choctaw tribe here in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir, I don't know.

Q Through which one of your parents did you get your Choctaw blood? A My mother.

Q Through which one of his parents did Jim Griffin get his Choctaw blood? A His father.

Q What was his father's name? A Thomas Griffin.

Q Is he living? A Yes sir.

Q Is your mother living? A Yes sir.

Q What is her name? A Nancy Buckalew.

Q Nancy Buckalew and Thomas Griffin are brothers and sisters then? A Yes sir.

(Witness excused, and Applicant re-called.)

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

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 5th 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. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

*[Signature]*  
Notary Public.

COMMISSIONERS

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

H.C.R. 3189

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Edna Griffin,  
#1702 17th St., and 16th Ave.,  
Meridian, 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

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

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, 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,

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,

END

J. D. J. J.

Registered.

M C R 3189

Muskogee, Indian Territory, December 5, 1902.

Mina Griffin,

1702 17th St., and 16 Ave.,

Meridian, 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,

Acting Chairman.



#1266

No. 3189

# For Identification as a Mississippi Choctaw.

Date AUG 5 1901  
Name Edna Griffin  
Age 26 Blood  $\frac{1}{32}$

Post Office, Meridian, Miss.  
1702 - 17th St. & 16th Av.

Father: James B. Griffin L

Mother: Mary Frances " L

Claims through father

(Claims for self only).

Children:

Order

R. S. Streit

Edna Griffin

REFUSED

DECISION RENDERED. JUL 26 1902

R3189

NOV 21 1902

2387

Choctaw MCR 3190

Tom Martin

MCR 3190

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

-----  
In the Matter of the Application of Tom Martin for  
Identification as a Mississippi Choctaw.

M. C. R. 3190.

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

In the Matter of the Application of Tom Martin for  
Identification as a Mississippi Choctaw.

M. C. R. 3190.

- I N D E X . -

Original application of Tom Martin for identification as a Mississippi Choctaw.....	1
Decision of the Commission identifying said applicant .....	7

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 5, 1901.

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

Tom Martin, having been first duly sworn, upon his  
oath testified as follows: (Isham Johnston, Official Interpreter.)

Examination by the Commission.

- Q What is your name? A Tom Martin.  
Q How old are you? A Twenty two.  
Q What is your post office address? A Madden, Mississippi.  
Q Leake County? A Yes sir.  
Q How long have you lived in Leake County? A All my life.  
Q Is your father living? A Yes.  
Q What is his name? A Martin.  
Q What? A Martin Wesheck  
Q Did your father have a Choctaw name? A No sir.  
Q How old would your father be if he was living now? A About  
forty.  
Q Did he always live in the State of Mississippi? A Yes sir.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Sallie Martin.  
Q How old is your mother? A About forty.  
Q Has she always lived in the State of Mississippi? A Yes sir.  
Q How much Choctaw blood do you claim to have? A Full blood.  
Q Your mother is a full blood Choctaw is she? A Yes sir.  
Q Does she speak and understand the Choctaw language? A Yes.  
Q Does she speak and understand English? A No.  
Q How long has your father been dead? A About eighteen years.  
Q Do you remember him? A Yes.  
Q You are sure he was a full blood Choctaw? A Yes sir.  
Q Is your father's father living? A No.  
Q What was your father's father's name? A I don't know.  
Q How old would he be if he was living now? A About sixty.  
Q How long has he been dead? A Died long time before I was born.  
Q Do you know the name of your father's father's father? A I don't  
know.  
Q Do you know the name of your father's father's mother? A No.  
Q Do you know the name of your father's mother? A Don't know.  
Q You don't know, then, the name of any of your father's ancestors?  
A No.  
Q So far as you know have all of your father's ancestors always  
been full blood Choctaws? A Yes sir.  
Q Have they always lived in the State of Mississippi? A Yes.  
Q Is your mother's father living? A No.  
Q What was his name? A I don't know.  
Q Did you ever see him? A No.  
Q How long has he been dead? A Been dead over forty years.  
Q Is your mother's mother living? A No.

Tom Martin, 2.

Q What was her name? A I don't know.

Q Then, you don't know the names of any of your mother's ancestors?  
A No.

Q So far as you know, have all of your mother's ancestors always been full blood Choctaw Indians? A Yes sir.

Q Have they always lived in the State of Mississippi? A Yes.

Q Has your mother ever been out to the Choctaw Nation, in Indian Territory? A No.

Q Was your father ever out in the Choctaw Nation, Indian Territory?  
A No.

Q Have you ever been out there? A No .

Q Are you married? A No.

Q This application then is for yourself only? A Yes.

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

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of the tribe? A No sir.

Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation, or did any one ever make such an application for you? A I make first application to-day.

Q This, you say, is the first application of any description you have ever made? A Yes.

Q Do 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.

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

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived here in Mississippi and the edge of Alabama. The object of the treaty was to secure the removal of the Indians 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 move out to the new country, but preferred to remain here in Mississippi and for the benefit of those who desired to remain, 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

Tom Martin, 3.

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 clearly now? A Yes  
Q Did any of your ancestors ever comply with the provisions of that article, or ever receive any benefits thereunder? A Don't know about that.

Q Were any of your ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A Don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe of Indians here at that time? A No.

Q Did any of your ancestors own an improvement in the old Choctaw Nation, in Mississippi and Alabama, in 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.

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.

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 don't know.

Q Did any of your ancestors ever receive any land here in Mississippi as beneficiaries under the provisions of any other article of that treaty or under the supplement to that treaty? A I don't know.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaw Indians as might desire to remain here in Mississippi and become citizens of the States, and receive land as provided in the 14th 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 in Mississippi and become citizens of the States. On this account, in many instances, land upon which Choctaws lived and had improvements and which they supposed they would receive from the Government under the provisions of article 14, 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



Tom Martin, 4.

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, 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 able to dispose of but a comparatively small number of cases, and Congress passed another Act, approved on the 23rd day of August, 1842, providing for the appointment of another commission whose duty it was to come down here and finish up the remainder of these Choctaw cases. That commission was duly appointed and 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 this treaty? A I don't know.

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 of 1830, and that his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, Louisiana, or Alabama or Arkansas, and he should be given a certificate to that effect, and 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 about that.

Q Do you know any one living who would likely know whether any of your ancestors ever complied with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or ever received any benefit thereunder? A No sir, I don't know.

Q Have you any witnesses present before the Commission now that you want to introduce in your case? A No, but I know one, old Charley Jackoway that would know about my ancestry.

Q Where does Charley live? A Close to my house

Q How old is he? A About sixty.

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

Q Is he any relation to you? A Brother-in-law.

Well, if you see fit to bring Charley before the Commission, to testify in your case, we will be glad to hear his testimony. You need not bring him here, but you can send him here, and we will take his testimony just the same.

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

Tom Martin, 5.

Q Do you know of the existence of any written evidence showing that 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 No.

Q Do you want permission to file written evidence later? A No.

Well, at any rate, the Commission will give you a reasonable time in which to file proper written evidence in support of your case, and for the introduction of such witnesses as you may see fit to bring before the Commission.

Q Have you any brothers living? A Brothers are all dead.

Q Have you any sisters living? A Three living.

Q Are they married or single? A All married.

Q What are their names? A Sealy.

Q Sealy what? A Sealy Jeff.

Q What is her husband's name? A Jeff Jackoway

Q What is the name of the other sister? A Mandy.

Q What is her husband's name? A Charley Jackoway.

Q What is the other one's name? A Lessie.

Q What is her husband's name? A Wess; that's all I know.

Q Have any of these sisters or their husband's been before the Commission? A No.

Q Have you a sister dead? A Two of them dead.

Q Did either of them have any children at the time of their death?

A One child living.

Q What is its name? A Bettie.

Q Bettie what? A Bettie Ed.

Q What is the child's father's name? A E d Martin.

Q What was the child's mother's name? A Lou Martin.

Q Is Lou your sister? A Brother's daughter.

Q Lou was your father's brother's daughter? A Yes sir.

Q She wasn't your sister; she was your cousin? A Yes.

Q I am asking about your sisters, whether your sisters had any children living at the time of their death? A Got one sister dead, and had no children.

Q How many brothers have you dead? A One brother named Jacob Weshook, living.

Q Is Jacob married? A No.

Q Has he been before the Commission? A No.

Q How does it happen that he calls his name Weshook and you call yours Martin, if he is a full brother of yours? A Just name it.

Q He preferred to take your father's surname and you preferred to take your father's given name for a surname? A Yes.

Q Is that the only brother you have living? A That's all.

Q Now, how many brothers have you dead? A Two.

Q Did either of them have any children at the time they died?

A Got brother named Willie Martin, got two children living.

Q What are those children's names? A MannieMartin.

Q And what is the other? A Willie.

Q Is yamie a boy or girl? A Boy.

Q Those are all the children of your deceased brothers that are living? A One child name Lama.

Q Is that a boy or girl? A Girl.

Q What is that girl's father's name? A Willie Martin.

Q Was he your brother? A Yes.

Tom Martin, 6.

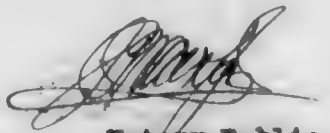
- Q Is that all you r brother's ~~children~~ children who are living?  
A Yes.  
Q Are any of your father's brothers living? A No.  
Q Are any of the Children of your father's brothers living? A No ,  
that's all I know.  
Q Any of your ~~mother's~~ father's sisters living? A All dead.  
Q Did any of them have any children at the time of their death?  
A No sir.  
Q Are any of your mother's brothers living? A No.  
Q Did any of them have any children at the time of their death?  
A I don't know.  
Q Do you know any children of your mother's brothers? A No.  
Q Are any of your mother's sisters living? A No.  
Q Did she ever have any sisters? A No.

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

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 5th 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. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

  
Notary Public.

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

*200*  
-----  
In the Matter of the Application of Tom Martin for  
Identification as a Mississippi Choctaw.

M. C. R. 3190.

- - 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 5, 1901, by Tom Martin, for himself, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

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

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

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

"The Application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi

Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tom Martin 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

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 17, 1903, identifying Tom Martin as a Mississippi Choctaw Indian, under the provisions of the forty-first section of the act of Congress approved July 1, 1902. (32 Stat., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Tom Martin 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).

*Tams Bixby.*

Chairman.

Registered.  
Enc.: 3190.

M.C.R. 3190.

COPY.

Muskogee, Indian Territory, May 4, 1903.

Tom Martin,  
Madden, Mississippi.

Dear Sir:

Inclosed 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.

No. 3190.

#1267

No. 3170

For Identification as a Mississippi Choctaw.

Date Aug 5 1901  
Name Tom Martin  
Age 22 Blood full  
Post Office, Madden, Miss.  
Father: Martin Washock d  
Mother: Jallie Martin. L  
Claims through both parents

(Claims for self only)

Children:

Stenographer

R. S. Streit



in Mart...

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COPY OF

Choctaw MCR 3191

Sanders Tubbee

MCR 3191

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

-----  
In the Matter of the Application of Sanders Tubbee for  
Identification as a Mississippi Choctaw.

M. C. R. 3191.

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

In the Matter of the Application of Sanders Tubbee for  
Identification as a Mississippi Choctaw.

M. C. R. 3191.

- - I N D E X . - -

Original application of Sanders Tubbee for identification as a Mississippi Choctaw .....	1
Testimony of Bob Barcus taken at Meridian, Mississippi, July 18, 1901 .....	6
Decision of the Commission identifying above named applicant	10.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 5, 1901.

In the matter of the application of Sanders Tubbee for identification as a Mississippi Choctaw.

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

Examination by the Commission:

- Q What is your name? A Sanders Tubbee.
- Q How old are you? A Twenty three.
- Q What is your post office address? A Laurel Hill, Mississippi.
- Q What county? A Just inside the line of Neshoba county.
- Q Do you live in Leake county? A Yes.
- Q How long have you lived in Leake County? A All my life.
- ✓ Q Is your father living? A Dead.
- ✓ Q What was his name? A Don't know.
- Q How long has he been dead? A Don't know.
- Q Did you ever see him? A No.
- ✓ Q Is your mother living? A Dead.
- ✓ Q What was her name? A Don't know, don't remember ever having seen her.
- Q How old would your father be if he were living now? A Don't know.
- Q How old would your mother be if she were living now? A Don't know.
- Q Are any of your grandparents living? A Dead.
- ✓ Q Do you know the names of any of your grandparents? A Isom Tubbee.
- Q Is that your father's father? A Yes.
- Q Do you know the name of any other of your grandparents? A Don't know.
- Q How long has Isom Tubbee been dead. A About four years.
- Q How old was he when he died? A About fifty.
- Q Don't you think he was older than that? A Yes, pretty old.
- Q Did he have a Choctaw name? A No.
- Q Did he always live in the state of Mississippi? A Yes.
- Q Do you know the names of any others of your ancestors besides Isom Tubbee? A Don't know.
- ✓ Q How much Choctaw blood do you claim to have? A Full blood.
- ✓ Q How claim both your parents were full blood Choctaws? A Yes.
- Q As far as you know have all of your ancestors always lived in the state of Mississippi? A Yes.
- ✓ Q Have they all been full blood Choctaw Indians as far as you know? A Yes.
- Q Have you ever been out to the Indian Territory? A No.
- Q Did any of your ancestors ever go out there? A No.
- Q Are you married? A No.
- Q This application then is for yourself only? A Yes.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No.
- Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No.

Sanders Tubbeem--- 2.

Q Have you ever made any application of any description before this either to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation? 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 article fourteen of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Don't know.

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 the time this treaty was made were living here in Mississippi and over in the western edge of Alabama. The object of the treaty was to secure the removal of the Indians from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to remove out to the new country, but preferred to remain here in Mississippi, and for the benefit of those preferring to remain here, the fourteenth article was put into 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 land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Yes.

Q Did any of your ancestors ever comply with the provisions of that fourteenth article? A Don't know.

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 Don't know.

Q Were any of your ancestors recognized members of the tribe here at that time? A Don't know.

Q Did any of your ancestors own any improvement in the Choctaw Nation in Mississippi and Alabama at that time? A No.

Q Did any of your ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian

Sanders Tubbee-----3.

Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A 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 Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A Don't know.

Q Did any of your ancestors receive or claim any land from the government of the United States here in Mississippi as beneficiaries under article fourteen of the treaty of Dancing Rabbit Creek? A 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 fourteenth or under the supplement of that treaty? A Don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the United States government directed an agent here in Mississippi to register the names of Choctaws who might desire to remain here and become citizens of the states and receive land. 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. On this account the government of the United States at its public land sales in many instances sold lands upon which Choctaws were living and owned improvements, and which they supposed they would receive in accordance with the provisions of the fourteenth 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, approved March 3, 1837, providing for the appointment of a Commission to come here to Mississippi and hear cases of Choctaws who claimed they they had complied with the provisions of article fourteen of the treaty, but their land had been sold by the government. This Commission came to Mississippi and heard a few Choctaw cases, but in the time allowed to them, they were unable to dispose of but a very small number. And Congress passed another act, approved August 23, 1842, providing for another Commission to come down here and finish up the work. That Commission was duly appointed by the President and come down here and heard a great number of Choctaw cases.

Q Did any of your ancestors appear before either one of these Commissions and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A 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 all the requisites of article fourteen of that 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. Those certificates were called scrip

Q Did any of your ancestors ever receive any scrip under this act of Congress? A Don't know.

Sanders Tubbee-----4.

- Q Is there any one living who would likely be informed as to your ancestors, the amount of Choctaw blood claimed by you, and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of that treaty or ever received any benefits thereunder? A No.
- Q Have you any witnesses here today? A No.
- Q Have you any written evidence that you want to offer at this time? A No.
- Q Do you know of the existence of any written evidence showing that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of that treaty or ever received any benefits thereunder? A Don't know.
- Q Are there any further statements you desire to make at this time? A No.
- Q Have you any full brothers living? A Brother names Bob Barcus.
- Q Is Bob the only brother you have? A That is all.
- Q Has he been before the Commission? A Yes.
- Q Did you ever have any other brothers? A No.
- Q Have you any sisters living? A No.
- Q Did you ever have any sisters? A No.
- Q Did your grandfather Isom Tubbee ever go by any other name? A No.
- Q Was he ever called Isom Comby? A Don't know.
- Q Didn't you ever go by name of Sanders Barcus? A No.
- Q What is Isom's wife's name? A Jennie.
- Q What are Isom's children's names? A Ben.
- Q How old is Ben? A Don't know.
- Q Is he married? A Yes.
- Q Is he grown? A Yes.
- Q What are the names of some of the other children? A Robert, Gus, Pearlle.
- Q Didn't you ever hear your grandfather called Isom Comby? A Yes.
- Q When did he die? A About two years ago, don't know just when.

From the testimony of this applicant, it is evident that he is the same person whose name appears upon Mississippi Choctaw Card, Field No. 264 as Sanders Barcus, also upon page 69 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi Claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 904 thereon. The name of this applicant was included in the application of his grandfather, Isom Comby, made at Philadelphia, Mississippi, January 31, 1899.

- Q Are any of your father's brothers living? A No.
- Q Did your father ever have any brothers? A No.
- Q Did your father ever have any sisters? A Don't know.
- Q Did your mother ever have any brothers? A Don't know.
- Q Did your mother ever have any sisters? A Don't know.
- Q Are any of the brothers of Isom Comby living? A Never had any brothers or sisters.
- Q Is Jennie Comby the wife of Isom Comby your grandmother? A Yes.
- Q Is she your father's mother? A No.
- Q Is she your mother's mother? A No.



Sanders Tubbee--5.


Special reference is here made to the application of Bob Barcus made to the Commission at Meridian, Mississippi, July 18, 1901.

This applicant has every appearance and characteristic of a full blood Indian. He speaks and understands the Choctaw language and very little English, the examination having been conducted through a sworn Choctaw interpreter.

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 5th 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.



Subscribed and sworn to before me at Meridian, Mississippi, this 14th day of August, 1901.



Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, July 18, 1901.

In the matter of the application of Bob Barous for identification as a Mississippi Choctaw.

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

Examination by the Commission:

- Q What is your name? A Bob Barous.  
Q What is your age? A Twenty three.  
Q What is your post office address? A Madden, Mississippi.  
Q How long have you lived there? A Seventeen years.  
Q Where were you born? A Kemper county.  
Q What county is Madden in? A Leake County.  
Q You lived in Kemper until you went to Leake county and you lived in Leake county now? A Yes.  
Q What is your father's name? A Man Barous.  
Q Is he living or dead? A Dead  
Q Was he a full blood Choctaw Indian? A Yes.  
Q What is the name of your mother? A Lissie Barous.  
Q Is she living or dead? A Dead.  
Q Was she a full blood Choctaw Indian? A Yes.  
Q Do you claim to be a full blood Choctaw Indian? A Yes.  
Q Do you make this claim through both your father and mother? A Yes  
Q Have your parents ever been recognized in any way or enrolled as members of the Choctaw tribe of Indians by the choctaw tribal authorities or the United States authorities in Indian Territory? A No  
Q Are you married? A No.  
Q Do you make claim for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.  
Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No.  
Q Did you ever make application for enrollment or citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No.  
Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.  
Q Did you ever make application before this for enrollment as a member of the Choctaw tribe of Indians to the Choctaw tribal authorities or the United States authorities? A No.  
Q Did anybody make application for you two years ago? A Yes.  
Q Who was that? A Grandfather.  
Q What was his name? A Isom Comby.  
Q Where was that application made? A Philadelphia.

The records of the Commission show that Isom Comby, the grandfather of this applicant, appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, January 31, 1899, and made application for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw Card, Field No. 264, also upon page 69 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of

Bob Barous-----2.

Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 905 thereon.

Q Do you appear before the Commission now for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes.

Q Do you understand article fourteen of the treaty of 1830? A No.

In order that you may more intelligently answer the question that will next be asked you, a short explanation will be given of article fourteen. In the year 1830, the United States government and the Choctaw Nation entered into a treaty and as the result of their negotiations this treaty, called the treaty of Dancing Rabbit Creek was ratified, and gave to the Indians in Mississippi and Alabama rights in the Choctaw Nation, Indian Territory. The treaty was made for the purpose of removing the Indians from Mississippi and Alabama to the Indian Territory, but it was discovered before the treaty was signed, that a good many Indians would not go there. In order that those who remained might have their rights protected, article fourteen was inserted. It provided that those Indians who desired to remain in Mississippi and Alabama should have the right to do so and, afterwards have the right to assert claims to rights in the Choctaw Nation, Indian Territory, provided that within six months after the treaty was ratified, they went to the United States Indian Agent, Colonel Ward, and told him that they wanted to stay in Mississippi, take land there and live on it five years and then have it given to them by the government, and also were to declare their intention to become citizens of the United States. And they afterwards could remove to the Indian Territory and have all the rights of Choctaw citizenship except to share in the annuities.

Q You claim to be a descendant of a Mississippi Choctaw ancestor--do you know whether your father or mother, or grandfather or grandmother, or great grandfather or great grandmother, or any of your ancestors farther back, complied with the provisions of article fourteen of the treaty of 1830 as I have explained it to you. A I understand article fourteen, but can't go back farther than father and mother.

Q Did your father have an Indian name? A No.

Q Did your mother have an Indian name? A Don't know.

Q Can you give the name of your father's father or father's mother?

A No.

Q Can you give the names of your mother's father or mother's mother?

A No.

Q Isom Comby was your grandfather, was he not? A Yes.

Q Was Isom Comby's father's father or mother's father? A Grandfather's brother.

Q Then what was Isom Comby's brother's name--your grandfather?

A Just called him grandfather.

Q Your testimony that Isom Comby is your own grandfather is not right? A No, that ain't right.

Q Isom Comby was a brother of your own grandfather? A Yes.

Q Then can't you give the name of your grandfather? A Don't know about that, except Barous.

Beb Barcus----3.

Q Was your grandfather's name Barcus? A Yes, father's father's name Barcus.

Q Do you know of anybody living anywhere in your neighborhood, or in the state of Mississippi, that knows anything about your father or mother, or grandfather or grandmother, or any of your ancestors?

A Don't know about that.

Q Is there anybody here before the Commission now who knows anything about your ancestors or who can help you in your testimony? A No.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell Colonel Ward, the United States Indian Agent, that they wanted to stay in Mississippi and didn't want to go to the territory? A Don't know.

Q Did any of your ancestors if Choctaw Indians go from Mississippi or Alabama to the Indian Territory with other Indians between 1833 and 1838? A Don't know.

Q Did any of your ancestors ever receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A Don't know.

Q Did any of your 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 whether any of your Choctaw ancestors owned any improvement on land embraced in the old Choctaw Nation in Mississippi and Alabama in 1830? A Don't know.

Q Are you acquainted with any person or persons who would be likely to know anything about that? A Don't know.

On March 3, 1837, Congress appointed a commission to come to Mississippi and hear all claimants who considered that they had rights under article fourteen of the treaty of 1830, and on August 23, 1842, Congress appointed another Commission to come to Mississippi and do the same thing.

Q Did any of your Choctaw forefathers go before either of these two commissions and try to prove that they had rights under article fourteen of the treaty of 1830? A Don't know.

Q Have you any written evidence of any kind showing that any of your ancestors claimed or received or were entitled to benefits under article fourteen of the treaty of Dancing Rabbit Creek? A No.

Q Have you any written testimony, affidavits, deeds, patents or any other documentary evidence that you want to present to the Commission now in support of this application? A No.

Thirty days time from the date hereof is allowed applicant in which to introduce other proper evidence or testimony in support of this application which he makes for himself. You are advised that this is an important matter which rests wholly on your own unsupported testimony, and that the Commission will receive any proper evidence within a reasonable time in support of your statements.

Q Have any other members of your family been before the Commission for identification as Mississippi Choctaws this year? A Isom Comby was two years ago.

Q Any this year? A No.

Bob Barcus-----4.

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

This applicant has the appearance of a full blood Choctaw Indian. He speaks the Choctaw language, and very little English, his examination having been given almost entirely through the medium of a sworn Choctaw interpreter. He has no knowledge of any compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

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 18th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*H.C. Risteen*

Subscribed and sworn to before me this 30th day of July, 1901,  
at Meridian, Mississippi.

*J. M. [Signature]*  
Notary Public.

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

-----  
In the Matter of the Application of Sanders Tubbee  
for Identification as a Mississippi Choctaw.

M. C. R. 3191.

- - 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 5, 1901, by Sanders Tubbee, for himself, under the following provision of the Act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

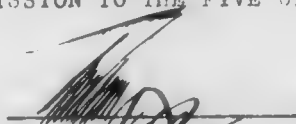
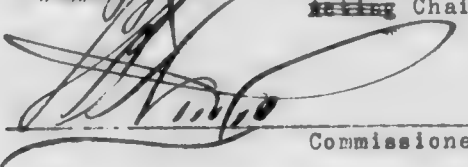
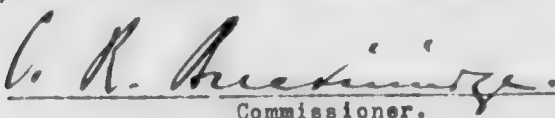
Section forty-one of the Act of Congress entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood

Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Sanders Tubbee 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.

JUL 8 1903

  
W. E. Hancey  
Commissioner

M.C.R. 3191.

COPY.

Muskogee, Indian Territory, July 8, 1903.

Sanders Tubbee,  
Laurel Hill, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 8, 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 January 8, 1904, you will have six months from that date, or until July 8, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

Registered.

Enc. 3191.



M.C.R. 3191.

COPY.

Muskogee, Indian Territory, July 8, 1903.

Mansfield, Melturray & 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 July 8, 1903, identifying Sanders Tubbee as a Mississippi Choctaw Indian under the provisions of the forty-first section of the Act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Sanders Tubbee 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)

*F. B. Needles.*

Commissioner in Charge.

Registered.

Enc. M.C.R. 3191.

#1268

No. 3191

# For Identification as a Mississippi Choctaw.

Date AUG. 1901  
 Name Sanders Tubbee  
 Age 23 Blood full  
 Post Office, Laurel Hill, Miss  
 Father: dont know d  
 Mother: " " d  
 Claims through both parents.

Claims for self only

Children:  
 (See Miss. Choc. card  
 filed No. 264. Appearance  
 Jan'y 31, 1899.)

Stenographer  
 W.C. Risteen

Sanders Tubber

R. 3191

Choctaw MCR 3192

Callie Hunt

MCR 3192.

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



In the matter of the application of Callie Hunt, et al.,  
for identification as Mississippi Choctaws, M.C.R. 5198.

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

(Page)

Original application of Callie Hunt, et al.,  
before the Dawes Commission for identification  
as Mississippi Choctaws .....1

Decision of the Commission refusing the application  
of Callie Hunt, et al., for identification  
as Mississippi Choctaws .....7



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ateka, I.T. August 7, 1901.

3192

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

Hudson & Arnold attorneys for applicant; No appearance by attorneys.

Callie Hunt being first duly sworn testified as follows.

Examination by the Commission

- Q What is your name? A Callie Hunt.  
Q Q What is your age? A Forty-one.  
Q Q What is your post-office address? A Troy, Indian Territory.  
Q Q How long have you lived there? A Four years.  
Q Q Where did you live before that? A In Oklahoma Territory.  
Q Q How long there? A Four years.  
Q Q Where did you live before you lived in Oklahoma? A Texas.  
Q Q How long did you live in Texas? A Fourteen years.  
Q Q Where did you live before you lived in Texas? A In Mississippi and a short time in the Choctaw Nation, I don't remember I was a child then.  
Q Q Were you born in Mississippi? A Yes.  
Q Q How long did you live in Mississippi? A Until I was nine years old.  
Q Q Where did you go from Mississippi? A To the Choctaw Nation.  
Q Q How long did you live in the Choctaw Nation? A I don't remember.  
Q Q About how long? A Well I lived fourteen years in Texas.  
Q Q Well but about how long did you live in the Choctaw Nation before you lived in Texas, was it a year or two or three years? A Yes it was several years. I lived in Texas, fourteen years and in the other two Territories eight years and nine years in Mississippi. I never counted it up.  
Q Q And the rest of your life you lived in the Choctaw Nation? A Yes.  
Q Q Well that would be ten years, you lived in the Choctaw Nation ten years and can't remember how long it was? A Yes I never counted it up I am a poor hand at counting anything.  
Q Q What is your father's name? A Jim Isbell.  
Q Q Is he living? A I don't know I have not heard from him for two years.  
Q Q What is your mother's name? A Caroline Isbell.  
Q Q Is she living? A No.  
Q Q Through which one of your parents do you get your Choctaw blood? A My father.  
Q Q How much Choctaw blood do you claim? A My father taught me that he was three-quarters.  
Q Q Well how much do you claim? A I don't know how much that would make me.  
Q Q Your mother was a white woman? A Yes.  
Q Q You get your Choctaw blood only from your father? A Yes his mother was a full blood and his father one-half.

#2

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 No but they was married at Jacinto, Tishomingo County, Mississippi.

Q Well have you any evidence of this marriage? A I can get it.

It will be necessary for you to get evidence of the marriage between your father and mother in support of your application for identification as a Mississippi Choctaw.

Q Are you married? A I am a widow lady. My husband has been dead two years.

Q What was your husbands name? A Jim Hunt.

Q have you any children for whom you wish to make application at this time? A I have seven at home under age.

Q And not married? A I have one married but seven without her.

Qc Give the names and ages of these children? A Charlie J. eighteen Maudie C., sixteen, Bettie O., fourteen, Connie C., twelve, Willie O., ten.

Q Is that a boy or girl? A A Boy. Lillie J., seven.

Q How do you spell Lillie? A L-i-l-l-i-e. Shelley E., a boy, four.

Q These are all your children? A Yes.

Q What is the name of their father? A Jim Hunt.

Q When and where were you married to Jim Hunt? A Georgetown, Williamson County, Texas.

Q When? A Twenty-three years ago.

Qc 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 applied 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 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 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 citizens of the Choctaw Nation? A No.

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

Q What kind of an application do you want to make now? A Mississippi.

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 been taught by my parents that I had Indian blood? A

Q You think you are a Mississippi Choctaw because you have Choctaw Indian blood? A Yes.

Q What was your father's father's name? A Jim Isbell.

Q What is your father's father's name? A Jim Isbell.

Q They were both the same, your father and his father both had the same name? A Yes.

- Q What was your father's mother's name? A Sallie Gunter, before she was married.
- Q Both of your father's parents claimed to be Choctaws? A His mother was a full blood and his father was half.
- Q Do you claim anything 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 Fourteenth article.
- Q Do you understand the provisions of that fourteenth article of the treaty of eighteen hundred and thirty? A I don't know that I do you can explain it to me if you wish.

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 removing them 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 come west and the others would not sign any treaty until some provisions was made for those who wanted to remain in Mississippi so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to stay in Mississippi, after this article was put into the treaty it was signed alright by the Indians and 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 such 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 this the provision under which you are claiming at this time? A Yes.
- Q Do you claim that you are a descendant from a Choctaw Indian who lived in Mississippi in eighteen hundred and thirty and who complied with the provisions of this article? A Yes.

Within six months from the ratification of this treaty a great many Indians went to the Indian Agent and told him that they did not want to come west, that they wanted to stay in Mississippi and take land there and become citizens of the United States but when a locating Agent was sent down there by the United States government he found that there were a great many Indians who claimed they had gone to the Indian Agent and told him that they wanted to stay whose names did not appear on the roll made by the Indian Agent, so under different acts of Congress Commissioners were appointed to go down into Mississippi and find out which of these Indians were entitled to land under the



fourteenth article of the treaty of eighteen hundred and thirty. These men took up a great many claims and passed on them, 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 issued by the government 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 one of these States? A I don't know.
- 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 who was a recognized Choctaw Indian? A Gunter.
- Q Well what was his first name? A Jim Gunter.
- Q He was what relation to you? A That was my grandfather and my mother and my own grandfather lived there, he was one-half Choctaw.
- Q You said did you not that your grandmother was a full blood Choctaw? A Yes.
- Q Well did she live in Mississippi in eighteen hundred and thirty? A Yes.
- Q You say her name was Sallie Gunter before she was married? A Yes.
- Q How old would your father be if he were living now? A He would be about sixty-eight or sixty-nine.
- Q Your father then must have been born just about the time of the treaty of eighteen hundred and thirty, perhaps just a little after? A He might I can't say, I might have missed his age several years.
- Q Was your father the oldest one of your grandmother's children? A Yes the oldest one of ten children.
- Q You don't know then if your grandmother Sallie Gunter was named Sallie Gunter or Sallie Isbell when the treaty was made? A I don't know.
- Q Did you ever see Sallie Gunter? A Yes.
- Q Did you ever see Jim Isbell? A Yes I was a little girl but I remember seeing them, they was very dark.
- Q About how old would Jim Isbell be if he were living now? A My father or grandfather?
- Q Your grandfather? A I can't answer that because I don't know.
- Q About how old a man was he when you saw him? A I expect he was near ninety when he died, they were very old.
- Q What was your grandfather Jim Isbell's father's name? A I could not tell.
- Q You never heard? A I don't know if I did I forgot.
- Q You knew what his mother's name was? A No.
- Q Do you know which one of his parents was a Choctaw? A No my grandfather and mother is as far back as I ever heard them talk about much.
- Q What was Sallie Isbell's father's name? A Jim Gunter.
- Q He was your great grandfather? A Yes.
- Q What was Sallie Isbell's mother's name? A I don't know.
- Q Sallie Isbell was a full blood Choctaw? A Yes.
- Q Did she have any Choctaw name? A She had one but I can't remember it now, father learned it to me when I was small. She could talk sing and count in Choctaw.
- Q Could your father and grandmother carry on conversations in Choctaw with the other Choctaws? A Yes my grandmother did not speak anything else.
- Q Were these grandparents of yours and your great grandfather living in Mississippi in eighteen hundred and thirty? A

- I don't know but I think they was.
- Q Where was your father born? A In Mississippi in Tishomingo County.
- Q Do you know of any one living who could testify as to where your grandparents were living in eighteen hundred and thirty and if they were recognized Choctaw Indians? A I think I can, I believe I have as many as six witnesses and if I have a little time I can get them.
- Q Can you get evidence to show where they were living in eighteen hundred and thirty? A Yes.
- Q Do you know of people who knew them in eighteen hundred and thirty and know where they were living at that time? A Yes I know four people. I started to say, that one of the old people is now one-hundred and three years old, he says, and he was living a month ago.
- Q Where does he live? A In Texas, but he used to live in Mississippi and then went to Texas.
- Q Can you bring him before the Commission to testify in person? A I don't know whether he is able to come, he is very old and feeble. I will try.
- Q You understand that oral testimony of witnesses carries more weight with it than depositions or affidavits? A Yes.
- Q Did your grandfather Jim Isbell or your grandmother Sallie Isbell go to the Indian Agent there in Mississippi within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi? A I don't know.
- Q Did your great grandfather go to the Indian Agent? A I could not say.
- Q Can you get any evidence on that point? A I don't know I will try.
- Q You understand that this is a material point in your case to show whether your ancestors did or did not go to the Indian Agent? A Yes.
- Q Did any one of these people go to the Commissioners who were sent down there about whom I told you and try to get any scrip or any land? A I don't know.
- Q You never heard about that? A No.
- Q You made a statement before the examination commenced that your ancestor's names were on the rolls, you have not said anything about that since? A I have been taught that his two names his name and his mother's were on the roll.
- Q But he did not tell you on what roll? A No then I ~~didn't~~ didn't understand anything about it and I don't yet. I just remember hearing him say that.

The names of Isbell and Gunter do not appear on Ward's register or on the list of names of applicants whose claims were allowed by the Commission's appointed under acts of Congress of March 3, 1837 and August 23, 1842, and approved by the Secretary of War and by the President.

- Qx You don't know whether either your grandfather or grandmother Jim and Sallie Isbell or your great grandfather Jim Gunter owned any land in Arkansas, Louisiana, Alabama or Mississippi? A No I don't know.
- Q Did your father own any land in these states? A I don't know.
- Q You are reasonably sure of that? A Yes I am reasonably sure of that, it was his mother's request that he claim his land here.
- Q How does it happen that you never made application before this time? A Well I had a heap to look after and I kept waiting and put it off. I would set times to come and something would happen. I have had to work hard to get through life. Mr Hunt was

46

ailing a long time before he died and we would set times to come and something would happen.

- Q You were living in the Indian Territory in 1896? A Yes.
- Q Why did you not apply to the Dawes Commission at that time? A Well we was living on the Creek at that time and we all took sick and could not come.
- Q Why did you never apply to the Choctaw tribal authorities before that time? A Well I reckon it was neglect.
- Q Is there anything else that you would like to ask me? A There are I think--I can bring up some more witnesses about the questions asked me. You asked me some questions that I can't answer correct.
- Q You expect to try to get their evidence in support of your application? A Yes.
- Q You understand the importance of getting all the evidence you can to support your claim? A Yes.-- I have heard my father call over things that I can't was just correct now but I have heard him talk about these witnesses and they might know.

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 A My main witness is very feeble and if he can possibly be brought I will bring him.
- Q Of course the Commission will accept his deposition or affidavit if you can bring him? A Yes I understand.
- Q Judge Garter was the main witness of Pa's but he is dead. He was well acquainted with our family but he talked with the other witnesses that are living now which will have some value.
- Q Well did these witnesses know your father and his parents? A Yes they were living by him in Mississippi and in the Choctaw Nation.
- Q You mean this Choctaw Nation, Indian Territory? A Yes Yes and also in Texas. I can prove Pa's whereabouts back to his cradle.

This applicant has slightly curly brown hair, blue eyes and moderately fair 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 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 August 7, 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 22nd day of October 1901.

*G. Rosenwinkel*  
*Charles H. Sawyer*  
Notary Public.

*M.H.  
Cov.*

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

-----

In the matter of the application of Gallie Hunt, et al., for identification as Mississippi Choctaws, M.C.R. 3192.

--- 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 Gallie Hunt for herself and her seven minor children, Charlie J., Maudie C., Bettie O., Jennie C., Willie O., Lillie J. and Shelley E. Hunt, under the following provision of the act of Congress approved June 23, 1906 (34 Stat., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Jim Gunter, who is alleged to have been a Choctaw Indian (degree of blood not stated), and Jim Isbell, who is alleged to have been a half blood Choctaw Indian; and both to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jim Gunter, or Jim Isbell, 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 Callie

Hunt, Charlie F. Hunt, Mandie C. Hunt, Bettie O. Hunt, Corale C. Hunt  
Willie O. Hunt, Millie J. Hunt and Shelley E. Hunt 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 re-  
fused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Birby  
Acting Chairman.

I. L. Nease  
Commissioner.

D. R. Breckenridge  
Commissioner.

Muskogee, Indian Territory,

OCT 16 1902

COPY.

M.C.R. 3192

Muskogee, Indian Territory October 10, 1902.

Callie Hunt,

Troy, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Callie Hunt, 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 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 Callie Hunt, Charlie J. Hunt, Maudie C. Hunt, Bettie C. Hunt, Connie C. Hunt, Willie C. Hunt, Lillie J. Hunt and Shelley E. Hunt 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

C H -2

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

Respectfully,

(SIGNED).

*Tame Dixby.*

Acting Chairman.

Registered.



Muskegee, Indian Territory October 16, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of October 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Callie Hunt, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Callie Hunt, Charlie J. Hunt, Maudie C. Hunt, Bettie O. Hunt, Connie C. Hunt, Willie O. Hunt, Lillie J. Hunt and Shelley K. Hunt 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

N K & C-2

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

Respectfully,

(SIGNED)

Thomas S. ...

Acting Chairman.

D.C. 22927

C O P Y.

HAF.

DEPARTMENT OF THE INTERIOR.

ITD. 7159-1902.

WASHINGTON.

November 1, 1902.

IRS.

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

Gentlemen:

November 1, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Callie, Charlie J., Maudie C., Bettie O., Connie C., Willie O., Lillie J. and Shelley E. Hunt

The applicants claim to be descendants of one Jim Gunter and Jim Isbell, who are alleged to have been Choctaw Indians and to have resided in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Jim Gunter or said Jim Isbell or a less remote ancestor complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application October 16, 1902.

Forwarding the papers November 17, 1902, the Commissioner recommends of Indian Affairs that your decision be approved. A copy of his letter is inclosed. The Department has carefully reviewed the whole record and hereby affirms the decision rendered.

Respectfully,  
Thos. Ryan,

1 inclosure.

Acting Secretary.

C O P Y.

Department of the Interior,

Land  
66039-1902.

OFFICE OF INDIAN AFFAIRS.  
WASHINGTON, Nov. 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made November, 1, 1902, by the Commission to the Five Civilized Tribes forwarding to the record in the matter of the application of Callie Hunt for the identification of herself and her minor children, Charlie J., Maudie C., Bettie O., Connie O., Willie O., Lillie J. and Shelley E. as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830.

October 16, 1902, the Commission to the Five Civilized Tribes decided that the applicants were not entitled to identification as Mississippi Choctaws.

Principal applicant traces her descent through her father Jim Isbell and her grandparents, Jim Isbell and Sallie Gunter, to her great-grandfather, Jim Gunter. It is claimed that Sallie Gunter was a full blood Choctaw Indian and had an Indian name, but the record does not show what such name was; neither is it shown that Sallie Gunter and Jim Isbell were married in 1830.

The applicants are not full-blood Choctaw Indians. An examination of the records of this office fails to show that any of the alleged ancestors received a patent to land under the provisions of

the fourteenth article of the treaty of 1830, or complied or attempted to comply with the provisions of said article; 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 as Choctaw Indians.

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

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

WCV  
D

3 inclosures.

Muskogee, Indian Territory, November 1, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Gallie Hunt, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 16, 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. Doby*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

Enc. N C R 3192

COPY.

M.C.R. 3192

Muskogee, Indian Territory, December 10, 1902.

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

Gentlemen:

You are hereby notified that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Callie Hunt, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

*Tame Dixby.*  
Acting Chairman.

*W. O. B.*

COMMISSIONERS:

HENRY L. DAWES,  
TAMM DIXBY,  
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. 3192

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

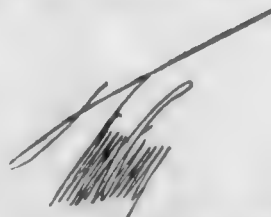
**Muskogee, Indian Territory, December 10, 1902.**

**Callie Hunt,**  
**Troy, Indian Territory.**

**Dear Madam:**

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

Respectfully,



Acting Chairman.



192



DEC 1 1922

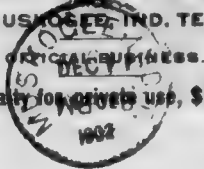
Department of the Interior.

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

Official Business.

Penalty for private use, \$300.



10 11

Returned to  
Writer

Whereabouts  
Unknown

Callie Hunt  
Troy  
Ind Ter

MR 3192.

Name of child

Evidence: Lillie J. Hunt  
Slip: Lillie G. Hunt.

No. 3192

For Identification as a Mississippi Choctaw.

Date **AUG -7 1901**

Name *Callie Hunt*

Age *41*

Blood

*3/8*

Post Office, *Troy, I.T.*

Father: *Jim Isbell*

Mother: *Caroline Isbell (dead)*

Claims through *father*

*husband Jim Hunt (dead)*

Children:

<i>Charlie J. Hunt</i>	<i>18</i>
<i>Maudie C ..</i>	<i>16</i>
<i>Bettie O. ..</i>	<i>14</i>
<i>Connie C ..</i>	<i>12</i>
<i>Willie O .. M</i>	<i>10</i>
<i>Lillie G ..</i>	<i>7</i>
<i>Shelley C ..</i>	<i>4</i>

*Claims for self and 7 children*

Stenographer

*G. Rosenwinkel*

DEC 13 1900



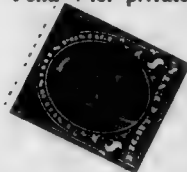
Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



*Committee - Jessie Hunt,*  
*Commissioner*

*Tray,*

*Indian Territory.*

*1900*  
*1811*

Choctaw MCR 3193

Mary Johnson

See MCR 129

MCR 3193

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 7, 1901.

3193

In the matter of the application of Mary Johnson for identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by attorney.

Mary Johnson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A My first name?  
Q Your full name? A Mary Johnson.  
Q How old are you? A Nineteen.  
Q What is your post-office address? A Ego.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A About fourteen years.  
Q Where did you live before you lived there? A Texas.  
Q How long did you live in Texas? A I don't know exactly.  
Q Were you born in Texas? A Yes.  
Q And lived there until you moved to the Indian Territory? A Yes.  
Q What is your father's name? A John Bridges.  
Q Is he living? A Yes.  
Q What is your mother's name? A Paralee Bridges.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A My father's side.  
Q How much Choctaw blood do you claim? A One-thirteenth.  
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 can't tell you.  
Q Have you any evidence of your father's and mother's marriage? A Evidence?  
Q Yes; Have you anything to show that your father and mother were legally married? 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 for identification as a Mississippi Choctaw.

- Q Are you married? A Yes.  
Q What is your husband's name? A Pleas Johnson.  
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 make application at this time? A I have one child.  
Q What is that child's name and age? A He is seven months old and his name is Freddie Bradford Johnson.  
Q You are this child's mother? A Yes.  
Q What is the name of his father? A Pleas Johnson  
Q When and where were you married to Pleas Johnson? A Married in the Chickasaw Nation.



- Q When? A The 15th of February.
- Q Last Year? A No the year before last.
- Q In 1899? 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 in Indian Territory to be enrolled as a member of that tribe? A Grandpa Hayes did.
- Q Well did you ever apply to the Choctaw tribal authorities? 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 Grandpa' Hayes and Betsy Hayes did.
- Q Did your grandfather apply to the Dawes Commission in 1896 to have you admitted as a member of the Choctaw tribe? A I can't tell you.
- Q That was five years ago when you were fourteen years old. Did anyone apply for you at that time? A No not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No not that I know of.
- 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 not that I know of.
- Q Have you ever before this time applied to 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 of any kind you have ever made? A Yes.
- Q You speak as tho' you are not sure of it. Is there any doubt about it in your mind? A No not that I know of.
- Q Well don't you think you would know if you had ever made an application? A No answer.
- Q Would you not know if you had ever made an application to either the Choctaw tribal authorities or the authorities of the United States? A I don't know what you mean by it.
- Q Well I asked you if you had ever made an application before this if this was the first application you had ever made and you said Yes; but you were rather uncertain about it? A This is the first time.
- Q What kind of an application do you want to make now? A What kind?
- Q Yes; What kind of an application do you want to make at this time I don't understand that.
- Q What are you applying for? A Right.
- Q Right where? A Choctaw Mississippi.
- Q Do you mean a right in the Choctaw Nation as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right in the Choctaw Nation as a Mississippi Choctaw? A Because I have been taught I had a right.
- Q Who taught you? A Pa'.
- Q What made your father think he had a right? A I could not tell you.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A I could not understand you.
- Q Did you come here to-day to try to make this application because of any treaty that has been made between the United States and the Choctaw Indians? A No answer.

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- Q Do you think there is anything in any of the treaties made between the United States and the Choctaw Indians which gives you a right to make this application to day? A That gives me a right?
- Q Yes? A That is on my Pa's side.
- Q What is on your Pa's side? A Hayes.
- Q Who are they? A Betsy & Joe Hayes.
- Q Who are they? A I can't remember.

The law which gives the Commission the right to hear these applications, such as you are making now, 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 hear applicants who claim the right under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States tried to make a treaty with the Choctaw Indians.

- Q Do you know what a treaty is? A I don't believe I do.
- Q You know what an agreement is? A No.
- Q You know what a contract is? A Contract you say, a contract?
- Q Yes, you know what that is? A No.
- Q You know what a bargain is? A Which?
- Q If people make a bargain, you know what is? A No answer.
- Q What is it? A You say a bargain?
- Q Yes what is a bargain? A It is---I don't believe I can tell you.
- Q Well where you promise to do a certain thing and some friend of yours promises you that if you will do that certain thing he will do something else. That is a bargain. Do you understand? A Yes.
- Q Well you entered into a bargain when you were married? A I did not know I had. My head is all tangled up so that I don't know.
- Q Well an agreement is a bargain between two people who promise to do certain things. Do you understand that now? A I ain't certain that I do.
- Q Well suppose I wanted you to do something for me and you did not want to do it and I would say to you, that if you do that thing, whatever it was I would do something else for you that you had wanted me to do and you finally would promise to do that. That would be an agreement. You think you see now what an agreement is? A Yes I do.
- Q Well a treaty is an agreement between two Nations when each promises to do certain things. Do you think now that you understand what a treaty is? A Yes I think I do.

Well, in eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who were living then in Mississippi and Alabama in order to give them land west of the Mississippi River instead of their land which they already owned in the states of Mississippi and Alabama and move them all over here but some of the Indians did not want to come and the

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others would not sign any treaty or agreement until something was done for those Indians who wanted to stay in Mississippi, and article fourteen was made a part of the treaty for the benefit of these 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 tribe, that is it was accepted by both of them. 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."

That means that if any of these Choctaw Indians did not want to come west to the new country, across the Mississippi River, if they went to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that they wanted to stay in Mississippi they could get land for themselves and their children and if they lived on that land for five years they would get a deed to it and the article provided that in doing this they would not lose the right of a Choctaw citizen but if they ever removed they would not be entitled to any part of the yearly payments of money.

- Q Now do you claim anything under this article? A Mississippi Choctaw.
- Q Do you claim anything under this article? A On my Pa's side.
- Q De you claim that you are the child; grandchild; or, great grandchild of some Choctaw Indian who lived in Mississippi in eighteen hundred and thirty who went to the Indian Agent there and told him that he wanted to stay in Mississippi? Is that what you are claiming now? A I don't understand.
- Q Do you know what the word ancestor means? A Yes.
- Q What does it mean? A I don't believe that I can say it.
- Q Well it means your father and mother, grandfather and grandmother great grandfather and mother and so on, any of your foreparents back in direct line. Now what was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian and commonly known as such? A Joe Hayes.
- Q What relation was he to you? A My grandfather.
- Q Do you claim your Choctaw blood through your father? A Yes.
- Q What was your father's father's name? A Bridges.
- Q What was his first name? A I forgot.
- Q What was your father's mother's name? A Her name was Bridges.
- Q Well what was her given name? A Pollie Ann Bridges.
- Q Which one of your father's parents claimed to be Choctaw? A I could not tell you.

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- Q You don't know which one of your father's parents he got his Choctaw blood through? A No.
- Q How did Joe Hayes happen to be your grandfather then? A Joe Hayes?
- Q Yes? A I cannot tell you.
- Q If you don't know the names of your ancestors which you claim were Choctaws, how do you expect the Commission to trace that ancestry back and identify you as a Mississippi Choctaw? A I don't know only what I have been taught.
- Q your father and mother never taught you which one of your father's parents claimed to be Choctaw? A Not that I know of.
- Q Did any of your ancestors own land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of, I was so little that I don't recollect.
- Q Did any of them go to the Indian Agent in Mississippi within six months after that treaty was made and tell him that they wanted to stay there and become citizens of the United States? A Not that I know of.
- Q Did any of them come west with the other Choctaws between eighteen hundred and thirty-three and thirty eight to the present Choctaw Nation? A I don't know that.
- Q Is there anybody who knows about these things, these ancestors of yours? A Father.
- Q Your father knows, you mean your father knows more about it than you? A Yes.
- Q Would you like to have his testimony in your case? A Yes.
- Q Is there anything else that you would like to say at this time? A No.
- Q have you any papers that you want to file? A Yes.
- Q Who is this I. M. Wood? A I don't know it is a fellow down there. I can't tell you his name I never seen him but a time or two.
- Q Who is this John Lewis? A John Lewis.
- Q Yes; you present here an affidavit supposed to be signed by John Lewis? A It is a lawyer I think at cadde.
- Q Do you know him? A No.

Affidavit of John Lewis and affidavit of Henry Byington his translator offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Affidavit of I. M. Wood offered in evidence, marked exhibit "B", 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 your case.

This applicant has slightly curly light brown hair, blue eyes and blond complexion. Her features and general appearance are those of a white person. She does not show any traces of Indian blood 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. 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 foregoing cause on August 7, 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 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 7, 1901.

In the matter of the application of John Bridges et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 2, 1901, M.C. 2809.

In the matter of the application of Mary Johnson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3193.

In the matter of the application of Lillie Wilson for identification as a Mississippi Choctaw heard at Atoka, Indian Territory August 7, 1901, M.C. 3194.

Applicants not represented by attorney.

John Bridges, called as a witness, duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A John Bridges.  
Q What is your age? A Forty-six.  
Q What is your post-office address? A Ego.  
Q Indian Territory? A Yes.  
Q How long have you lived in the Indian Territory? A About fourteen years.  
Q Where did you live before you came to the Territory? A Texas.  
Q How long did you live in Texas? A Well I could hardly tell, pretty near all my life.  
Q Were you born in Texas? A No I was born in Tennessee.  
Q How long did you live in Tennessee? A Well I came to Texas the year the War broke out, you can count it up.  
Q Well about how old was you when you came to Texas? A About four years old.  
Q You are the same John Bridges who appeared before the Commission at Atoka, Indian Territory on July 2 and applied for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with the applicants Mary Johnson and Lillie Wilson? A Yes they are my children.  
Q And get their Choctaw blood through you? A Yes.  
Q Which one of your parents did you get your Choctaw blood through? A My mother.  
Q What is your mother's name? A Pellie Hayes.  
Q Pellie Bridges when she was your mother was it not? A Yes she was Pellie Hayes before she was married.  
Q What was your mother's father's name? A Joe Hayes.  
Q What was your mother's mother's name? A Annie, she was a Shipman before she was married and that was her first name.  
Q Annie? A Yes.  
Q Your children have been giving it as Betsey? A Well Betsey is their ancestor further back, I could not tell how far.  
Q Is your mother living? A Yes.  
Q How old is she? A I could not hardly tell.  
Q Well about how old? A Well I suppose about sixty or somewhere near there.  
Q Which one of your mother's parents claimed to be Choctaw? A I was her daddy Joe Hayes.

- Q How which one of these ancestors lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A Well I don't know but I suppose it was the father of the one we just gave in.
- Q How old was your mother? A I suppose about sixty.
- Q Then your mother must have been born about the year eighteen hundred and forty? A No answer.
- Q Did you ever see your grandmother? A Yes.
- Q Do you know when she died? A I can't tell you the year she died in. I know how old she was.
- Q Well about how old were you when she died? A About twenty-two or twenty-three.
- Q About how old was she then? A I can't tell that.
- Q Have you any idea how old she was? A No.
- Q Well do you understand that it is a matter of some importance that you tell us which one of your ancestors was living in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A Betsey Hayes I suppose.
- Q How do you know? A Only what I heard.
- Q Now I say, then your own mother must have been born about the year eighteen hundred and forty you say she is about sixty years old? A Well she is along there some where, I don't know.
- Q Well don't you know that it would be to your interest to find out something of these things and advise the Commission? A Yes I expect it would.
- Q How do you think the Commission is going to identify you or your children if you cannot tell them which one of your ancestors lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian? A I can't tell anything about it, I expect to find out.
- Q Is there anybody living who knows your ancestors and knows which one of your ancestors was living in Mississippi in eighteen hundred and thirty? A I don't know unless there are two that could tell it.
- Q Who are they? A Well I think this man Lewis could and if he don't Wood.
- Q Well Wood in his affidavit states that he is only sixty-five years old. This is only a little older than your mother? A Well then Lewis if he don't know I don't know who would know.
- Q Is there any one living who would know whether any 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 or not? A I don't know.
- Q Do you understand that it is a matter of importance to your case and the case of your children to find out something about this? A Yes.
- Q Did any of your ancestors own any land in the States of Mississippi, Arkansas, Louisiana or Alabama? A I don't know..
- Q Do you know any way to find out? A No.
- Q What makes you and your children think you have any right here? A We don't only we have some folks that are working at it.
- Q How long have you known you are Choctaws? A About three months.
- Q How did you happen to find out three months ago? A Why we just happened to run across these people who were working on it.
- Q Working on ~~the~~ it without you knowing anything about it? A Yes you see they did not live where we did.
- Q Who was working on it? A Well this man Wood was one of them. I got down there close to him now. I never knew he came from the old Country until I run across him.
- Q Well is it not rather strange that he should find out that you had Choctaw blood when you never knew anything about it before? A Well Yes, but things come up that way some time. It was strange to me I did not know anything about it.

- Q You don't know anything more about your claim or the claims of your daughters than you have already said? A No.
- Q Do you think you realize the importance of having some evidence along the line that you have been questioned? A Why if I can get them here and they fail why then I don't know anything else to do.
- Q You understand do you that in cases where valuable property rights are involved that the unsupported statement of parties in interest will carry very little weight? A Why Yes it is bound to be.
- Q Do you expect to get such evidence as you can in support of your claim and the claims of your daughters? A I expect to get up all I can.
- Q You cannot say anything more in regard to your daughters claim except that they claim their Choctaw blood through the same ancestor that you claim yours? A Yes they are my children and if I get knocked out why the will too.

G. Rosenwinkel being duly sworn on his oath 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 27, 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 22nd day of October 1901.

*Charles Kesauyer*

Notary Public.



Muskogee, Indian Territory, September 23, 1901.

Mr. Isaac M. Wood,

Ego,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, enclosing affidavits of Ary Wood, to be filed in the following applications for identification as Mississippi Choctaws: Lillie Wilson, M. C. 3194; John Bridges et al., M. C. 2809; and Mary Johnson et al., M. C. 3193.

Affidavit of Ary Wood, and certificate of J. L. Rappolee, of certain entries on pages 109, 137, 93 and 135 of volume 7, American State Papers, and certified copy of affidavit of John Lewis, and affidavit of Henry Byington as interpreter, offered for filing in support of the application of Nancy Jane Layland et al., for identification as Mississippi Choctaws. M. C. 2980.

Certified copy of affidavit of John Lewis and affidavit of Henry Byington, as interpreter, and certificate of J. L. Rappolee, of extract from pages 109, 137, 93 and 135, of Volume 7, American State Papers, offered for filing in support of the application of Mollie Wood for identification as a Mississippi Choctaw. M. C. 268.

I. M. V., #2.

Joint affidavit of Isaac M. Wood and Ary Wood, and certified copy of affidavit of John Lewis, and affidavit of Henry Byington as interpreter, and certificate of J. In Rappolee, Notary Public, to certain extracts from pages 108, 137, 92 and 135 of Volume 7, American State Papers, which you offer for filing in support of the application of Asa J. Wood for identification as a Mississippi Choctaw. M. C. 1265.

The same have been filed with the other records in these cases, and will receive consideration in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M.C. 3194  
M.C. 2809  
M.C. 3193  
M.C. 2980  
M.C. 265  
M.C. 1265.

Muskogee, Indian Territory, November 23, 1901.

Mary Johnson,

Ego, Indian Territory.

Dear Madam:

In the matter of the applications for identification as Mississippi Choctaws of Vachel L. Wood and Mollie Wood, you are informed that under dates of July 25, 1901, and August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that 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 7, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday

M. J. B.

January 7, 1902 at one o'clock P. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 3193.

Acting Chairman.

Muskogee, Indian Territory, March 3, 1902.

Mary Johnson,

Mgo, I. T.

Dear Madam-

You are hereby advised that on the 3rd day of March, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac M. Wood, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac M. Wood, et al.,	M.C.R. 129
Asa J. Wood,	M.C.R. 1266
Wachel L. Wood,	M.C.R. 266
Mollie Wood,	M.C.R. 265
John Bridges, et al.,	M.C.R. 2809
Lillie Wilson,	M.C.R. 3194
Mary Johnson, et al.,	M.C.R. 3193
Nancy Jane Layland, et al.,	M.C.R. 2980

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

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

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

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Isaac M. Wood, Cornelia F. Wood, Napoleon Wood, Asa J. Wood, Wachel L. Wood, Mollie Wood, John Bridges, Jim Bridges, Maggie Bridges,

K J 2.

Elizabeth Bridges, Ivy Bridges, Nora Bridges, Dessie S. Bridges, Lillie Wilson, Mary Johnson, Freddie Bradford Johnson, Nancy Jane Layland, William W. Layland, Dora R. Layland, Sydney F. Layland, Voney J. Layland, and Idy V. Layland as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Commissioner in Charge.

Registered.

M C R 3193

Muskogee, Indian Territory, April 29, 1902.

Mary Johnson,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 21st day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac H. Wood, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

MBR, 3193.

Name of child:

Evidence: Freddie  
Bradford Johnson

Slip: Freddy Brad-  
ford Johnson.



No. 3193

For Identification as a Mississippi Choctaw.

Date **AUG -7 1901**

Name *Mary Johnson*

Age *19*

Blood claim  $\frac{1}{2}$   $\frac{1}{16}$

Post Office, *Ego. L. T.*

Father: *John Bridges* ✓

Mother: ~~John~~ *Parapher Bridges* ✓

Claims through *father*

husband: *Wes Johnson* ✓  
(no claim for him)

Children:

*Freddy Bradford Johnson 7m*

*Claims for self and  
one child.*

Stenographer

*G. Rosenwinkel*

Choctaw MCR 3194

Lillie Wilson

See MCR 129

MCR 3194

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 7, 1901.

3194

In the matter of the application of Lillie Wilson for identification as a Mississippi Chectaw.

Not represented by attorney.

Lillie Wilson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lillie Wilson.  
Q How old are you? A Twenty-one.  
Q What is your post-office address? A Ego, Indian Territory.  
Q How long have you lived there? A Fourteen or fifteen years.  
Q Where did you live before you lived there? A In Texas.  
Q How long did you live in Texas? A I don't know.  
Q Were you born in Texas? A Yes.  
Q And lived there until you moved to the Indian Territory? A Yes.  
Q What is your father's name? A John Bridges.  
Q What is your mother's name? A Paralee Bridges, it was Shipman before she was married.  
Q Is your father living? A Yes.  
Q Is your mother living? A Yes.  
Q Through which one of your parents do you claim your Chectaw blood? A My father.  
Q How much Chectaw blood do you claim? A I could not tell you.  
Q How much Chectaw blood did your father claim to have? A I could not tell you.  
Q Have you any evidence of your father's and mother's marriage? A No.  
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 Chectaw.  
Q Are you married? A Yes.  
Q What is your husband's name? A Ben Wilson.  
Q He he living? A No.  
Q You say your husband is dead? A Yes.  
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 alone? A Yes.  
Q Is your name on any of the tribal rolls of the Chectaw Nation in Indian Territory? A I don't know whether it is or not.  
Q Have you any reason to think that it is? No answer.  
Q Have you any reason to think that your name is on any of the Chectaw rolls? A No.  
Q Well then can't you be certain that it is not? A No answer.  
Q It is not any good for you to come here and make application if you don't want to answer the questions. You might as well not come? I don't know whether it would or not.  
Q If you thought your name was on the tribal rolls of the Chectaw Nation would you be here to-day to make application? A No.  
Q Well have you any reason to think that it is on there? A No.  
Q Have you ever applied to the Chectaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No.

- Q Did you or did any one for you in 1896 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 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 either the Choctaw tribal authorities or the authorities of the United States to have yourself admitted or enrolled as a member of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made A Yes.
- Q What are you applying for now? A For a right in the Choctaw Nation? A
- Q What makes you think you have a right in the Choctaw Nation? A A My grandfather was a Choctaw Indian.
- Q How do you want to apply now? A I don't believe I can answer that question.
- Q Well what do you claim to be? A Mississippi Choctaw.
- Q You want to be identified 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 Yes.
- Q What treaty do you claim under? A Joe Hayes and Betsy Hayes.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A No.
- Q Well an agreement is where two people promise, each other that they will each one do a certain thing. Do you understand now what an agreement is? A Yes.
- Q Well a treaty is an agreement between Nations. Now do you understand what a treaty is? A Yes.
- Q Well do you think you claim anything under any of the treaties or agreements that the United States and the Choctaw Indians have made together? A I don't believe I can answer that.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in the States of Mississippi and Alabama and move them all to the Country west of the Mississippi River and give them land over here instead of their land in the States of Mississippi and Alabama but some of the Indians did not want to come and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi in the old Indian Territory, so article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come west. 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."

That means that if these Choctaws who did not want to leave the State of Mississippi would go to the Indian Agent there within six months after that treaty was ratified and tell him that they wanted to stay and take land there they would get land for themselves and their children from the government and if they lived on that land for five years they would get a title to it. The article also provided that in doing this they would not lose the privilege of a Choctaw citizen but in case they ever removed they would not get any any part of the Choctaw yearly payments of money.

- Q Now do you claim anything under this provision? A No answer.
- Q Do you know what the word ancestor means? A No.
- Q It means your father, mother, your grandfather and grandmother, great grandfather and great grandmother. Now did any ancestor of yours ever own any land in Mississippi, Louisiana, Alabama or Arkansas? A No not that I know of.
- Q You never heard? A No.
- 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 Joe Hayes and Betsy Hayes.
- Q What relation were they to you? A My great grandfather and great grandmother.
- Q Were they both Choctaw Indians? A I don't know if they both were.
- Q Which one claimed to be Choctaw? A Joe Hayes.
- Q What is your father's father's name? A Bridges.
- Q What is his given name? A I don't know.
- Q What is your father's mother's name? A Pollie Ann Bridges.
- Q Which one of your father's parents claimed to be Choctaw? A My grandmother.
- Q Your father's mother? A Yes.
- Q What was your grandmother's father's name? A Joe Hayes.
- Q What was your grandmother's mother's name? A I don't know what her name was.
- Q Who was that Betsy Hayes that you were talking about a little while ago? A She was her mother, I never thought before I spoke.
- Q Do you know which one of your grandmother's parents were Choctaws, claimed to be Choctaw? A Joe Hayes.
- Q Her father? A Yes.
- Q Do you know whether Joe Hayes 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 I do not.
- Q Do you know whether he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay in Mississippi and take land there? A No I don't.
- Q Do you know anybody who would know about these things? A No only father.
- Q Is your father old enough to know what happened in eighteen hundred and thirty? A No answer.
- Q Can't you answer the question? A I don't know whether he was old enough or not.

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- Q Well how old is she? A Forty-eight I believe.  
Q Well do you know how long ago, eighteen hundred and thirty was? No I do not.  
Q Well it was about seventy-one years ago? Do you think he is old enough to know what happened seventy-one years ago? A I don't know.  
Q Your father knows more about his ancestors than you do? A Yes.  
Q Would you like to have his testimony in your case? A No answer.  
Q You don't seem to take any interest in this matter. Do you want your father's testimony in your case? A Yes.  
Q Have you any papers that you want to file now? A Yes.

Verified copy of affidavit of John Lewis and affidavit of Henry Byington, interpreter, offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Who is John Lewis? A I don't know.  
Q You don't know him? A No.

Affidavit of I. M. Wood offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- Q Who is I. M. Wood? A He is my father's cousin, he lives there close to us.  
Q If these persons know anything about this case can you bring them here in person to testify? A Yes.  
Q You think you could bring these witnesses before the Commission to testify in person? A Yes.  
Q You understand that the oral testimony carries more weight than depositions or affidavits of witnesses? A Yes.  
Q Is there anything else that you would like to say at this time? A No nothing that I knew of.  
Q Can you speak Choctaw? A No.

This applicant has light brown 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. 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 almost nothing about her ancestors and it has been very hard to secure any intelligent answers to the questions asked.

If 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.

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 August 7, 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. Resenwinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 7, 1901.

In the matter of the application of John Bridges et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory July 2, 1901, M.C. 2809.

In the matter of the application of Mary Johnson et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3193.

In the matter of the application of Lillie Wilson for identification as a Mississippi Choctaw heard at Atoka, Indian Territory August 7, 1901, M.C. 3194.

Applicants not represented by attorney.

John Bridges, called as a witness, duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A John Bridges.  
Q What is your age? A Forty-six.  
Q What is your post-office address? A Igo.  
Q Indian Territory? A Yes.  
Q How long have you lived in the Indian Territory? A About fourteen years.  
Q Where did you live before you came to the Territory? A Texas.  
Q How long did you live in Texas? A Well I could hardly tell, pretty near all my life.  
Q Were you born in Texas? A No I was born in Tennessee.  
Q How long did you live in Tennessee? A Well I came to Texas the year the War broke out, you can count it up.  
Q Well about how old was you when you came to Texas? A About four years old.  
Q You are the same John Bridges who appeared before the Commission at Atoka, Indian Territory on July 2 and applied for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with the applicants Mary Johnson and Lillie Wilson? A Yesthey are my children.  
Q And got their Choctaw blood through you? A Yes.  
Q Which one of your parents did you get your Choctaw blood through?  
A My mother.  
Q What is your mother's name? A Pollie Hayes.  
Q Pollie Bridges when she was your mother was it not? A Yes she was Pollie Hayes before she was married.  
Q What was your mother's father's name? A Joe Hayes.  
Q What was your mother's mother's name? A Annie, she was a Shipman before she was married and that was her first name.  
Q Annie? A Yes.  
Q Your children have been giving it as Betay? A Well Betay is their ancestor further back. I could not tell how far.  
Q Is your mother living? A Yes.  
Q How old is she? A I could not hardly tell.  
Q Well about how old? A Well I suppose about sixty or somewhere near there.  
Q Which one of your mother's parents claimed to be Choctaw? A Id was her daddy Joe Hayes.

- Q Now which one of these ancestors lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A Well I don't know but I suppose it was the father of the one we just gave in.
- Q How old was your mother? A I suppose about sixty.
- Q Then your mother must have been born about the year eighteen hundred and forty? A No answer.
- Q Did you ever see your grandmother? A Yes.
- Q Do you know when she died? A I can't tell you the year she died in. I know how old she was.
- Q Well about how old were you when she died? A About twenty-two or twenty-three.
- Q About how old was she then? A I can't tell that.
- Q Have you any idea how old she was? A No.
- Q Well do you understand that it is a matter of some importance that you tell us which one of your ancestors was living in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A Betsey Hayes I suppose.
- Q How do you know? A Only what I heard.
- Q Now I say, then your own mother must have been born about the year eighteen hundred and forty you say she is about sixty years old? A Well she is along there some where, I don't know.
- Q Well don't you know that it would be to your interest to find out something of these things and advise the Commission? A Yes I expect it would.
- Q How do you think the Commission is going to identify you or your children if you cannot tell them which one of your ancestors lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian? A I can't tell anything about it, I expect to find out.
- Q Is there anybody living who knows your ancestors and knows which one of your ancestors was living in Mississippi in eighteen hundred and thirty? A I don't know unless there are two that could tell it.
- Q Who are they? A Well I think this man Lewis could and if he don't Wood.
- Q Well Wood in his affidavit states that he is only sixty-five years old. This is only a little older than your mother? A Well then Lewis if he don't know I don't know who would know.
- Q Is there any one living who would know whether any 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 or not? A Don't know.
- Q Do you understand that it is a matter of importance to your case and the case of your children to find out something about this? A Yes.
- Q Did any of your ancestors own any land in the States of Mississippi, Arkansas, Louisiana or Alabama? A I don't know..
- Q Do you know any way to find out? A No.
- Q What makes you and your children think you have any right here? A We don't only we have some folks that are working at it.
- Q How long have you known you are Choctaws? A About three months.
- Q How did you happen to find out three months ago? A Why we just happened to run across these people who were working on it.
- Q Working on it without you knowing anything about it? A Yes you see they did not live where we did.
- Q Who was working on it? A Well this man Wood was one of them. I got down there close to him now, I never knew he come from the old Country until I run across him.
- Q Well is it not rather strange that he should find out that you had Choctaw blood when you never knew anything about it before? A Well Yes, but things come up that way some time. It was strange to me I did not know anything about it.



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- Q You don't know anything more about your claim or the claims of your daughters than you have already said? A No.
- Q Do you think you realize the importance of having some evidence along the line that you have been questioned? A Why if I can get them here and they fail why then I don't know anything else to do.
- Q You understand do you that in cases where valuable property rights are involved that the unsupported statement of parties in interest will carry very little weight? A Why Yes it is bound to be.
- Q Do you expect to get such evidence as you can in support of your claim and the claims of your daughters? A I expect to get up all I can.
- Q You cannot say anything more in regard to your daughters claim except that they claim their Cheetau blood through the same ancestor that you claim yours? A Yes they are my children and if I get knocked out why the will too.

G. Rosenwinkel being duly sworn on his oath 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 27, 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 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, September 23, 1901.

Mr. Isaac M. Wood,

Ego,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 18th, enclosing affidavits of Ary Wood, to be filed in the following applications for identification as Mississippi Choctaws: Lillie Wilson, M. C. 3194; John Bridges et al., M. C. 2809; and Mary Johnson et al., M. C. 3193.

Affidavit of Ary Wood, and certificate of J. L. Rappolee, of certain entries on pages 108, 137, 92 and 135 of volume 7, American State Papers, and certified copy of affidavit of John Lewis, and affidavit of Henry Byington as interpreter, offered for filing in support of the application of Nancy Jane Layland et al., for identification as Mississippi Choctaws. M. C. 2988.

Certified copy of affidavit of John Lewis and affidavit of Henry Byington, as interpreter, and certificate of J. L. Rappolee, of extract from pages 108, 137, 92 and 135, of Volume 7, American State Papers, offered for filing in support of the application of Nellie Wood for identification as a Mississippi Choctaw. M. C. 265.

I. M. V., #2.

Joint affidavit of Isaac M. Wood and Ary Wood, and certified copy of affidavit of John Lewis, and affidavit of Henry Byington as interpreter, and certificate of J. L. Rappoles, Notary Public, to certain extracts from pages 108, 137, 98 and 138 of Volume 7, American State Papers, which you offer for filing in support of the application of Asa J. Wood for identification as a Mississippi Choctaw. M. C. 1265.

The same have been filed with the other records in these cases, and will receive consideration in determining the rights of the applicants to identification as Mississippi Choctaws.

Yours truly,

M. C. 3194  
M. C. 2909  
M. C. 3193  
M. C. 2988  
M. C. 268  
M. C. 1265.

Muskogee, Indian Territory, November 23, 1901.

Lillie Wilson,

Kgo, Indian Territory.

Dear Madam:

In the matter of the applications for identification as Mississippi Choctaws of Vachel L. Wood and Mollie Wood, you are informed that under dates of July 25, 1901, and August 1, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that 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 7, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on

L. W. S.

January 7, 1902 at one o'clock P. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

W. C. 3194.

Acting Chairman.

Muskogee, Indian Territory, March 3, 1902.

Lillie Wilson,

Mgo, I. T.

Dear Madam-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Isaac M. Wood, et al., embracing the following applications for identification as Mississippi Choctaws:

Isaac M. Wood, et al.,	M.C.R. 129
Asa J. Wood,	M.C.R. 1265
Vachel L. Wood,	M.C.R. 266
Mollie Wood,	M.C.R. 265
John Bridges, et al.,	M.C.R. 2809
Lillie Wilson,	M.C.R. 3194
Mary Johnson, et al.,	M.C.R. 3193
Nancy Jane Layland, et al.,	M.C.R. 2980

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

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

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts 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 Isaac M. Wood, Cornelia F. Wood, Napoleon Wood, Asa J. Wood, Vachel L. Wood, Mollie Wood, John Bridges, Jim Bridges, Maggie Bridges,

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Elisabeth Bridges, Ivy Bridges, Nora Bridges, Dessie S. Bridges, Lillie Wilson, Mary Johnson, Freddie Bradford Johnson, Nancy Jane Layland, William W. Layland, Dora E. Layland, Sydney F. Layland, Voney J. Layland, and Idy V. Layland, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Commissioner in Charge.

Registered.

M O R 3194

Muskogee, Indian Territory, April 29, 1902.

Lillie Wilson,

Ego, Indian Territory.

Dear Madam-

You are hereby advised that on the 21st day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Isaac M. Wood, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.



No. 3194

For Identification as a Mississippi Choctaw.

Date AUG -7 1901

Name *Lillie Wilson*

Age *21* Blood

Post Office, *Egypt, D. T.*

Father: *John Bridges*

Mother: *Paralee Bridges*

Claims through *father*

Husband: *Ben Wilson (dead)*

Children:

*Claims for self alone.*

Stenographer

*G. Rosenwinkel*

Choctaw MCR 3195

Ed Bonaham

See MCR 252

MCR 3195

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

-oOo-

In the matter of the application of Ed Bonaham for identification as a Mississippi Choctaw, M.C.R. 3195.

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

	(Page)
Original application of Ed Bonaham to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Testimony of Charley Jacoway-----	7
Decision of the Commission refusing the application of Ed Bonaham for identification as a Mississippi Choctaw-----	9.

-oOo-

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 6, 1901.

In the matter of the application of Ed Bonaham for identification as a Mississippi Choctaw.

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

Examination by the Commission:

- Q What is your name? A Ed Bonaham.  
Q What is your age? A Twenty one .  
Q What is your post office address? A Madden.  
Q What county? A Leake county, Mississippi.  
Q Is your father living? A No, dead.  
Q How long have you lived in Leake County? A All my life.  
Q How long has your father been dead A Dead before I was born.  
Q What was his name? A Alonso Bonaham.  
Q How old would your father be if he were living now? A Over thirty.  
Q Do you mean he was over thirty when he died, or he would be over thirty now? A Now.  
Q Do you really know anything about how old he would be if he were living now? A Don't know much.  
Q Did your father have a Choctaw name? A Yes, Choctaw name Ho-leek  
Q Is your mother living? A Dead.  
Q What was her name? A Pak-lah-na.  
Q Is that your mother's Choctaw name? A No.  
Q Did she have a Choctaw name? A Don't know Choctaw name.  
Q How long has your mother been dead? A About five or six years.  
Q How old would she be if she were living now? A About forty now.  
Q Did your father and mother always live in the state of Mississippi  
A Yes, all life.  
Q Did they ever go out to the Indian Territory? A No.  
Q Did you ever go out there? A No.  
Q Do you claim to have Choctaw blood? A Yes.  
Q How much Choctaw blood do you claim to have? A Full blooded.  
Q How much Choctaw blood did your father have? A Full blood.  
Q How much Choctaw blood did your mother have? A Full blood.  
Q Have not you a little white blood in your veins? A No.  
Q Are you married? A No.  
Q Have you ever been married? A No.  
Q This application is for yourself only? A Yes.  
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of the tribe? A No.  
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

The records of the Commission show that in the year 1896, application was made to the Commission to the Five Civilized

Ed Benahan-----2.

Tribes for citizenship in the Choctaw Nation for this applicant under the act of Congress of June 10, 1896, his name being included as Ed Birmingham in the case of Jack Amos, et al vs. the Choctaw Nation. This application was filed with the Commission on September 10, 1896. On December 7th, 1896, the application was denied by the Commission, and from the decision of the Commission, an appeal was taken to the United States Court for the Central District of the Indian Territory, which Court on August 25, 1897, affirmed the decision of the Commission denying the application. Appeal was then taken by the petitioners to the Supreme Court of the United States where the decision of the lower court was affirmed.

Q Has any other application of any description ever been made for you aside from the one referred to as having been made in 1896? A No.

The records of the Commission show that on January 31, 1899, Sallie Jacoway appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, and there made application for the identification of this applicant as a Mississippi Choctaw, his name appearing upon Mississippi Choctaw card, Field No. 252, as Ed Birmingham, the grandson of Sallie Jacoway. Also upon page 67 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll No. 865 thereon.

Q Are these two applications,--the one made in 1896, and the one made in 1899,--the only applications of any description that have ever been made for you? A Don't know about that.

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 fourteen of the treaty of Dancing Rabbit Creek? A Yes.

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

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, between the United States government on the one hand and the Choctaw tribe of Indians on the other. 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 along the western edge. 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 present Choctaw Nation in Indian Territory. At the time this treaty was made, some of the Choctaws were unwilling to move out to the new country west of the Mississippi, but insisted that provision be made in the treaty by which they might be permitted to remain here in this country. For the benefit of those Choctaws who desired to remain here, the fourteenth article was inserted into the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to

Ed Bonaham-----3.

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 land intending to become citizens of the states for a period of 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 fourteenth article now? A Yes.  
Q Do you know the names of any one of your grandparents? A No.  
Q Didn't you testify a while ago that Sallie Jacoway was your grandmother, your mother's mother? A Yes.  
Q Did Sallie have a Choctaw name? A Choctaw name Biney.  
Q Is Sallie living? A Yes sir.  
Q How old is she? A About one hundred.

The records of the Commission show that at the time Sallie Jacoway appeared before the Commission at Philadelphia, Mississippi, January 31, 1899, she gave her age as eighty seven years.

- Q Can you remember the name of your mother's father? A Don't know  
Q Did you ever see him? A No.  
Q Do you know the name of your father's father? A Don't know.  
Q Do you know the name of your father's mother? A Don't know.  
Q Do you know the name of any one of your ancestors farther back than your parents except ~~as~~ Sallie Jacoway, your mother's mother? A Din't know none of them but Sallie.  
Q Has Sallie always lived here in Mississippi? A Yes.  
Q You are sure she never went out to the Choctaw Nation, Indian Territory? A Never went to territory.  
Q You have stated that you understood fully the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek---Did any of your ancestors ever comply with or attempted to comply with the provisions of that fourteenth article or ever receive any benefits thereunder? A Don't know.  
Q Do you know any one living who would know about that? A Don't know none but Charlie Jacoway.  
Q Is he here today? A No.  
Q Where does he live? A Leake County.

If Charlie Jacoway comes before the Commission, we will hear his testimony in support of your application. We can then find out whether he knows anything about your ancestors or whether they complied with the provisions of article fourteen of the treaty or ever received any benefits thereunder.

- Q Were any of your ancestors living in the old Choctaw Nation here

Ed Bonaham-----4.

Q Mississippi and Alabama in 1830 when the treaty was made? A Don't know.

Q Were any of your ancestors recognized members of the Choctaw tribe here at that time? A Don't know about that.

Q Did any of your ancestors own any improvement in the Choctaw Nation here in Mississippi and Alabama in 1830 when the treaty was made? A 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 1833 and 1838? A Don't know.

Q Did any of your ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the United States Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the states? A Don't know.

Q Did any of your ancestors ever claim or receive any land here in Mississippi under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A 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 fourteenth article, or under the supplement to that treaty? A Don't know.

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 under that article. The records of the government show that that agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states under this article. On that account, the government at its public land sales here in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive from the government under the provisions of article fourteen 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, whose duty it was to come here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty, but that their land had been sold by the ~~the~~ Government. This Commission was duly appointed by the President and the Commissioners came to Mississippi and heard a few of these cases, but in the time allowed these Commissioners by the act of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of Choctaw cases; and Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission to come down here and finish up this work of hearing Choctaw cases. This second Commission was duly appointed by the president, and came down here in Mississippi in the early forties, and disposed of a great many more of these Choctaw claims.

Q Did any of your ancestors appear before either the Commission ap-

Ed Bonaham-----6.

pointed under the act of Congress of March 3rd, 1837, or the Commission appointed under the act of Congress of August 23, 1842 and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Don't know about that.

Q Do you know any one living who might know about it? A Don't know none of them but Charlie Jacoway.

The act of Congress approved August 23rd, 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 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 the states of Louisiana, Alabama or Arkansas, and he was to receive 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 Don't know.

Q Do you know any one living who would likely know about that?

A Just Charlie Jacoway.

Q Do you think you can get Charlie Jacoway to come over here and testify in your case? A Yes.

If you see fit to bring him here before us within a reasonable time, we will be glad to hear his testimony in your case. He might know some things that are of importance to you.

Q As far as you know none of your ancestors have ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, nor have any of them ever received any benefits thereunder--Is that correct? A Yes.

Q Do you know any one living besides Charlie Jacoway who would be able to testify as to your ancestors, and the amount of Choctaw blood you have, and as to whether any of your ancestors ever received any benefits under any portion of the treaty of Dancing Rabbit Creek? \*

A One Choctaw, Davis, been here.

Q Is it Davis Jacoway? A Yes.

Q Where does he live? A Leake County.

Q What is his post office address? A Madden, Mississippi.

Q How old is he? A About forty

Q Where does Charlie Jacoway live? A Madden, Mississippi.

If you care to bring this other man Davis Jacoway before the Commission to testify in your case, he may come to Meridian within a reasonable time and we will hear his testimony.

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

Q Do you know of any written evidence that would show that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No.

Q Did you ever see or hear of any deed or patent issued by the government in favor of any of your ancestors conveying to them land under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or under any other article of that treaty? A No.



Ed Bonaham-----6.

You will be allowed a reasonable time in which to submit proper documentary evidence in support of your case if you see fit to do so.

- Q Have you any sisters living? A Yes, one sister living.  
Q What is the name of that sister? A Jennie Ota.  
Q Did that sister ever have any other name? A Louana.  
Q She goes by the name of Louana Bonaham? A Yes.  
X Q Your father and her father was the same? A Yes.  
Q And your mother is the same? A Yes.  
Q How old is Louana? A Twenty two.  
Q Is she married? A No.  
Q Has she ever been married? A No.  
Q Has she been before the Commission this year? A No.  
Q Did you ever have any other sisters? A No.  
Q Have you any brothers living? A No.  
Q Did you ever have any brothers? A No.  
Q Did your father ever have any sisters? A Don't know.  
Q Did your father ever have any brothers? A No.  
Q Did your mother have any brothers? A Yes, two.  
Q Are they living? A Yes.  
Q What are their names? A Charlie Jacoway?  
Q He is your mother's brother? A Yes.  
Q What is the other one's name? A Davis Jacoway.  
Q He has been before the Commission this year? A Yes?

The records of the Commission show that Davis Jacoway appeared before the Commission at Meridian, Mississippi, July 18, 1901, and made application for the identification of himself, his wife, one child and one step child as Mississippi Choctaws, their names appearing upon H.C.R-3012. Special reference is made to this application of Davis Jacoway.

- Q Did your mother ever have any other brothers besides these two?  
A No.  
Q Did your mother ever have any sisters? A No.

Mississippi Choctaw Card, Field No. 252, shows this applicant to be a three quarter blood Choctaw. He testifies before the Commission that he is a full blood. He speaks and understands the Choctaw language and but very little English, the examination having been conducted almost entirely through a sworn Choctaw interpreter. He has black straight hair, and dark brown eyes, and the color as well as the features of a full blood.

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 6th 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.

Subscribed and sworn to before me at Meridian, Mississippi, this 14th day of August, 1901.

*H.C. Risteen*  
*[Signature]*  
Notary Public

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 7, 1901.

In the matter of the application of Ed Bonaham for identification as a Mississippi Choctaw, M. C. R-3195.

Charlie Jacoway, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charlie Jacoway  
Q What is your age? A Fifty two.  
Q What is your post office address? A Madden, Mississippi.  
Q How long have you lived in Mississippi? A All my life.  
Q Are you a full blood Choctaw Indian? A Yes.  
Q You have appeared before the Commission this morning and made application for identification of yourself and family as Mississippi Choctaws? A Yes sir.  
Q Are you acquainted with Ed Bonaham? A Yes, I am with him all the time.  
Q What relation is he to you? A My sister's child--I raised him.  
Q What was his mother's name? A Margaret Paulina Jacoway.  
Q She was your full sister? A Yes.  
Q Is Ed's father living? A No sir, he is dead, about three hundred miles east of here. He went off---left.  
Q When did he die? A About four or five years ago.  
Q What was his name? A Alonzo Bunningham, or Bonaham.  
Q How much Choctaw blood did he have? A Some said three quarters but I think he was one half.  
Q How old a man was he when he died? A He married my sister when she was twenty one and left it for ur years, and he write to me back and he want to stay about another year, and than I hear he died.  
Q Was he older then you or younger. A Younger than me, may be twenty six or twenty seven when he died.  
Q He was half Choctaw and half white? A Yes.  
Q Did he always live in Mississippi? A Yes.  
Q When he left Mississippi he just went off temporarily to work?  
A Yes, to work on railroad.  
Q Is Alonzo's mother living? A She died in the territory.  
Q What was her name? A Susan Comby.  
Q How old would she be if she were living now? A I don't know.  
Q How long had she been out in the territory when she died? A About two or may be three years.  
Q When did she die? A I don't know.  
Q You mean she went there about two or three years ago? A Yes sir.  
Q Did you know the father of Alonzo? A No, just know his name.  
Q What was his name? A Bunningham is all I know.  
Q Was he a white man? A Yes sir, what they said.  
Q You have no idea how old this mother of Alonzo was when she died?  
A No.  
Q Do you think she was as old as your mother is? A No.  
Q Do you know the name of Alonzo's mother's father or mother? A No.  
Q I believe you stated that Alonzo's mother was a full blood Choctaw? A Yes.  
Q Did she ever get any land in Mississippi from the government? A I don't know, she left land in Neshoba.

Ed Bonham--3195: (2)

- Q How much land did she own there? A About forty acres.
- Q Whom did she buy it from? A I don't know, she bought it out there.
- Q You are sure she didn't get it from the government? A No sir, she didn't get it from the government.
- Q Do you know whether she or any of her ancestors ever complied with article fourteen of the treaty of Dancing Rabbit Creek? A No.
- Q Do you know whether any of them ever claimed or received any land from the government under that treaty? A No.
- Q Did they ever get any scrip from the government under the act of Congress of August 23, 1842? A No sir.
- Q Have all of her ancestors always lived here in Mississippi---all of these ancestors of this mother of Alenzo? A Yes, I think they all died out there close to Burnside's lake in Neshoba county.
- Q None of her old folks ever went to the territory? A I don't know
- Q Did you ever see her father or mother? A No sir.
- Q Do you know whether any of her ancestors appeared before either the Commission appointed under the act of Congress of March 3, 1837, or the Commission appointed under the act of Congress of August 23, 1842, and attempted to establish their rights under article fourteen of that treaty? A Don't know.
- Q You never heard of any of them getting any ~~sk~~ land from the government under any other article of the treaty of 1830 than the fourteenth article, did you? A No sir.
- Q Nor under the supplement? A No sir.
- Q Your testimony as to the ancestors of the mother of this applicant your sister, Margaret, would be the same as that given in your own application on this date? A Yes sir.

Special reference is made to the application of Charlie Jacoway et al, H.C.R-3213.

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 7th 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 16th day of August, 1901.

*[Signature]*  
Notary Public.

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

-000-

In the matter of the application of Ed Bonaham for identification as a Mississippi Choctaw, W.C.R. 3195.

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

It appears from the record herein that an application for identification as a Mississippi Choctaw was made to this Commission by Ed Bonaham for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Susan Comby and Margaret Paulina Bonaham (or Bunningham), nee Jacoway, (Indian name, Pah-lah-na), both of whom are alleged to have been full-blood Choctaw Indians.

The applicant herein, who, at the time of his examination, was 21 years of age, testified that he was a full-blood Mississippi

Choctaw Indian, but from the testimony of his uncle, who is 52 years of age and well acquainted with the ancestors of the applicant's parents, it appears that his paternal grandfather was a white man and possessed no Indian blood. It is therefore clear that the applicant herein is not a full-blood Mississippi Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It appears, however, that the applicant herein, as Ed Birmingham, on September 10, 1896, made application to the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), for admission to citizenship by blood in the Choctaw Nation (Choctaw Citizenship Case No. 5). On December 1, 1896, the Commission rendered its decision therein denying said application, from which decision an appeal was taken to the United States Court for the Central District, Indian Territory, where the decision of the Commission was affirmed. Subsequent thereto an appeal was taken from said Court to the United States Supreme Court, where the opinion of the lower Court was affirmed.

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

(3)

of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Susan Comby, or Margaret Paulina Bonaham (or Bunningham), nee Jacoway, (Indian name, Pah-lah-na), 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 Ed Bonaham, as a Choctaw Indian entitled to rights in the Choctaw lands under the provision of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*Jams Bixby.*

Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

MAY 19 1844

Commissioner.

W.C.B.

COMMISSIONERS  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3195

WM O BEALL,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 12, 1904.

Ed Bonaham,

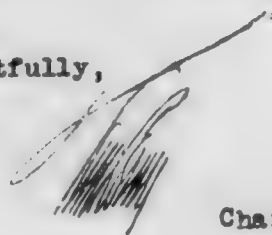
Madden, Mississippi,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing your application for identification as a Mississippi Choctaw.

You are further notified 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 as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,



Chairman.

Registered.

M.C.R. 3195

Muskogee, Indian Territory, May 12, 1904.

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

Gentlemen:

Inclosed herewith you will find a copy of the decision of this Commission, rendered May 12, 1904, refusing the application of Ed Bonham for identification as a Mississippi Choctaw.

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

Respectfully,

SIGNED

*Tams Bixby,*  
Chairman.

Incl. MCR 3195.



Muskogee, Indian Territory, May 28, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ed Bonaham, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of May 12, 1904.

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

Respectfully,

(signed) TAMS BIXBY,  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 incl. MCR 3195

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I.T.D.5788-1904  
IRS

DEPARTMENT OF THE INTERIOR,

(Copy)  
WCF  
FHE

WASHINGTON, July 21, 1904.

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

Gentlemen:

May 28, 1904, you transmitted the record in the matter of the application of Ed Bonaham, for identification as a Mississippi Choctaw, including your decision of May 12, 1904, refusing to identify him as such.

Reporting in the matter July 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

(Copy)

WASHINGTON, July 15, 1904.

land  
35701-1904

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated May 28, 1904, transmitting the record of the application of Ed Bonham for identification as a Mississippi Choctaw.

May 12, 1904, the Commission found that the applicant was not identified as a Mississippi Choctaw.

The record shows the applicant is twenty-one years of age, and that his parents were Ho-lock and Pak-lah-na alleged to be full blooded Choctaws and are both dead; that he has never been recognized nor enrolled by any tribunal as a Choctaw or a Mississippi Choctaw nor can he be identified as the descendant of a Mississippi Choctaw under article fourteen of the treaty of Dancing Rabbit Creek, or other tribunal.

In view of the record the action of the Commission adverse to the applicant is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

M.M.N.  
W.

M.C.R.3195

(Copy)

Muskogee, Indian Territory, August 1, 1904.

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 July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application of Ed Bonaham for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 12th day of May, 1904.

Respectfully,

(signed) T. B. NEEDLES,  
Commissioner in Charge.

M.C.R.3195

(Copy)

Muskogee, Indian Territory, August 1, 1904.

Ed Bonahan,

Maddon, Mississippi.

Dear Sir:

You are hereby notified that on the 21st day of July, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application made by you for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

(signed) T. B. NEEDLES,  
Commissioner in Charge.

MCR 3195

Muskogee, Indian Territory, July 29, 1905.

Ed Birmingham,  
Purcell, Indian Territory.

Dear Sir:

This office is in receipt of a letter from J. W. Hooper, of Purcell, Indian Territory, dated July 22, 1905, in which he requests that you be informed as to the present status of your application for identification as a Mississippi Choctaw.

In reply you are informed it appears from the records of this office that on August 6, 1901, at Meridian, Mississippi, Ed Bonahay, son of Alonzo and Pah-lah-na, made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw. From this testimony it appears that the applicant's name was previously given to the Commission as Ed Birmingham or Ed Burmingham.

On May 12, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing said application, and said decision was affirmed by the Secretary of the Interior on July 21, 1904. This case is now considered closed and it is not believed that the applicant therein is in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Commissioner.

4  
DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

(Copy)  
Land  
69238-1904  
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10084-1905

WASHINGTON, October 5, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes, of February 2, 1905, referring to the fact that on October 1, 1904, the Commission transmitted to the Department the record in the matter of the application made by Tom Chitto, for the identification of himself and family, and his minor ward, Louana Birmingham, as Mississippi Choctaws, together with the decision of the Commission of September 13, 1904, refusing to grant the application as to Louana Birmingham, the other applicants having been identified as full blood Mississippi Choctaws on March 12, 1904.

Chairman Hixby, who signs the letter, says with Departmental letter of December 10, 1904 (I.T.D.12342-1904), the record in this case was remanded, in order that the Commission might take appropriate action in accordance with instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

On December 22, 1904, the Commission addressed a communication to Louana Birmingham, in care of Tom Chitto, at Edinburg,

Mississippi, notifying her that it would, at its office at Muskogee, up to and inclusive of January 26, 1905, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered in support of her application, and on the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations.

No appearance having been entered by or on behalf of the applicant up to and inclusive of February 2, 1905, and no additional testimony having been offered, the original record in the case, together with copies of notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations, is transmitted.

On December 6, 1904, the Office (Land 69238-1904), recommended that the applicant in this case be rejected. The recommendation of the Office of that date is hereby recalled.

The Commission does not report as to whether the notice addressed to Louana Birmingham at Edinburg, Mississippi, was in fact delivered, or returned by the postoffice as undelivered. Tom Chitto and his wife and child had been, subsequent to this application, identified as Mississippi Choctaws, and notified of their right to remove to the Choctaw-Chickasaw country. It is to be presumed that Chitto, having been sufficiently interested to make the application, accepted the conditions and removed to the Choctaw-Chickasaw country. It is fair to assume that he took with him Louana Birmingham, who was a member of his family, and a niece. Consequently, the presumption would be that a letter addressed to



her at Edinburg, Mississippi, would not reach her at that place. Yet the Commission apparently made no effort to discover where she might be reached within the Choctaw-Chickasaw country. It is altogether possible that Tom Chitto had, between the date of his identification and February 2, 1905, submitted proof to the Commission to the Five Civilized Tribes of his removal to and settlement within the Choctaw-Chickasaw country. If he did furnish such evidence the papers would necessarily contain his present post office address.

Charlie Jacoway, the uncle who furnished the most important evidence relative to the ancestry of Louana Birmingham, did remove and settle in the Choctaw-Chickasaw country May 12, 1903, and submitted proof of that fact September 25, 1903. His name and the names of his wife and children were included in a schedule of enrolled Mississippi Choctaws approved by the Department January 13, 1905, appearing opposite nos. 1503 to 1508, inclusive. An inquiry addressed to him at his present place of residence would undoubtedly result in discovering where Louana Birmingham can be reached by mail.

In its letter in the Harriet Adkins case, under which the Commission was instructed to proceed in this case, the Department said:

You will also inform said party that the records of the government show that there was a person named Rachel Pickens, who attempted to comply with the provisions of said article, and that in those cases where names do appear, said records actually contain certain information, as of the year 1830, relative to the persons

whose names appear thereon.

The letter of the Commission dated December 22, 1904, addressed to Louana Burmingham, says:

It appears from the record that you are a mixed blood Choctaw, claiming descent from Ineda Jacoway (Indian name, Chuffatubbee) and Tahlubbee, who are alleged to have been Choctaw Indians. The records of the Indian Office show that a person bearing the name of Chuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830.

The letter of this Office of December 6, 1904, which is now disavowed, did say:

It does not appear from the record or from the records of this Office. . . that the said Ineda Jacoway (Indian name Chuffatubbee) or Pahlubbee, through whom the applicant claims, or Ineda, . . . signified, in person or by proxy, to any person an intention to comply with the provisions of said article 14, or presented a claim to rights thereunder, or subsequent legislation,

but the fact is that the name of Pahlubbee does appear on the records of this Office as a reservee under the 14th article of the Choctaw treaty who received a patent for land, and the names of his children who were alive in 1830 also appear, and patents for land were issued in their behalf. Of this fact, the Commission had, notwithstanding the statement in the letter of this office, previously been advised in the case of Samuel E. Gee, and other cases. The applicant in the case is shown by the record to be a descendant of Pahlubbee, through his daughter, "Biney" Pahlubbee. The records of this Office show that Pahlubbee had a daughter, under ten years of age in 1830, named Byana. The family were residents on section 29, township 11 north, range 10 east, Neshoba County, Mississippi. Patent was issued in favor of Byana for the NW/4 of Sec. 30, T. 11 N., R. 10 E., Neshoba County.

In connection with the application of Tom Chitto in behalf of himself, his wife and children, and Louana Birmingham, the Commission submits the testimony on Charlie Jacoway, also, for himself and the members of his family, an applicant for identification as a Mississippi Choctaw. Tom Chitto was able to give but slight evidence as to the Indian ancestry of Louana Birmingham, but Charlie Jacoway, 52 years of age, a resident of Maddon, Leake County, Mississippi, gives the name of his father as Ineda Jacoway, whose Choctaw name was Chuffatubbe, who would, if living, have been 70 years old at the time of the taking of Charlie Jacoway's testimony in 1901. He testified his father had lived his entire life in Mississippi, neither he nor his wife having gone West, but that the balance of the family had gone. He gave his mother's name as Sallie Jacoway, 69 years of age, who at that time was still living, at the home of Tom Chitto, close to Edinburg. The record as transmitted contains the following:

Question: Do you know the name of your mother's father?

Answer: No.

Question: Do you know the name of your mother's mother?

Answer: Pahlubbee.

Question: Has your mother a Choctaw name?

Answer: Biney Pahlubbee.

Charlie Jacoway is a full blood Choctaw, understanding the Choctaw language, and he well knew that Pahlubbee was a male and not a female name. I therefore take it that the stenographer who took the testimony, either in taking it or transcribing it, transposed the terms father and mother; so it will be assumed that the fact is, and that Charlie Jacoway intended to convey the information that his

mother's father was Pahlubbee, instead of his mother's mother. He had but little knowledge of his mother's family, but says one sister went to the Territory that he knows of, this sister being older than his mother.

The records of this office show that Myana's sister, Shallahoka, was transported West by the Government in June, 1849. Charlie Jacoway says his mother's family always lived in Keshoba County, although he was, at the time of giving his evidence, a resident of Leake, an adjoining county, having spent his entire life in Keshoba and Leake counties. He mentions Captain Cobb as a relative of his family, and a prominent Choctaw in the old days. In fact Captain Samuel Cobb was a son of the same mother as Pahlubbee, the grandfather, and was a resident of Keshoba County. Jacoway had a half brother living, named Davis Jacoway, but had no full brothers living. There were only two children of his sisters living, one of these being Louana Birmingham. Their mother was his full sister, which shows that Louana Birmingham is a grand-daughter of Myana Pahlubbee. He gives the name of another sister as Phyllis Pahlubbee, the mother of Tom Chitto's wife, she being the youngest child of Pahlubbee. It is altogether likely she was not born in 1830.

The letter of this Office of December 20, 1904, contained the statement "that a person bearing the name of Shuffatubbee received scrip as a beneficiary under article 14 of the treaty of 1830." The fact is there were three persons of the name of Shuffatubbee, in behalf of whom scrip was issued in pursuance of the pro

visions of the 14th article of the Choctaw treaty of 1830. Chuffatubbee, a son of Pis-ah-ta-cubbee, was over ten years of age in 1830. The family lived on Sec. 8, T. 8 N., R. 13 E., Leake County, Mississippi. Chuffatubbee, a son of Pah-lum-mah, was under ten years of age in 1830, and the family lived on Sec. 28, T. 10 N., R. 12 E., Neshoba County, Mississippi. The third Chuffatubbee was a son of Tom Wilson, over ten years of age in 1830, and the family lived on Sec. 7, T. 12 N., R. 9 E., Leake County, Mississippi. Since Byana Pahlubbee married a Chuffatubbee, and in view of the fact that she was a child of less than ten at the time of the treaty, it would not be a violent presumption to assume that she may have married one of these persons just mentioned, as all lived in the neighborhood of her home. Scrip was issued in behalf of each of them. There was another Chuffatubbee, a son of I-ath-le-pah, born subsequent to the treaty, but no scrip was issued to him. Scrip was issued to all members of the family who were living in 1830.

In the letter in the Harriet Adkins case the Commission was instructed to inform the applicant that the required testimony might be presented by witnesses appearing in person, or in the form of depositions taken in accordance with the Commission's rules, or of affidavits properly executed. It will be noticed by an examination of the letter of the Commission of December 22, addressed to Louana Birmingham, that the only privilege which she was advised she might have in the submission of additional testimony was the testimony of such witnesses as might present themselves in person.

and such documentary evidence as might be offered in support of the application. This was not, as will be seen at once, a compliance with the instructions of the Department.

Copies of the depositions in the cases of the families mentioned in this letter are enclosed.

Since the evidence as to the descent of Louana Birmingham from Pahlubbee and Byana, his daughter, was only furnished by one witness, and in view of the fact that the person who is presumed to have been the Byana of the record was still living when the evidence of Charlie Jacoway was taken, and of the additional fact that with the information now furnished by the Office it ought to be possible to establish beyond a doubt whether Louana Birmingham is a descendant of Pahlubbee and Byana and one of the Chuffatubbees, I recommend that the case be remanded again to the Commissioner the Five Civilized Tribes, with instructions that he take steps to discover the present whereabouts of Louana Birmingham, and accord her another opportunity to submit evidence as to her ancestry, fully advising her as to what the records show in accordance with the instructions in the Harriet Adkins case, and that the opportunity to submit evidence be fixed at such time and place, and under such circumstances as will enable her to comply with the desires of the Department.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Ma

MCR 3195

Muskogee, Indian Territory, October 30, 1905.

G. H. Collins,  
Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, requesting to be advised as to what steps should be taken to have one Ed Birmingham enrolled as a Mississippi Choctaw. It is stated in your letter that Birmingham is a full blood and was raised by his uncle, Chas. Jacoway.

It appears from the records of this office that at Meridian, Mississippi, on August 6, 1901, Ed Bonaham, son of Alonso and Pah-lah-na, made application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw. From his testimony it appears that applicant's name was previously given to the Commission as Ed Birmingham or Ed Burmingham.

While it is true that Bonaham, at the time of his examination, testified that he was a full blood Mississippi Choctaw Indian, yet from the testimony of his uncle, Charlie Jacoway, who is over fifty years of age and well acquainted with the ancestors of the applicant's parents, it appears that Bonaham's paternal grandfather was a white man and possessed of no Indian blood.

G. H. Collins 2

The Commission to the Five Civilized Tribes rendered a decision on May 12, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw, which decision was affirmed by the Secretary of the Interior on July 21, 1904.

The case is considered closed, and this office is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner.



m.c.r.  
4477  
3195

Davis I. T. Dec. 11" 1905.

Commission to the Five Tribes,

Muskogee I. T.

Gentlemen: please refer to m.c.r. 4477.

It appears that a few weeks ago there was sent out from your office 2 letters of even date, 1 to Charlie Jacoway, directed to Koff I. T. the other to Ed Bonaham, directed to Purcell, I. T. asking each of the whereabouts of one Louana Birmingham, their niece and sister respectively, recently both those letters were sent to me together with one to me from Jacoway giving this information, Louana Birmingham married Charley Fish, or Firh, cant tell which, last heard from they were living near Buckhorn I. T.

It appears to me this furnishes an opportunity to reopen the Ed Bonaham case does it not? you remember I brought this case to your notice a few months ago, & you informed me that as far as your office was concerned his case was closed, I then presented it to the Secretary, but got no response, but now if his sister's case is reopened his will have to be also I should think.

Yours Very Truly,

(signed) G. H. Collins.

D.C.56116-1905  
I.T.D.5788-1904  
10751,13228,  
16566-1906.

(Copy)

G.R.  
LLB  
LRS

DEPARTMENT OF THE INTERIOR,

WASHINGTON, December 11, 1905.

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

Sir:

Upon the presentation made by the Commissioner of Indian Affairs in his report dated October 5, 1905, in the matter of the application of Tom Chitto for the identification of his minor ward, Louana Birmingham, as a Mississippi Choctaw, wherein the Department on October 19, 1905 (I.T.D.13228), remanded to your office the record in said case for appropriate action thereon in accordance with the suggestions contained in the Indian Office letter of above date, the action of this Department of July 21, 1904 (I.T.D.5788), affirming the decision of the Commission to the Five Civilized Tribes of May 12, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw, is hereby rescinded.

As Ed Bonaham appears to be a brother of Louana Birmingham, also called Bonaham, and a descendant of the same parties, it is deemed proper that the record in the application of Ed Bonaham, alias Ed Birmingham, whose name appears as Ed Birmingham,

ham along with the name of his sister, Louana Birmingham, and his grandmother, Sallie Jacoway, upon page 67 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1889, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830, you are requested to consider the case of Ed Bonaham in connection with the rehearing directed by the Department on October 19, 1905 (I.T.D.13228), in the case of his sister, Louana Birmingham, also called Bonaham, and notify his attorney or agent, Mr. G. H. Collins, of Davis, Ind. T., that the testimony of Sallie Jacoway, Davis Jacoway, Charles Jacoway, and Louana Birmingham, now residents of Indian Territory, is desired, and the testimony of such other witnesses, either orally or by deposition as may be obtainable, to prove that he is either a full-blood Mississippi Choctaw or a descendant (of mixed blood) of an ancestor who complied or attempted to comply with the provisions of article 14 of the Treaty of Dancing Rabbit Creek, or was a beneficiary thereunder under subsequent acts enacted by Congress and approved March 3, 1837, and August 23, 1842. He should also be permitted to show whether Ed Bonaham is the descendant of a recognized and enrolled citizen of the Choctaw Nation, Indian Territory.

A letter of G. H. Collins relative thereto is forwarded for

--3--

your information with the record remained herein.

Respectfully,

(signed) THOS. RYAN,  
First Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

3 inclosures.

M C R 4477  
M C R 3198

COPY.

Muskogee, Indian Territory, February 10th, 1906.

G. H. Collins,  
Davis, Indian Territory.

Dear Sir:

September 13, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the identification of Louana Burmingham as a Mississippi Choctaw.

The Secretary of the Interior on December 10, 1904 (ITD 12342-1904), returned the record in the case to the Commission to the Five Civilized Tribes for further investigation and for the purpose of ascertaining if the applicant, a mixed blood Choctaw, is the descendant of Pahlubbee and Byana and one of the Chuffatubbees, who was a scrip beneficiary under the 14th article of the Choctaw treaty of 1830.

The Commission to the Five Civilized Tribes, on February 2, 1905, returned the case to the Department with the information that it had been unable to secure additional evidence in reference to the ancestry of the said Louana Burmingham.

The Secretary of the Interior, on October 19, 1905, returned the record in the case to the Commissioner to the Five Civilized Tribes for appropriate action in conformity with the suggestions contained in the report of the Acting Commissioner of Indian Affairs of October 5, 1905.

G H Collins 2

I transmit herewith for your information, copy of Departmental letter of October 19, 1905 (I T D 13228-1905), accompanied by the report of the Acting Commissioner of Indian Affairs of October 5, 1905 (Land 69238-1904, 86896-1904, 10084-1905).

The Department with its letter of October 19, 1905, also transmitted copies of a number of depositions taken in 1843, 1844 and 1845 in reference to Chuffatubbee.

The Commission to the Five Civilized Tribes on May 12, 1904, also rendered a decision refusing the application for the identification of Ed Bonaham as a Mississippi Choctaw. Said decision was affirmed by the Secretary of the Interior on July 21, 1904 (I T D 5788-1904).

The Department on December 11, 1905 (I T D 5788-1904, 10781, 13228, 16566-1905), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the identification of Ed Bonaham and stated as follows:

"As Ed Bonaham appears to be a brother of Louana Burmingham, also called Bonaham, and a descendant of the same parties, it is deemed proper that the record in the application of Ed Bonaham, alias Ed Burmingham, be considered in connection with the rehearing directed by the Department on October 19, 1905 (I T D 13228), in the case of his sister, Louana Burmingham, also called Bonaham."

For your information there is enclosed herewith copy of Departmental letter of December 11, 1905, returning to the Commission the record in the matter of the application for the identification of Ed Bonaham as a Mississippi Choctaw.

G H Collins 3

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., hear the testimony of the applicant Louana Birmingham, now Louana Fish or Fih; the applicant Ed Bonaham; the witnesses Sallie Jacoway, Davis Jacoway, Charles Jacoway, and such other witnesses as the applicants may present in reference to the rights which they claim as Mississippi Choctaws.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

Mar 10/14

M C R 3195

COPY.

Muskegee, Indian Territory, February 10th, 1906.

Ed Bonaham, or Burmingham,  
Purcell, Indian Territory.

Dear Sir:

For your information there is herewith enclosed letter from the Secretary of the Interior dated December 11, 1905, returning to the Commissioner to the Five Civilized Tribes for further investigation, the record in the matter of your application for identification as a Mississippi Choctaw. There is also enclosed copy of a letter from the Secretary of the Interior of October 19, 1905, accompanied by the report of the Acting Commissioner of Indian Affairs of October 5, 1905, relative to the application for the identification of your sister, Louana Burmingham, as a Mississippi Choctaw.

In accordance with the instructions of the Department you are hereby directed to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., for the purpose of testifying in reference to your right to identification as a Mississippi Choctaw.

You should at said hearing present such witnesses as may have actual knowledge of your Choctaw ancestors or any other facts



Ed Benahan or Birmingham 2

in reference to your right to enrollment as the descendant of a  
recognized and enrolled citizen of the Choctaw Nation.

Respectfully,

SIGNED *Wm. O. Beall.*

Acting Commissioner.

Registered.

McM 10/16

REFER IN REPLY TO THE FOLLOWING

M C R 3195

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

Muskogee, Indian Territory, February 10th, 1906.

Davis Jacoway,  
Roff, Indian Territory.

Dear Sir:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., for the purpose of submitting your testimony in reference to the right to identification as Mississippi Choctaws of Louana Burmingham, now Louana Fish or Firh, and her brother, Ed Bonaham, or Burmingham.

Respectfully,

  
Acting Commissioner.

Registered.

M C R 3195

COPY.

Muskegee, Indian Territory, February 10th, 1906.

Charles Jacoway,

Roff, Indian Territory.

Dear Sir:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., for the purpose of submitting your testimony in reference to the right to identification as Mississippi Choctaws of Louana Burmingham, now Fish or Firh, and her brother Ed Benaham, or Burmingham.

Respectfully,

SIGNI

*Edw. O. Hall*

Acting Commissioner.

Registered.

Ed Bonshaw appeared before D.C., Meridian Aug. 6-01.

Refused by Com May 12-04

Action affirmed July 21-04

Louana refused by Com Sep 13-04

Remanded Oct 19-1905

Ed case remanded Dec 15-05

Dear Madam:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A.M., for the purpose of submitting your testimony in reference to the right to the land known as Mistake and Chestnut of Louana Bonshaw, now Ed Bonshaw, and her brother, Ed Bonshaw, of Ardmore.

Respectfully,

A. C. Commissioner.

Registered.

REFER IN REPLY TO THE FOLLOWING

M C R 3195

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

Muskogee, Indian Territory, February 10th, 1906.

Sallie Jacoway,

Roff, Indian Territory.

Dear Madam:

You are hereby notified and directed to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., for the purpose of submitting your testimony in reference to the right to identification as Mississippi Choctaws of Louana Burmingham, now Fish or Firh, and her brother, Ed Bonaham, or Burmingham.

Respectfully,



Acting Commissioner.

Registered.

M C R 4477  
M C R 3196

COPY.

Muskegee, Indian Territory, February 10th, 1906.

Mansfield, McMurray & Cornish,

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

Gentlemen:

September 13, 1904, the Commission to the Five Civilized Tribes rendered a decision refusing the application for the identification of Louana Burningham as a Mississippi Choctaw.

The Secretary of the Interior on December 10, 1904 (ITD 12342-1904), returned the record in the case to the Commission to the Five Civilized Tribes for further investigation and for the purpose of ascertaining if the applicant, a mixed blood Choctaw, is the descendant of Pahlubbee and Byana and one of the Ghuffatubbees, who was a scrippee beneficiary under the 14th article of the Choctaw treaty of 1830.

The Commission to the Five Civilized Tribes, on February 2, 1905, returned the case to the Department with the information that it had been unable to secure additional information in reference to the ancestry of the said Louana Burningham.

The Secretary of the Interior, on October 19, 1905, returned the record in the case to the Commissioner to the Five Civilized Tribes for appropriate action in conformity with the suggestions contained in the report of the Acting Commissioner of Indian Affairs of October 5, 1905.

M MoM & C 2

I transmit herewith for your information, copy of Departmental letter of October 19, 1905 (I T D 13226-1905), accompanied by the report of the Acting Commissioner of Indian Affairs of October 5, 1905 (Land 69238-1904, 86896-1904, 10084-1905).

The Department with its letter of October 19, 1905, also transmitted copies of a number of depositions taken in 1843, 1844 and 1845 in reference to Chuffatubbee.

The Commission to the Five Civilized Tribes on May 12, 1904, also rendered a decision refusing the application for the identification of Ed Bonaham as a Mississippi Choctaw. Said decision was affirmed by the Secretary of the Interior on July 21, 1904 (I T D 5788-1904).

The Department on December 11, 1905 (I T D 5788-1904, 10751, 13228, 16566-1905), returned to the Commissioner to the Five Civilized Tribes the record in the matter of the application for the identification of Ed Bonaham and stated as follows:

"As Ed Bonaham appears to be a brother of Louana Burmingham, also called Bonaham, and a descendant of the same parties, it is deemed proper that the record in the application of Ed Bonaham, alias Ed Burmingham, be considered in connection with the rehearing directed by the Department on October 19, 1905, (I T D 13228), in the case of his sister, Louana Burmingham, also called Bonaham."

For your information there is enclosed herewith copy of Departmental letter of December 11, 1905, returning to the Commissioner the record in the matter of the application for the identification of Ed Bonaham as a Mississippi Choctaw.

M McM & C 3

You are hereby advised that the Commissioner to the Five Civilized Tribes will, at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17th, 1906, at eight o'clock A. M., hear the testimony of the applicant Louana Burningham, now Louana Fish or Firk; the applicant Ed Benahan, or Burningham; the witnesses Ballie Jacoway, Davis Jacoway, Charles Jacoway, and such other witnesses as the applicants may present in reference to their right to identification as Mississippi Choctaws.

Respectfully,

SIGNED *Wm. C. Beall.*

Acting Commissioner.

Registered.

McM 10/13



Muskogee, Indian Territory, May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

May 28, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Ed Bonham for identification as a Mississippi Choctaw, with its decision of May 12, 1904, refusing said application.

The Department in its letter of July 21, 1904 (I T D 5788-1904), affirmed the decision of the Commission of May 12, 1904, refusing to identify Ed Bonham as a Mississippi Choctaw.

October 1, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application made by Tom Chitto for the identification of himself, his wife Marinda Chitto, his minor child Katie Chitto, and his ward, Louana Birmingham, as Mississippi Choctaws, together with the decision of the Commission of September 13, 1904, refusing the application as to Louana Birmingham, the other applicants having been identified as full blood Mississippi Choctaws by a decision of the Commission to the Five Civilized Tribes of March 12, 1904.

(2)

The Department in its letter of December 10, 1904 (I T D 12342-1904), remanded the record in the case of Tom Chitto, et al., with instructions that the Commission to the Five Civilized Tribes take appropriate action as to the applicant, Louana Burningham, in accordance with the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

December 22, 1904, the Commission to the Five Civilized Tribes addressed a communication to Louana Burningham, in care of Tom Chitto, Edinburg, Mississippi, notifying her that it would, at its office at Muskogee, Indian Territory, up to and inclusive of January 26, 1905, hear the testimony of such witnesses as might be presented and receive for consideration such documentary evidence as might be offered in support of her application. On the same date notice to the same effect was furnished the attorneys for the Choctaw and Chickasaw Nations. No response being made to said notices, the record in the case was on February 2, 1905, returned to the Department, together with copies of the notices furnished the applicant and the attorneys for the Choctaw and Chickasaw Nations.

The Department on October 19, 1905 (I T D 13226-1905), again remanded the case of Tom Chitto, et al. with instructions that the Commissioner take appropriate action as to the applicant, Louana Burningham, in accordance with the suggestions contained in

(3)

Indian Office letter of October 5, 1905.

The Department in its letter of December 11, 1905 (I T D 16566-1905), rescinded its action of July 21, 1904 (I T D 5788-1904), affirming the decision of the Commission to the Five Civilized Tribes of May 12, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw, and remanded said case with instructions that the same be considered in connection with the rehearing directed by the Department on October 19, 1905 (I T D 13228-1905), in the case of Louana Birmingham, it appearing that she is a sister of Ed Bonaham.

This office was also instructed to notify G. H. Collins, Davis, Indian Territory, the agent or attorney of Ed Bonaham, that the testimony of Sallie Jacoway, Davis Jacoway, Charles Jacoway and Louana Birmingham was desired, also the testimony of such other witnesses, either orally or by deposition, as might be obtainable, to prove that said Ed Bonaham is either a full blood Mississippi Choctaw or the descendant of an ancestor who complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek, or was a beneficiary thereunder under subsequent acts enacted by Congress and approved March 3, 1837 and August 23, 1842. This office was also instructed to permit Ed Bonaham to show whether he is a descendant of a recognized or enrolled citizen of the Choctaw Nation, Indian Territory.

(4)

In conformity with the instructions contained in Departmental letter of December 11, 1905, this office on February 10, 1906, notified Ed Bonaham (or Birmingham), Purcell, Indian Territory, to appear before the Commissioner to the Five Civilized Tribes at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17, 1906, at eight o'clock A. M., for the purpose of testifying in reference to his right to identification as a Mississippi Choctaw. Similar notices were on the same day sent to Sallie Jacoway, Roff, Indian Territory, Davis Jacoway, Roff, Indian Territory, and Charles Jacoway, Purcell, Indian Territory, to appear at the hearing on March 17, 1906, for the purpose of submitting their testimony in reference to the right of Louana Birmingham and Ed Bonaham to identification as Mississippi Choctaws.

On the same date G. H. Collins, Davis, Indian Territory, and Mansfield, McFurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, were furnished copies of Departmental letter of December 11, 1905, returning to the Commissioner the record in the matter of the application for the identification of Ed Bonaham as a Mississippi Choctaw, and were advised that the Commissioner to the Five Civilized Tribes would, at the Chickasaw Land Office at Ardmore, Indian Territory, on Saturday, March 17, 1906, at eight o'clock A. M., hear the testimony of Louana Birmingham (now Louana Fish, or Firth),

(5)

Ed Bonaham (or Birmingham), Sallie Jacoway, Davis Jacoway, Charles Jacoway and such other witnesses as the applicants might present in reference to their right to identification as Mississippi Choctaws.

No notice was sent Louana Birmingham for the reason that this office was unable to ascertain her whereabouts, although inquiry had been made of different persons whom it was thought could probably furnish her post office address.

In conformity with the notices referred to, additional proceedings were had at the time and place mentioned therein. G. H. Collins, of Davis, Indian Territory, appeared as agent for the applicant. No appearance was entered on behalf of the Choctaw and Chickasaw Nations. Sallie Billey, Charlie Jacoway, Davis Jacoway and Wes Amos appeared as witnesses for the applicant.

I have the honor to return herewith the original records in the applications of Tom Chitto, et al. and of Ed Bonaham, together with the additional proceedings had before the Commissioner to the Five Civilized Tribes at Ardmore, Indian Territory, on March 17, 1906.

The record, as now presented, shows that Louana Birmingham and Ed Bonaham are full brother and sister and the children of Pahlahna, a full blood Choctaw Indian, and Alonso Birmingham (or Bonaham), a mixed blood Choctaw Indian; that Pahlahna was the daughter of Biney Pahlubbee and Chuffatubbee, both of whom were

full blood Choctaw Indians and residents of Neshoba County, Mississippi, at the time of the making of the treaty of 1830. The evidence further shows that Biney Pahlubbee had a brother named Tallawahomubbee, one brother named Tussaka, one brother named Kachubbee, and one sister whose name was Shallahoka, and one sister whose name was Phyllis, and a brother whose name was Silas; the last two have no Indian names.

The Indian Office in its letter of October 5, 1908, states that the records of that office show that Pahlubbee and his family were residents on Section 29, Township 11 north, Range 10 east, Neshoba County, Mississippi, in the year 1830; that said Pahlubbee had a daughter at that time under ten years of age named Byana, in whose favor a patent was issued for the NW/4 of Section 30, Township 11 north, Range 10 east, Neshoba County.

The name of Pahlubbee appears on page 218 of volume 1 of Claimant's Brief and Evidence in the case of the Choctaw Nation vs the United States, before the Court of Claims, No. 12742, wherein it appears that the said Pahlubbee was at the date of the treaty of Dancing Rabbit Creek the father of two children over ten years of age, whose names were Shallahoka and Tussaka; that he was the father of four children under ten years of age, whose names were Tallawahomubbee, Byana, Naharibe and Echokachubbee; that Pahlubbee and his family were members of Captain Samuel Cobb's company; that they resided in Section 29, South-west Quarter, Township 11, Range

10 east, and that they proved continuous residence for more than five years after the ratification of the treaty.

The testimony of the witnesses at the rehearing in the case on March 17, 1906, establishes beyond a reasonable doubt that Biney Pahlubbee, the grandmother of the applicants Louana Birmingham and Ed Bonaham (Birmingham), is identical with Ryana to whom was patented the NW/4 of Section 30, Township 11 north, range 10 east, Neshoba County, Mississippi, under the provisions of the 14th article of the Choctaw treaty of September 27th, 1830.

The testimony of the witnesses also conclusively shows that the names of the members of Pahlubbee's family, the great-grandfather of the applicants, to be identical with the names of the family of Pahlubbee who resided in Mississippi in 1830 and who was a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

I am therefore of the opinion that the applicants have, beyond question, established the fact that they are the mixed blood descendants of a beneficiary under the 14th article of the Choctaw treaty of 1830, and are consequently entitled to identification as Mississippi Choctaws under the provisions of the Acts of Congress approved June 28, 1898 (30 Stats., 495) and July 1, 1902 (32 Stats., 641).

I have the honor to respectfully recommend that the previous action of the Commission to the Five Civilized Tribes

(3)

adverse to the applicants be rescinded, and that I be authorized to identify Leuana Burningham and Ed Bonahan (or Burningham) as Mississippi Choctaws by reason of being the descendants of one Biney Pahlubbee (Byana), a beneficiary under the provisions of the 14th article of the Choctaw treaty of September 27, 1830.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

MoN 16/1



M C R 3195  
M C R 4477

Muskogee, Indian Territory, May 23, 1906.

Mansfield, McMurray & Cornish,

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

Gentlemen:

There is herewith enclosed copy of testimony taken at  
Ardmore, Indian Territory, March 17, 1906, in the matter of the  
applications for the identification of Ed Bonaham and his sister  
Louanna Birmingham (or Bonaham.)

Respectfully,

Acting Commissioner.

McM 23/5

M C R 3196  
M C R 4477

Muskogee, Indian Territory, May 23, 1906.

8

G. H. Collins,  
Davis Indian Territory.

Dear Sir:

There is herewith enclosed copy of testimony taken at Ardmore, Indian Territory, March 17, 1906, in the matter of the applications for the identification of Ed Bonaham and his sister Louanna Birmingham (or Bonaham).

Respectfully,

Acting Commissioner.

Mck 23/4

M C R 4398

M C R 3198

Muskogee, Indian Territory, July 19, 1906.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter dated June 22, 1906, requesting to be advised as to what disposition has been made of the Mississippi Choctaw cases of Ed Bonahan and Hendrix McMillan, and of the applications for enrollment of Mississippi Choctaw minors.

In reply you are advised that the record in the Mississippi Choctaw case of Ed Bonahan is now before the Department for final action thereon.

July 9, 1906, the papers filed by you for a rehearing in the Mississippi Choctaw case of Hendrix McMillan, et al., were forwarded to the Secretary of the Interior.

Applications for the enrollment of Mississippi Choctaw minors will receive the consideration of this office in the very near future. Should additional evidence be desired in the disposition of any such applications, written request therefor will be made.

Respectfully,

Commissioner.

M C R 3195

Muskogee, Indian Territory, July 24, 1906.

Ed Bonahan,

Story, Indian Territory.

Dear Sir:

Replying to your letter of the 12th instant you are advised that your right to be identified as a Mississippi Choctaw has not yet been finally determined by the Secretary of the Interior, and no allotment can at the present time be made in your name.

Respectfully,

Commissioner.

MCR-3195

Muskogee, Indian Territory, September 29, 1906.

Ed Bonahan,

Story, Indian Territory.

Dear Sir:-

Replying to your letter of the 18th instant you are advised that the record in the matter of your application for identification as a Mississippi Choctaw, together with additional proceedings had therein at Ardmore, Indian Territory, March 17, 1906, was, on May 6, 1906, transmitted to the Secretary of the Interior through the Commissioner of Indian Affairs. Up to the present time this office has not been advised of any Departmental action thereon.

Respectfully,

Commissioner.

MOR-3195

Muskogee, Indian Territory, October 15, 1906.

Ed Birmingham,

Purcell, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 2nd instant requesting to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are advised that this office is unable to give you any further information in regard to your case other than than contained in its letter to you under date of September 29, 1906.

Respectfully,

Commissioner.

M C R 3195

Muskogee, Indian Territory, December 3, 1906.

G. H. Collins,

Davis, Indian Territory.

Dear Sir:

You are hereby notified that Ed Bonham has this day been advised that he may designate, in person or by petition, to the Chickasaw land office the lands which he intends to take as his allotment in the event he is finally identified as a Mississippi Choctaw.

Respectfully,

Acting Commissioner.

M C R 3195

Muskogee, Indian Territory, December 3, 1906.

Ed Bonaham,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 19, 1906, requesting the privilege of designating your prospective allotment.

The records of this office show that your application for identification as a Mississippi Choctaw is now pending before the Secretary of the Interior for final determination, and you are advised that you may designate, in person or by petition, to the ~~land~~ land office the lands which you desire to select as your prospective allotment and which you anticipate taking as your allottable interest in the lands of the Choctaws and Chickasaws in the event you are finally identified as a Mississippi Choctaw.

Respectfully,

Acting Commissioner.



M C R 3195

Muskogee, Indian Territory, December 3, 1906.

Chief Clerk,  
Chickasaw Land Office,  
Ardmore, Indian Territory.

Dear Sir:

The records of this office show that one Ed Bonaham (or Birmingham) has an application for identification as a Mississippi Choctaw now pending before the Secretary of the Interior for final determination, and as he has requested that he be allowed to designate his prospective allotment, you are hereby instructed to grant him this privilege. Bonaham has today been notified of this action, at Purcell, Indian Territory.

Respectfully,

Acting Commissioner.

MCR. 3195 ✓  
MC-NB-88

Muskogee, Indian Territory, January 12, 1907.

G. H. Collins,  
Davis, Indian Territory.

Dear Sir:-

Replying to your letter of the 7th instant you are advised that the Chief Clerk of the Chickasaw Land Office at Ardmore, Indian Territory, has this day been instructed to permit you to designate a prospective allotment for Gaston Hickman, a minor Mississippi Choctaw, whose application is now pending before this office.

As to the Mississippi Choctaw application of Ed Birmingham, or Bonaham, you are advised that the same is still before the Secretary of the Interior awaiting final disposition.

Respectfully,

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON. January 15, 1907.

Land.  
44428-1906.

---

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of May 16, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, in which he says that on May 28, 1904, the Commission to the Five Civilized Tribes transmitted to the Department the record in the matter of the application of Ed Bonaham for identification as a Mississippi Choctaw, with its decision of May 12, 1904, refusing the application.

The Department, in its letter of July 21, 1904 (I.T.D. 5788-1904), affirmed the decision of the Commission. On October 1, 1904, the Commission transmitted to the Department the record in the matter of the application of Tom Chitto for the identification of himself, his wife, Marinda Chitto, his minor child, Katie Chitto, and his ward Louana Birmingham, as Mississippi Choctaws, together with the decision of the Commission of December 13, 1904, refusing the application as to Louana Birmingham, the other applicants having been identified as full-blood Mississippi Choctaws by a decision of the Commission to the Five Civilized Tribes March 12, 1904.

as to the applicant, Louana Burningham, in accordance with the instructions contained in Departmental letter of April 2, 1903, relative to the Mississippi Choctaw case of Harriet Adkins.

The record was again forwarded to the Department by the Commission on February 2, 1905, and the Department, on October 19, 1905 (I.T.D. 13228-1905), remanded the case of Tom Chitto et al., with instructions that the Commissioner take appropriate action as to the applicant, Louana Burningham, in accordance with the suggestions contained in Office letter of October 5, 1905.

On December 11, 1905, the Department (I.T.D. 16586-1905), rescinded its action of July 21, 1904, affirming the decision of the Commission refusing to identify Ed Bonaham as a Mississippi Choctaw and remanded his case, with instructions that it be considered in connection with the rehearing directed by the Department in the case of Louana Burningham, it appearing that she is a sister of Ed Bonaham.

Mr. Bixby further says that he was also instructed by the Department to notify G. H. Collins, Davis, Indian Territory, the agent or attorney of Ed Bonaham, that the testimony of Sallie Jacoway, Davis Jacoway, Charles Jacoway and Louana Burningham was desired, also the testimony of such other witnesses, either oral or by deposition, as might be obtainable, to prove that Ed Bonaham is either a full-blood Mississippi Choctaw or the descendant of an ancestor who complied or attempted to comply with the provisions of Article XIV of the treaty of Dancing Rabbit Creek, or was a beneficiary thereunder under subsequent acts of Congress approved March 3, 1837 and

August 23, 1842, and that he was also instructed to permit Ed Bonaham to show whether he is a descendant of a recognized or enrolled citizen of the Choctaw Nation, Indian Territory.

In conformity with the instructions contained in Departmental letter of December 11, 1905, the Commissioner on February 10, 1906, notified Ed Bonaham (or Birmingham), Purcell, Indian Territory, to appear before the Commissioner at the Chickasaw Land Office at Ardmore, on Saturday, March 17, 1906, at 8 o'clock a. m., for the purpose of testifying in reference to his right to identification as a Mississippi Choctaw. Similar notices were on the same day sent to Sallie Jacoway, Roff, Indian Territory, Davis Jacoway, Roff, and Charles Jacoway, Purcell, Indian Territory, to appear at the hearing on March 17, for the purpose of submitting their testimony in reference to the right of Louana Birmingham and Ed Bonaham to identification as Mississippi Choctaws.

In conformity with notices given by the Commissioner, additional proceedings were had and G. H. Collins of Davis, Indian Territory, appeared as agent for the applicant, Ed Bonaham. Sallie Billey, Charlie Jacoway, Davis Jacoway, and Wes Awoa appeared as witnesses for the applicant.

Commissioner Bixby now returns the original records in the applications of Tom Chitto et al., and of Ed Bonaham, together with the additional proceedings had at Ardmore on March 17, 1906, and reports that the record as now presented shows that Louana Birmingham and Ed Bonaham are full brother and sister and the children of Pahlahna, a full-blood Choctaw Indian, and Alonso Birmingham (or Bonaham), a

mixed-blood Choctaw Indian; that Pahlahna was the daughter of Biney Pahlubbee and Chuffatubbee, both of whom were full-blood Choctaw Indians and residents of Neshoba County, Mississippi in 1830; also that the evidence shows that Biney Pahlubbee had a brother named Tallawahonubbee, one brother named Tussaka, one brother named Kachubbee, one sister whose name was Shallahoka, and one sister named Phyllis, and a brother whose name was Silas, the last two having no Indian names.

This Office in its letter of October 5, 1905, reported that its records show that Pahlubbee and his family were residents of Section 29, T. 11 N., R. 10 E., Neshoba County, Mississippi, in the year 1830; that Pahlubbee had at that time a daughter under ten years of age named Byana, in whose favor a patent was issued for the northwest quarter of Section 30, T. 11 N., R. 10 E., Neshoba County, Mississippi.

The Commissioner further reports that the name Pahlubbee appears on page 218 of volume 1 of the printed record in the case of the Choctaw Nation against the United States in the Court of Claims, wherein it is shown that Pahlubbee was at the date of the treaty of Dancing Rabbit Creek the father of two children over ten years of age whose names were Shallahoka and Tussaka; that he was the father of four children under ten years of age, whose names were Tallawahonubbee, Byana, Kahambe and Mahokachubbee; that Pahlubbee and his family were members of Captain Samuel Cobb's company; that they resided in Section 29, SW/4, Township 11, Range 10 east, and proved their continuous residence for more than five years after the ratifi-

cation of the treaty.

The Commissioner expresses himself as being of opinion that the testimony of the witnesses at the hearing in the case on March 17, 1906, establishes beyond question that Biney Pahlubbee, the grandmother of the applicants Louana Birmingham and Ed Bonaham (Birmingham), is identical with Byana to whom was patented the NW/4 of Section 30, T. 11 N., R. 10 E., Neshoba County, Mississippi, under the provisions of the 14th article of the Choctaw treaty of September 27, 1830.

He is further of opinion that the testimony of the witnesses conclusively shows that the names of the members of Pahlubbee's family, the great-grandfather of the applicants, are identical with the names of the family of Pahlubbee who resided in Mississippi in 1830 and who was a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

On the basis of this evidence the Commissioner expresses the belief that the applicants have established the fact that they are the mixed-blood descendants of a beneficiary of the 14th article of the Choctaw treaty of 1830, and are consequently entitled to identification as Mississippi Choctaws under the provisions of the Acts of Congress approved June 28, 1898 (30 Stat., L., 495) and July 1, 1902 (32 Stat., L. 641). He recommends that the previous action of the Commission to the Five Civilized Tribes adverse to the applicants be rescinded and that he be authorized to identify Louana Birmingham and Ed Bonaham (or Birmingham) as Mississippi Choctaws by reason of being descendants of one Biney Pahlubbee (Byana) a benefi-

iary under the provisions of the 14th article of the Choctaw treaty of September 27, 1830.

The proof submitted in this case is believed by the Office to identify in a satisfactory manner the ancestor through whom these applicants claim as the Byana, a daughter of Pahlubbee, who received a patent for land under the provisions of the 14th article of the Choctaw treaty of 1830, and I recommend that the decision of the Commission of May 12, 1904, adverse to Ed Bonaham, and of March 12, 1904, adverse to Louana Birmingham, be reversed, that the decisions of the Department approving these findings of the Commission be rescinded, and that the Commissioner to the Five Civilized Tribes be directed to identify Louana Birmingham and Ed Bonaham as Mississippi Choctaws.

Very respectfully,

C. F. Larrabee,  
Acting Commissioner.

KBH-Y.



OR.

DEPARTMENT OF THE INTERIOR,

LLB

WASHINGTON.

I.T.D. 5788-1904.  
16566-1905.  
1046-1907.

February 13, 1907.

LRS.

Direct.

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

Sir:

May 16, 1906, you returned the remanded record in the matter of the application of Ed Bonaham and his sister, Louana Burningham, consolidated, for identification as Mississippi Choctaws, and recommended that the previous action of the Commission to the Five Civilized Tribes, adverse to the applicants, be rescinded and that you now be authorized to identify Louana Burningham and Ed Bonaham (or Burningham) as Mississippi Choctaws, by reason of being descendants of one Biney Pahlubee (Byana), a beneficiary under the provisions of article 14 of the Choctaw treaty of September 27, 1830.

The Commissioner of Indian Affairs reporting thereon January 15, 1907 (Land 44428-1906), copy whereof is inclosed, concurred in your recommendation.

In accordance therewith, the previous action of the Commission to the Five Civilized Tribes of September 13, 1904, refusing to identify Louana Burningham as a Mississippi Choctaw, and the action of the Commission of May 12, 1904, refusing to identify Ed Bonaham as a Mississippi Choctaw is hereby rescinded, and you are authorized to identify Louana Burningham and Ed Bonaham (or Burningham) as

--2--

Mississippi Choctaws.

You will advise proper parties of this action.

The papers in the case and a carbon copy hereof have been sent to the Indian Office.

Respectfully,

Thos. Ryan,  
First Assistant Secretary.

1 inc. and 5 to Ind. Of,

A. F. Ho.  
2-14-07.

MCR-3195

MCR-4477

Muskogee, Indian Territory, February 23, 1907.

G. H. Collins,  
Davis, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 13, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 15, 1907, directing the Commissioner to the Five Civilized Tribes to identify Ed Bonaham ( or Birmingham) and his sister, Louana Birmingham, as Mississippi Choctaws.

Respectfully,

WLM.  
Encl. 23/2

Commissioner.

MUR-3198  
MUR-4477

Muskogee, Indian Territory, February 23, 1907.

Ed Bonaham, of Birmingham,  
Purcell, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 13, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of January 15, 1907, directing the Commissioner to the Five Civilized Tribes to identify you and your sister, Louana Birmingham, as Mississippi Choctaws.

Respectfully,

WLM.  
Encl. 22/1

Commissioner.

MCR-3195

& 4477

Muskogee, Indian Territory, March 22, 1907.

Ed. Glasco,

Purcell, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 12, 1907, addressed to the United States Indian Agent, Muskogee, Indian Territory, and by him referred to this office for appropriate action. Therein you ask if Ed and Louana Bonaham (or Burmingham) may now select their allotments.

In reply you are advised that on March 2, 1907, the Secretary of the Interior approved a schedule containing the names of Ed Bonaham and Louana Bonaham, duly identified Mississippi Choctaws, opposite numbers 2522 and 2523 respectively.

You are further advised that on March 2, 1907, the Secretary of the Interior approved a schedule constituting a part of the final roll of Mississippi Choctaws containing the name of Ed Bonaham opposite number 1439.

Inasmuch as Louana Bonaham did not submit satisfactory proof of her removal to and settlement within the Choctaw-Chickasaw country prior to March 4, 1907, selection of allotment can not be made by or on her behalf.

Respectfully,

Tams Bixby

Commissioner.

G 2522

Muskegee, Indian Territory, April 26, 1907.

Ed Birmingham,  
Story, Indian Territory.

Dear Sir:

Replying to your letter of the 20th instant you are informed that you have been enrolled as a Mississippi Choctaw under the name of Ed Bonham. Your enrollment was approved by the Secretary of the Interior March 2, 1907, and you may now appear at the land office and select your allotment.

Respectfully,

Commissioner.

I. T. 69-1907  
702-1907

Muskegee, Indian Territory, July 15, 1907.

Ed Burmingham,

Story, Indian Territory.

Dear Sir:

This office is in receipt of a letter from the Commissioner of Indian Affairs, Washington, D. C., of July 3, 1907, enclosing for appropriate action your communication of April 22nd in which you requested permission to select your allotment.

The records show that you were duly enrolled as a Mississippi Choctaw March 2, 1907, and that on May 13, 1907, at the Chickasaw land office at Ardmore, you selected in allotment land of the appraised value of \$1030. Therefore it does not seem that further reply to your letter is necessary.

Respectfully,

Commissioner.

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To **Davis Jacoway,**

**Roff, Indian Territory.**

You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Ardmore,** in the **Chickasaw** Nation, Indian Territory, on the **17th** day of **March,** 190**6**, to testify before said Commissioner in the matter of the **applications for the identification of Ed Bonahan, or Burningham, and Louana Burningham, now Fish, as Mississippi Choctaws.**

Dated at **Muskogee, Ind. Ter.** this **20th** day of **February,** 190**6**

SIGNED

*W. O. Beall*

Acting Commissioner.



## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To Sallie Jacoway,  
Roff, Indian Territory.

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Armore, in the Chickasaw Nation, Indian Territory, on the 17th day of March, 1906, to testify before said Commissioner in the matter of the applications for the identification of Ed Bonaham, or Burningham, and Louana Burningham, now Fish, as Mississippi Choctaws.  
 Dated at Muskogee, Ind. Ter. this 20th day of February, 1906.*

SIGNED

*W. O. Beall*  
 Acting Commissioner.

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To **Charles Jacoway,**

**Purcell, Indian Territory.**

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at **Ardmore,** in the **Chickasaw** Nation, Indian Territory, on the **17th** day of **March,** 190**6,** to testify before said Commissioner in the matter of the applications for the identification of **Ed Bonahan, or Birmingham, and Louana Birmingham, now Fish, as Mississippi Choctaws.***

*Dated at **Muskogee, Ind. Ter.** this **20th** day of **February,** 190**6.***

SIGNED

*W. O. Beall*  
**Acting Commissioner.**

## Department of the Interior,

Commissioner to the Five Civilized Tribes.

COPY.

To Ed Bonham, or Birmingham,  
Purcell, Indian Territory.

*You are hereby summoned to appear before the Commissioner to the Five Civilized Tribes at Ardmore, Ind. Ter. in the Chickasaw Nation, Indian Territory, on the 17th day of March, 1906, to testify before said Commissioner in the matter of the application for your identification as a Mississippi Choctaw.*

*Dated at Muskogee, Ind. Ter. this 20th day of February, 1906.*

SIGNED

*W. O. Beall*  
 Acting Commissioner.

# IDENTIFIED MISSISSIPPI CHOCTAWS

CARD NO. ~~1070~~ <sup>912</sup>

IDENTIFICATION ADDRESS *No 1 - Purcell, J. T.  
No 2 - — — — Miss.*

DATE OF IDENTIFICATION *May 16, 1906.*

SETTLEMENT ADDRESS *#1 Roff, J. T.*

DATE OF PROOF OF SETTLEMENT *#1 March 17, 1906.*

	DAWES ROLL NO.	NAME	Relationship to Person First Named	AGE	SEX	BLOOD	NAME OF FATHER	LIVING OR DEAD	NAME OF MOTHER	LIVING OR DEAD	APPLICATION NO.	REMARKS
<i>Approved Roll No. 1437</i>	2522	<i>(Birmingham)</i> Bonaham, Ed		21	M	3/4	<i>Mo-leck</i> Alongo Bonham	dead	<i>Pah-bah-nu</i>	dead	3195	
	2523	<i>(Birmingham)</i> " Louana	Sis	19	F	3/4	" "	"	"	"	4477	
		APPROVED BY SECRETARY OF INTERIOR. <i>March 2-07</i>										
		<i>No 2. DID NOT REMOVE</i>										
		REMOVAL PLEASANT FOR										
		ENROLLMENT. OF N.S.S. <i>1</i> ... HEREON APPROVED BY THE SECRETARY OF INTERIOR <i>March 2-07.</i>										
		<i>No 1. Testimony relative to continuous residence for a period of three years submitted September 30, 1908.</i>										
		<i>No 1 enrolled in accordance with opinion of Acting Commissioner of Indian Affairs of November 25, 1905 (Land 75883-1904) in the Mississippi Choctaw case of Robert Tubber.</i>										
		<i>No 1: "Additional proof of removal and settlement submitted May 2, 1907."</i>										

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE WEST CIVILIZED Tribes

FILED

JUN 4 1904

*[Handwritten signature]*

CHAMBERLAIN

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

*Handwritten:*  
M. J. ...  
...

*Reg 27*

IND. TER.  
MAY 12 1904  
REGISTERED



Ed Bonaham,

Madden, Mississippi.

ROFFIND. IN.  
FEB 23  
5 PM  
1906  
REC'D

MUSKOGEE, IND. T.  
MAR 24  
1906  
R. G. DIV.

Department of the Interior.

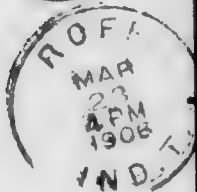
Commissioner to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

Registered

Registered No.

MAR 21 1906



UNRECORDED

Return to  
Ellis J. [unclear]



Rocky Mountain Indian Territory.





Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



Registered No. 112

MAR 27 1906  
MUSKOCOE, IND. TER.



UNCL

David Sawyer,

Roll, Indian Territory.

#1269

No. 3195

For Identification as a Mississippi Choctaw.

Date AUG 6 1901

Name Ed Bonaham

Age 21 Blood full

Post Office, Madden, Miss.

Father: Alonzo Bonaham d  
Mo-leck

Mother: Tah-bah-na d

Claims through both parents.

(Claims for self only)

Children:

(See Miss. Choct. card filed No. 252)

Appearance 1/31/99.)

Stenographer

H. Risteen

Choctaw MCR 3196

Lena AKers

MCR 3196

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3196

In the matter of the application of Lena Akers for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Lena Akers being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Lena Akers, A-k-e-r-s.  
Q What is your age? A Twenty-nine.  
Q What is your post-office address? A Sherman, Grayson County, Texas.  
Q Have you a street number? A No.  
Q How long have you lived there? A Eleven years.  
Q Where did you live before you lived there? A Warren County, Kentucky That is most of my life. I was born in Butler County.  
Q How long did you live in Kentucky? A Well all the time until I came to Texas.  
Q You were born in Kentucky? A Yes.  
Q What is your father's name? A John G. Riley.  
Q Is he living? A Yes.  
Q What is your mother's name? A Lettie Riley, Lettie M. Riley is the way she always signed it.  
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 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 J. M. Akers.  
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 a white man.  
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 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 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 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 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 you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I don't know how to answer that.
- Q What do you claim to be? A I claim to be 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 claim to be related to Mississippi Choctaw Indians.
- Q Do you know what a Mississippi Choctaw is? A No.---It is a tribe of Indians called Mississippi Choctaws.
- Q You don't know that a Mississippi Choctaw is a descendant of a Choctaw who lived in Mississippi in eighteen hundred and thirty and who complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Please state that again I did not write understand you.
- Q You did not understand that a Mississippi Choctaw is a descendant of a Choctaw who lived in Mississippi in eighteen hundred and thirty and who complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Yes I believe they were
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Yes under the treaty of eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Under the whole treaty.

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 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 who lived then in Mississippi and Alabama for the purpose giving them land west of the Mississippi river in exchange for their land in the state of Mississippi and Alabama and to move them all to the new Country across the Mississippi River. The state of Mississippi was filling up rapidly with white settlers and it was very hard to the government to protect the Indians in their tribal government so the government thought it would be best to remove them to the Country west of the Mississippi river where there were no white people to bother them and where they could set up their own tribal government 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 Choctaw who wanted to remain in the old Choctaw Nation so article fourteen was made a part of the treaty for the benefit of those Indians who wished to remain

there in 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 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 claim anything under the provisions of this article of this treaty? 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 there and become citizens of the United States but when a locating Agent was sent down by the United States government it was found that there were a large number of Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay there whose names did not appear on the list which the Indian Agent had made so under different acts of Congress Commissioners were appointed to go down there into Mississippi and investigate these claims and find out which of the Indians were really entitled to land under the fourteenth article of this treaty. These Commissioners passed on a large number of claims, several hundred in fact, some of them 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 sold they were given scrip which they could use 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 No not that I know of.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty who were recognized Choctaw Indians? A Barsey Barton.

Q What relation was she to you? A My great grandmother.

Q How much Choctaw blood did she claim to have? A About three-fourths.

Q Did she live in Mississippi in eighteen hundred and thirty? A A I don't know that.

Q Well I asked you what was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty? A Well I suppose she did.

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

Q What was your mother's father's name? A Ahijah Rose.

- Q What was your mother's mother's name? A Elizabeth Rose.  
 Q Through which one of your mother's parents did she claim her Choctaw blood? A Through her father.  
 Q Have you any evidence of the marriage of your grandfather and grandmother? A No I have not.  
 Q Do you think you can secure it? A I suppose so.

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 to be identified as a Mississippi Choctaw.

- Q What was your grandfather's father's name? A Willeughby Rose.  
 Q How do you spell that? A I don't know that I ever heard it spelled.  
 Q What was your grandfather's mother's name? A Charity Rose.  
 Q Which one of your grandfather's parents claimed to be Choctaw? A His mother.  
 Q Do you remember your grandfather? A Yes he has been dead only six years.  
 Q How old would he be if he were living now? A He died in '94 (ninety-four) and was ninety-one when he died. He would be about ninety-seven years old.  
 Q Your grandfather then must have been born about the year 1804? A Yes about that time.  
 Q Then your great grandmother Charity Rose must have been a married woman and the head of a family in eighteen hundred and thirty when this treaty was made? A I don't know she must have been.  
 Q If your grandfather was born in 1804 or about that time then your great grandmother must have been the head of a family if she was living in eighteen hundred and thirty? A Yes of course  
 Q Do you know anything about what time your great grandmother died in comparison with the age of your grandfather. Do you know about how old he was when your great grandmother or his mother died? A No I don't know.  
 Q Your grandfather must have been over twenty-one years of age in eighteen hundred and thirty when this treaty was made? A Yes.  
 Q Was he living in Mississippi at that time? A I don't know  
 Q Do you think you will be able to secure any evidence to show where your great grandfather and grandfather lived in Mississippi in eighteen hundred and thirty? A I suppose I could if I could find some old persons.  
 Q Do you understand that it is a matter of considerable importance in your case to secure evidence to show whether they were living there? A Yes.  
 Q Do you know if your great grandmother Charity Rose or your grandfather Ahijah Rose 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 become citizens of the United States? A I don't know.  
 Q Do you know whether either one of them came west to the present Choctaw Nation with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I don't know.  
 Q Do you think you will be able to secure any evidence to show whether they came west between eighteen hundred and thirty three and eighteen hundred and thirty-eight or whether they went to the Indian Agent there in Mississippi and told him that they wanted to stay there? A I don't know.  
 Q You understand that is also a matter of importance to your case? A Yes.



- Q You don't know whether your great grandmother or your grandfather owned any land in Mississippi, Louisiana Arkansas or Alabama?  
A I don't know. I know my grandfather did not but I don't know any further back than my grandfather.
- Q Do you think you will be able to secure any evidence to show whether they did or not? A I don't know whether I can or not.
- Q Do you know how much Choctaw blood Charity Rose claimed to have?  
A One-half.
- Q This Barshaba Barton that you mentioned a while ago was she a mother of Charity Rose? A Yes she was the mother of Charity Rose
- Q Do you know whether she lived in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Is there any further statement that you would like to make at this time in support of your application? A I don't think there is.
- Q Have you any papers that you want to file now? A Yes I have a marriage certificate and an affidavit.

Certified copy of marriage license and certificate between J. M. Akers and Lena Riley offered in evidence marked exhibit "A" filed and made a part of the record in this case.

- Q This is your marriage? A Yes.

Certified copy of marriage license and certificate between John G. Riley and Letia R. M. Rose offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- Q This is the marriage between your father and mother? A Yes.

Affidavit of G. B. Taylor offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

Affidavit of M. Caughey offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

- Q These affidavits are just to show your identity as a daughter of the persons you claim as your father and mother? A Yes.
- Q Do you think you will be able to get the evidence of any witnesses to show your great grandfather and mother living in Mississippi in eighteen hundred and thirty and whether they, 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 whether I can or not. I know it would be better to.
- Q Well do you understand that you are making application here for valuable property rights and in such a case even the sworn statement of a party in interest carries very little weight unless supported by outside evidence? A Yes I understand that.
- Q And you understand that unless you secure some evidence on these points and fill out your own statement on the points that you did not know, there will be very little for the Commission to consider when it comes to take up your application? A I understand that.
- Q Do you think you will be able to secure the testimony of witnesses in person and bring them before the Commission to testify on these points? A I don't know.
- Q You understand that the testimony of witnesses in person is better than their depositions or affidavits, if you can possibly secure them? If I possibly can I will secure them.

#6

Q I

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.

This applicant has brown hair, blue eyes and moderately fair complexion. Her features and general appearance are those of a white person.

- Q Do you speak Choctaw? A No.  
Q Did your great grandmother have any Choctaw name? A Not that I know of.  
Q You never heard of her having any Choctaw name? A No.  
Q Did she speak Choctaw? A I don't know.

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 they 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 8, 1901 and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer, Jr.*

Notary Public.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Lena Akers,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Harmon, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Harmon,	M. C. R.	2564
George W. Harmon, et al.,	"	2566
Billie Harmon, et al.,	"	2567
Rosa Mercer, et al.,	"	2568
Phemie Covey, et al.,	"	2568
Mollie Howdeshell, et al.,	"	2570
Ida Stone, et al.,	"	2573
Mattie Owens,	"	2569
Wash Sledge, et al.,	"	2571
William Sledge,	"	2572
Virginia Harmon, et al.,	"	3197
Lena Akers,	"	3198
Clara Wagoner,	"	3258
Letia Blankinship, et al.,	"	3198
Victoria G. Dennis, et al.,	"	3842

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Harmon, George W. Harmon, Leora Harmon, Ira Harmon, Leslie Harmon, Rhea Harmon, Billie Harmon, Eula Harmon, Eura Harmon, Opra Harmon, Eddie Harmon, Rosa Mercer, Ada Mercer, Jeffie Mercer, Ima Mercer, Phenie Covey, Eva Covey, Eula Covey, Clifford Covey, Bannie Covey, Mollie Howdeshell, Earl Howdeshell, Ohaer Howdeshell, Herkert Howdeshell, Ida Stone, Mary Stone, Hubert Stone, Genie Stone, Carl Earnest Stone, Mattie Owens, Wash Sledge, Sherman Sledge, William Sledge, Virginia Harmon, Agnes Harmon, Edna Harmon, Vera Harmon, Jewel Harmon, Lena Akers, Clara Wagoner, Letia Blankinship, Mora Blankinship, Jewel Blankinship, Victoria G. Dennis, Oma Pauline Dennis, Mona F. Dennis, William R. Dennis and Hattie Bell Dennis 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."

L.A.-----E.

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

Yours truly,

(SIGNED)

*Thomas Dixon*

Acting Chairman.

Registered.

10033

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. 3196

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY TO  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 26, 1903.

Lena Akers,  
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Harmon, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,



Chairman.

R. 3196

Lena Jones

SEP

DECISION SEP 4 - 1902

N. MALE

COPY FORWARDED TO THE

RECEIVED

FEB 1 1903

NOTICE OF PROCEEDINGS IN ACTION  
FORWARD TO THE

FEB 27 1903

NOTICE OF PROCEEDINGS IN ACTION  
FORWARD TO THE  
NATIONS.

2564

No. 3126

For Identification as a Mississippi Choctaw.

Date **Aug -8** 1901

Name *Lena Akers*

Age *29* Blood *1/16*

Post Office, *Sherman, Texas*

Father: *John G. Riley*

Mother: *Lettie R. M. Riley (dead)*

Claims through *mother*

husband: *J. M. Akers*  
(no claim for him.)

Children:

*Claims for self only*

Stenographer

*G. Rosenwinkel*



3196

*File*



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

**FILED**

APR 3 1903

A handwritten signature in dark ink, appearing to be 'J. H. ...'.

CHAIRMAN

FEB 28

NOB

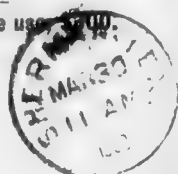
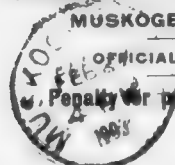
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$100.



Postpaid

Lena Akers,

~~Sherman, Texas.~~

Choctaw MCR 3197

Virginia Harmon

MCR 3197

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3197

In the matter of the application of Virginia Harmon for identification of herself and her four minor children as Mississippi Choctaws.

Not represented by attorney.

Virginia Harmon being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Virginia Harmon.  
Q What is your age? A I am thirty-four.  
Q What is your post-office address? A Combs, Oklahoma Territory.  
Q How long have you lived there? A Two years.  
Q Where did you live before you lived there? A Texas.  
Q How long did you live in Texas? A About ten years.  
Q Where did you live before you lived in Texas? A Kentucky? A  
Q I lived there about twenty-two or twenty-three years.  
Q You were born in Kentucky? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A Riley.  
Q What is his first name? A John Riley.  
Q Is he living? A Yes.  
Q What is your mother's name? A Lettie Riley.  
Q Is your mother living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw  
Q blood? A My mother's side.  
Q How much Choctaw blood do you claim? A About one-sixteenth.  
Q Has your mother ever been recognized in any way or enrolled as  
Q a member of the Choctaw tribe of Indians by the Choctaw tribal  
Q authorities or the authorities of the United States? A Not  
Q that I know of.  
Q Are you married? A Yes.  
Q What is your husband's name? A R. T. Harmon.  
Q Is he living? A Yes.  
Q You make application for your husband? A No.  
Q He is a white man and makes no claim to Choctaw blood? A No.  
Q Have you any children for whom you wish to make application at  
Q this time? A I have four.  
Q Give the names and ages of these children? A Agnes age fourteen  
Q A-g-n-e-s? A Yes.  
Q Next? A Edna age twelve. Vera age six.  
Q V-e-r-a? A Yes.  
Q Next? A Jewel? A  
Q J-e-w-e-l? A Yes age two.  
Q These are all your children? A Yes.  
Q What is the name of their father? A R. T. Harmon.  
Q Is your name or are the names of your children on any of the  
Q tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever applied to the Choctaw tribal authorities in the  
Q Indian Territory to have you self or your children enrolled as  
Q members of that tribe? A No.

#2

- 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 by 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 of Indians? A No.
- Q This is the first application of any kind you have ever made? Yes.
- Q What kind of an application do you want to make now? A I just want to make a statement.
- Q Statement of what? A For my right in the Choctaw Nation.
- Q How do you claim your right in the Choctaw Nation? A No answer
- Q How do you claim your right in the Choctaw Nation? A No answer.
- Q What makes you think you have a right to come here and make a claim? A Because I have Indian relations.
- Q Because you have Indian relatives? A Yes.
- Q Who are these Indian relatives? A My great great grandmother and my great grandfather.
- Q You want to make a claim 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 Yes.
- Q Which one of the treaties do you claim under? A 1830.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Under the whole treaty.

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 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."

This law gives the Commission 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 United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of moving them to a Country west of the Mississippi River and give them land there in exchange for their lands in the states of Mississippi and Alabama but some of the Indians did not want to come west and the others would not sign any treaty until something was done for those Indians who wanted to remain in Mississippi so article fourteen was put into the treaty for the sake of these Choctaws who wanted to remain in the old Choctaw Nation. 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 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 claim anything under the provisions of this article of the treaty? A I don't 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 there and become citizens of the United States but when an agent was sent down by the government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay there 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 this matter and find out just who of these claimants were entitled to land there under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases, some of them they allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President if the land claimedly the Indians had not already been sold it was given to them if it had been sold they were given scrip 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 ancestor's own land in any of these states? A Not that I know of.
- Q You think you will be able to find out from your family records whether they did or not? A I don't know
- Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in Mississippi in eighteen hundred and thirty and who were recognized Choctaw Indians? A I don't know.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father's name? A Ahijah Rose.
- Q What was your mother's mother's name? A Elizabeth Rose.
- Q Which one of your mother's parents claimed to be Choctaw? A Her father.
- Q Have you any evidence of the marriage of your mother's father and mother? A No.
- Q Do you think you will be able to secure such evidence? A I guess I can.

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

- Q A My father and mother.
- Q No your mother's father and mother. What was your grandfather's mother's name? A Charity Rose.
- Q What was your grandfather's father's name? A I don't know what his name was.
- Q Which one of your grandfathers parents claimed to be Choctaw?  
A I don't know.
- Q You don't know which one of your great grandparents was Choctaw?  
A My great grandmother.
- Q Well then your grandfather got his Choctaw blood through his mother did he? A Yes.
- Q You will have to talk because the stenographer can't look up from his notes to see which way you nod your head. Which one of these ancestors lived in the old Choctaw Nation in eighteen hundred and thirty? A I could not tell you.
- Q Is your grandfather living? A No.
- Q How long has he been dead? A He has been dead about four years.
- Q How old was he when he died? A He was ninety-six I think.
- Q He would be pretty near a hundred years old if he were living now? A Yes.
- Q Your grandfather then must have been over twenty years of age when this treaty of eighteen hundred and thirty was made? A Yes he was born in 1806.
- Q Do you know where your grandfather was living in eighteen hundred and thirty? A No.
- Q Did you ever know your grandfather? A Yes.
- Q Did he ever live in Mississippi? A No I don't think he did.
- Q Did he ever live in Alabama? A No I don't think so.
- Q Do you know where your great grandmother Charity Rose lived in eighteen hundred and thirty? A No.
- Q Did she live in Mississippi? A I could not tell you.
- Q Do you think you will be able to secure any evidence to show where your grandfather lived in eighteen hundred and thirty? Well I might I don't know.
- Q You understand that it is a matter of considerable importance to your case to know whether your grandfather lived in Mississippi in eighteen hundred and thirty? A I guess it would be.
- Q Was your grandfather a Choctaw Indian? A Yes he was a Mississippi Choctaw.
- Q He was a Mississippi Choctaw but you don't know whether he lived in Mississippi? A No I don't.
- Q Well then what makes you think that he was a Mississippi Choctaw? A Because I have always been told that.
- Q What do you think a Mississippi Choctaw is? A I don't know.
- Q You state in your testimony that you don't know that your grandfather ever lived in Mississippi and that your grandfather was living in eighteen hundred and thirty and yet you say he was a Mississippi Choctaw. Now I would like to know what you mean by a Mississippi Choctaw? A No answer.
- Q Did your grandfather come west with the other Choctaw Indians to the present Choctaw Nation in the Indian Territory between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I don't know.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay there in Mississippi and become a citizen of the United States? A I don't know.
- Q You think you will be able to get any evidence to show whether he did or not? A I might.
- Q You understand that is a very important point in your case? A Yes.
- Q What kind of evidence do you think you will be able to get along that line? A I could not tell you.

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- Q Do you think you will be able to get any witnesses and bring them before the Commission in person? A I think I can.
- Q How old do you think these witnesses would have to be to know these things personally? A I don't know.
- Q Well this treaty was made in eighteen hundred and thirty, that is over seventy years ago and a witness would have to be pretty old to know about these things personally. About as old as your grandfather was.
- Q You understand that the oral testimony of witnesses before the Commission carries more weight than their depositions or affidavits? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? 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 you will be permitted to do so and the same will be made a part of the record in this case.

- Q Have you any papers that you want to file? A No.
- Q Do you speak Choctaw? A No.
- Q Did your grandfather speak Choctaw? A No.
- Q Did your grandfather have any Choctaw name? A Not that I know of.
- Q Did your grandfather's mother have any Choctaw name? A I don't know.

The applicant in this case has brown hair, blueneyes and moderately fair complexion. Her features and general appearance 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 does not know whether the ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty, the date 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 and foregoing cause on August 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 22nd day of October 1901.

*Rosenwinkel*  
*Charles H. Sawyer*

Notary Public.



COPY

Muskogee, Indian Territory, September 4, 1902.

Virginia Harmon,

Combs, Oklahoma.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Harmon, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Harmon,	M C R	2564
George W. Harmon, et al.,	"	2566
Billie Harmon, et al.,	"	2567
Rosa Mercer, et al.,	"	2568
Phenie Covey, et al.,	"	2566
Mollie Howdeshell, et al.,	"	2570
Ida Stone, et al.,	"	2573
Mattie Owens,	"	2569
Wash Sledge, et al.,	"	2571
William Sledge,	"	2572
Virginia Harmon, et al.,	"	3197
Lena Akers,	"	3196
Clara Wagoner,	"	3253
Letia Blankinship, et al.,	"	3198
Victoria G. Dennis, et al.,	"	3842.

V.F.-----2.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Harmon, George W. Harmon, Leora Harmon, Ira Harmon, Leslie Harmon, Phea Harmon, Billie Harmon, Eula Harmon, Eura Harmon, Cora Harmon, Eddie Harmon, Rosa Mercer, Ada Mercer, Jessie Mercer, Ina Mercer, Phemie Covey, Eva Covey, Lula Covey, Clifford Covey, Fannie Covey, Mollie Howdeshell, Earl Howdeshell, Ohmer Howdeshell, Herbert Howdeshell, Ida Stone, Mary Stone, Hubert Stone, Genie Stone, Carl Earnest Stone, Mattie Owens, Wash Sledge, Sherman Sledge, William Sledge, Virginia Harmon, Agnes Harmon, Edna Harmon, Vera Harmon, Jewel Harmon, Lena Akers, Clara Wagoner, Letia Blankinship, Mera Blankinship, Jewel Blankinship, Victoria G. Dennis, Ona Pauline Dennis, Mona F. Dennis, William E. Dennis and Fattie Bell Dennis as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

V.P. 100003.

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

Yours truly,

(SIGNED)

*James Birby.*

Acting Chairman.

Registered.

M.C.R. 3197

COPY.

Muskogee, Indian Territory, February 26, 1903.

Virginia Harmon,  
Combs, Oklahoma.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Harmon, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

*Tame Bixby.*

Chairman.

No. 3197

For Identification as a Mississippi Choctaw.

Date AUG -8 1901

Name Virginia Harmon

Age 34 Blood 1/16

Post Office, Combs Okla

Father: John G. Riley

Mother Lettie R. M. Riley (decd)

Claims through mother

husband: R. T. Harmon  
(no claim for him)

Children:

Agnes Harmon	14
Eldna	12
Vera	6
Jewel	2

Claims for self and 4 children

Stenographer

G. Rosenwinkel

R. 3197  
Virginia Harmon et al

REFUSED

DECISION RENDERED SEP 4 1902

EDWIN MARRIAGE APPLICANT

SEP - 4

OFFICE OF THE FEDERAL DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR

FEB 13 1903

OFFICE OF THE DEPARTMENTAL ACTION  
FORWARDED APPLICANT.

FEB 26 1903

DEPARTMENT ACTION  
FORWARD TO ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS.

FEB 26 1903

REFUSED TO M.C.R. 23

Choctaw MCR 31981

Letia Blankinship

MCR 3198

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3198.

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

Applicant not represented by attorney.

Letia Blankinship being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Letia Blankinship.  
Q How do you spell that first name? A L-e-t-i-a.  
Q The last name? A B-l-a-n-k-i-n-s-h-i-p.  
Q What is your age? A Eighteen.  
Q What is your post-office address? A Sherman, Texas.  
Q Have you a street number? A No.  
Q How long have you lived there? A Two years, a little over.  
Q Where did you live before you lived there? A In Kentucky.  
Q How long did you live in Kentucky? A Fifteen years.  
Q Were you born in Kentucky? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A Sledge.  
Q What is his first name? A Pellie.  
Q How do you spell it? A P-e-l-l-i-e.  
Q Is he living? A Yes.  
Q What is your mother's name? A Elisabeth.  
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 though 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 No not that I know of.  
Q Are you married? A Yes.  
Q What is your husband's name? A Willie Blankinship, William I believe it is.  
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 make application at this time? A Yes I have two.  
Q Give the names and ages of these children? A Mera, nineteen months old. Jewel, 2 months old.  
Q J-e-w-e-l? A Yes.  
Q These are your children? A Yes.  
Q What is the name of their father? A William Blankinship.  
Q When and where were you married to him? A In Kentucky.  
Q When? A In the year 1899.  
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 have yourself 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 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
- Q Have you ever before this time made application to either the Choctaw tribal authorities or the authorities of the United States to have your self 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 Well I am part Indian.
- Q What kind of Indian? A Mississippi Choctaw.
- Q What do you mean by the words Mississippi Choctaws? A I mean that I am part Mississippi Choctaw Indian.
- Q Well what do you think that means? A It means that they are that kind of an Indian.
- Q Well what kind of an Indian is that? A Mississippi Choctaw.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What treaty? A Treaty of----- I forget what it is now.
- Q You don't remember what treaty? A No I don't believe I do now.

The law under which the Commission is acting at this time is found in section twenty-one of the act of June 28, 1898, commonly known as 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 a report to the Secretary of the Interior."

That law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then 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 and to move them all to the Country west of the River, but some of the Indians did not want to come west and the others would not sign any treaty until something was done for those who wanted to stay in Mississippi and Alabama, 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 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 Indians. Article fourteen of the treaty between the United States and the Choctaw Indians concluded September twenty seventh 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 this article of the treaty? A Do I make any claim?  
 Q Yes, do you make any claim under this article? 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 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 a great many Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay, names were not found on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these claimants were really entitled to land under the fourteen article of the treaty. These Commissioners took up and passed on several hundred 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 claimed by the Indians 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 Did any of your ancestors own land in any 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 in eighteen hundred and thirty who was a recognized Choctaw Indian? A Barsheba Barten.  
 Q What relation was she to you? A She was my great great grandmother.  
 Q Did she live in Mississippi in eighteen hundred and thirty? A Yes I suppose so.  
 Q Have you any evidence to show that she did? A No.  
 Q You say you claim your Choctaw blood through your mother? A Yes.  
 Q What was your mother's father's name? A Ahijah Rose.  
 Q What was your mother's mother's name? A Elizabeth.  
 Q Which one of your mother's parents claimed to be Choctaw? A Her father.  
 Q Have you any evidence of the marriage of your mother's father and mother? A No.  
 Q Can you secure such evidence? A No.

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

- Q Did you ever know your grandfather? A Yes.
- Q Is he dead now? A Yes.
- Q About how long has he been dead? A About five or six years I guess, I don't know exactly.
- Q How old was he when he died? A Well he was about ninety-six I suppose, some where along there.
- Q Your grandfather then must have been born some time near the year 1800? Yes I suppose so.
- Q Your grandfather was a man over twenty-one years old when this treaty was made? A Yes.
- Q Did your grandfather live in Mississippi in eighteen hundred and thirty? A Yes ;---Well I don't know, I suppose not.
- Q Where do you suppose he did live in eighteen hundred and thirty? A I don't know where.
- Q Do you think you will be able to get any evidence to show where he was living in eighteen hundred and thirty? A I don't know whether I could or not.
- Q Was your grandfather Ahijah Rose a Choctaw Indian? A Yes.
- Q Have you any evidence of that fact? A Have I any evidence?
- Q Yes? A Yes.
- Q Now you make a statement that your grandfather was a Choctaw have you any evidence to show that he was? A Yes.
- Q What kind of evidence have you? A Well because I heard my mother say it.
- Q Well you see you are here making application for valuable property rights and in a case where property rights are involved even the sworn statement of a party in interest will carry very little weight. Their sworn statement will not carry very much weight unless supported by outside evidence. Now I asked you if you had any evidence to support these statements of yours, that your grandfather was a Choctaw Indian? A Yes.
- Q Well what kind of evidence? A I don't understand it exactly.
- Q De you understand what is meant by evidence? A I don't know.
- Q Well have you any proof that your grandfather was a Choctaw Indian beyond what you say? A Yes.
- Q Well what is that proof? A I have heard that there were some old Indians here in the Nation who knowed Barsheba Barton or some of her folks.
- Q Well who was Barsheba Barton? A She was a Mississippi Choctaw Indian.
- Q When did she live? A I don't know.
- Q Well your own testimony has shown that your grandfather's mother must have been living in eighteen hundred and thirty so then why do you go back to Barsheba Barton who you say was your great great grandmother, when you have stated that your own grandfather was living in eighteen hundred and thirty? A I don't know whether he was living in 1830.
- Q Well don't you know that he must have been living at that time, if he was something over ninety years old when he died and you know he was that? A No answer.
- Q You know that your grandfather was over ninety years old when he died? A Yes.
- Q And you know that he has been dead five or six years? A Yes.
- Q Well that don't you know as a matter of fact that your grandfather was living in eighteen hundred and thirty? A Yes.
- Q And that he must have been a grown man at that time? A yes.

- Q Have you any evidence that your grandfather's grandmother was living in eighteen hundred and thirty? A No.
- Q Well then why do you go clear back to her when it would be so much easier to claim through your grandfather? A I don't know.
- Q Well now is there anybody living who knew your grandfather and knew whether he was living in Mississippi in eighteen hundred and thirty and whether he was a Choctaw Indian? A No I don't suppose there is.
- Q Well don you think that it would be very much easier to find some one who knew your grandfather, and knew whether your grandfather was a Choctaw Indian and whether he lived in eighteen hundred and thirty than it would be to find some one who knew your grandfather's grandmother? A I suppose so.
- Q Well who are these old Indians who knew Barsheba Barton? A I don't know.
- Q Do you understand that it is of great importance to your case, that you get some evidence to show whether your grandfather was a Choctaw Indian and whether he lived in the old Choctaw Nation in eighteen hundred and thirty. Do you understand that that is a matter of extreme importance? A Yes.
- Q What was your grandfather's father's name? A Willoughby Rose.
- Q What was your grandfather's mother's name? A Charity.
- Q Which one of your grandfathers parents claims to be Choctaw? A My grandfather's mother.
- Q What was Charity Rose's father's name? A I don't know.
- Q What was her mother's name? A Barsheba Barton.
- Q Do you know what time Barsheba Barton lived and died? A No.
- Q Do you know anything about what time Charity Rose lived and died? A No.
- Q But you do know from family history and what you yourself know that your grandfather must have been living in eighteen hundred and thirty and must have been a grown man? A Yes.
- Q Did your grandfather 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 Not that I know of.
- Q Did he 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 Not that I know of.
- Q Will you be able to get any evidence on that point? A I don't know.
- Q Do you understand that this is a matter of great importance to your case? A Yes I think so.
- Q You say you don't know whether your grandfather owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't.
- Q You think you will be able to secure any evidence to show whether he did or not? A I don't know.
- Q Well you understand that unless you secure such evidence as I have asked you about this morning, there will be very little for the Commission to pass upon when they take up your case? A I don't know whether I understand it or not.
- Q Well I say do you understand that unless you get some evidence to show whether your grandfather lived in the old Choctaw Nation, and whether he was a Choctaw Indian or not and whether he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay in Mississippi and become a citizen of the United States there will be very little for the Commission to pass upon? A Yes.
- Q Have you any papers you want to file now? A Only this that's all.

46

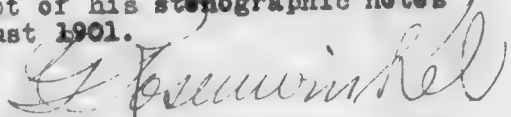
Certified copy of marriage certificate between Willie N. Blankinship and Lettie Sledge offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

If you desire to offer any further evidence in support of this 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.

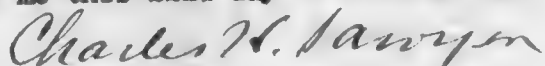
Q Do you speak Choctaw? A No.

This applicant has brown hair, and eyes and rather dark complexion but 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 they ancestor through whom she claims lived in Mississippi or not in eighteen hundred and thirty 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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.



Subscribed and sworn to before me this 22nd day of October 1901.



Notary Public.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Letia Blankinship,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Harmon, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Harmon,	M C R	2564
George W. Harmon, et al.,	"	2566
Billie Harmon, et al.,	"	2567
Rosa Mercer, et al.,	"	2568
Phenie Cowey, et al.,	"	2569
Mollie Howdeshell, et al.,	"	2570
Ida Stone, et al.,	"	2573
Mattie Owens,	"	2569
Wash Sledge, et al.,	"	2571
William Sledge,	"	2572
Virginia Harmon, et al.,	"	3197
Lena Akers,	"	3198
Clara Wagoner,	"	3253
Letia Blankinship, et al.,	"	3198
Victoria G. Dennis, et al.,	"	3842

L.B.--2.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Harmon, George W. Harmon, Leora Harmon, Ira Harmon, Leslie Harmon, Rhea Harmon, Billie Harmon, Eula Harmon, Eura Harmon, Cora Harmon, Eddie Harmon, Rosa Mercer, Ada Mercer, Jeffie Mercer, Ina Mercer, Phenie Covey, Eva Covey, Zula Covey, Clifford Covey, Barnie Covey, Mollie Howdeshell, Earl Howdeshell, Ohmer Howdeshell, Herbert Howdeshell, Ida Stone, Mary Stone, Hubert Stone, Genie Stone, Carl Earnest Stone, Mattie Owens, Wash Sledge, Sherman Sledge, William Sledge, Virginia Harmon, Agnes Harmon, Edna Harmon, Vera Harmon, Jewel Harmon, Lena Akers, Clara Wagoner, Letia Blankinship, Mora Blankinship, Jewel Blankinship, Victoria G. Dennis, Osa Pauline Dennis, Mona F. Dennis William R. Dennis and Hattie Bell Dennis 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."

L. B. Wood.

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).

*Yame Dixby.*

Acting Chairman.

Registered.



M.C.R. 3198

COPY

Muskogee, Indian Territory, February 26, 1903.

Letia Blankinship,  
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Harmon, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

*Tame Dixie*  
Chairman.

W.C.R. 3198.  
Name of Child

Evidence: Mora  
Blankinship

Slip: Lora  
Blankinship

No. 3408

For Identification as a Mississippi Choctaw.

Date AUG -8 1901

Name Letitia Blankinship

Age 18 Blood 1/6

Post Office, Sherman, Texas

Father: (Pellie Sledge

Mother: Elizabeth Sledge

Claims through mother

husband William Blankinship  
(no claim for him)

Children:

Lora Blankinship 19 mo.  
Jewel " 2 mo

Claims for self and 2 children

Stenographer

G. Rosenverkel

Ex "a"

## Marriage . . Certificate.

This is to certify that the *Rites of Matrimony*  
were legally solemnized between *Wilhelmina Blankinship* and  
*Lettie Sledge* at *Polly Sledge*  
in the county of *Allen* on the *11<sup>th</sup>* day of *January* 189*6*.  
In the presence of *George Allen* & *William Sledge*  
Signed *Wm. L. H. H.*

a copy attested  
of the Justice of the Peace in & for the County of Allen

R. 3198

Letia Blankinship et al

SHD

DECISION RENDERED.

FEB 11 1902

SHD

SECRET

FEB 24 1903

ADMINISTRATIVE ACTION  
OFFICE OF THE SHERIFF  
LAKASAW NATIONAL

Choctaw MCR 3199

Bertie Day

See MCR 1220

MCR 3199

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3199

In the matter of the application of Bertie Day for identification of herself and her five minor children as Mississippi Choctaws.

J. E. Arnold attorney representing applicant.

Bertie Day being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Bertie Day.  
Q How do you spell Bertie? A B-e-r-t-i-e.  
Q What is your age? A Thirty-three.  
Q What is your post office address? A Farmersville? Texas?  
Q How long have you lived there? A I was born and raised in Texas.  
Q Never had a home outside of the State of Texas? A No.  
Q What is your father's name? A Theophilus Day.  
Q Is he living? A No.  
Q What is your mother's name? A Caroline Day.  
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-eighth, my great grandfather was a full blood Choctaw.  
Q Well how much do you claim? A One-eighth.  
Q Has your mother through whom you claim your Choctaw blood 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 J. Q. Day.  
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 make application at this time? A Five.  
Q Give the names and ages of these children? A Oscar Day, twelve. Cora Day, ten. Maud Day, nine. Gracie Day, six. Roy Day, two.  
Q Are these all your children? A Yes.  
Q What is the name of their father? A J. Q. Day.  
Q When and where were you married to him? A In 1886.  
Q Where? A At Farmersville, Texas.  
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 applied to the Choctaw tribal authorities in the Indian Territory to have you self 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 by 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 citizens 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 Mississippi Choctaw.
- Q What makes you think you are a Mississippi Choctaw? A Well I have always been told by my parents.
- Q What do you mean by a Mississippi Choctaw? A Well I really don't know that I understand it.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What treaty do you claim under? A Eighteen and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Under the fourteenth article.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A I think I do.
- Q Just make a statement of that you understand by the provisions of the fourteenth article of the treaty? A Well I don't really understand it so as to give an explanation of it.

In eighteen hundred and thirty the United States tried to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama 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 all to the Country west of the Mississippi River, but some of the Indians did not want to come west and the others would not sign 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 these Choctaw who wished to remain in 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 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 citizens but if they ever remove are not to be entitled to any portion of the Choctaw annuity."



- Q These are the provisions of the treaty under which you claim?  
A Yes.

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 an agent went down to locate the land for these Indians he 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 there whose names were not found on the roll which the Indian Agent had made. So under different acts of Congress Commissioners were appointed to go down into Mississippi and find out which of these Indians were really entitled to land there under the fourteenth article of the treaty. These Commissioners passed on several hundred 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 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 land in any 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 when this treaty was made? A Phillip Payne.
- Q What relation was Phillip Payne to you? A He was my great grand father.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father name? A Phillip Payne.
- Q Your mother's father's name was Phillip Payne? A My mother's father's was Hiram Stanford.
- Q What was your mother's mother's name? A Elizabeth Stanford
- Q Which one of your mother's parents claimed to be Choctaw? A A Her mother.
- Q What was your grandmother's father's name? A Phillip Payne.-- No Hiram Standford was my mother's.
- Q Well I said your grandmother's mother's father's name? A Phillip Payne was his name.
- Q What was your grandmother's mother's name? A Rissie Payne.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Her father.
- Q Your great grandfather Phillip Payne? A Yes.
- Q Did you ever know Phillip Payne? A No.
- Q Do you know if he lived in the Choctaw Nation in eighteen hundred and thirty? A I think he did.
- Q Have you any proof of that fact? A I think my aunt will testify to that fact.
- Q Is your mother's mother living? A No
- Q Do you know how long she has been dead? A She has been dead since long before I was born.
- Q Do you know about how old she would be if she were living now? A I would suppose between ninety and one-hundred years old.
- Q How old would your mother be if she were living now? A She would be fifty.
- Q Did Phillip Payne come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A No.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted

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- to stay in Mississippi and become a citizen of the United States?  
A I don't know but I think he remained there.
- Q Well did he go to the Indian Agent there and tell him that he wanted to stay? A I could not tell you.
- Q Will you be able to get any evidence to show whether he went to the Indian Agent there within six months and tell him that he wanted to stay? A Yes I think so.
- Q Do you think you can get any evidence to show that your great grandfather Phillip Payne was a recognized Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A Yes I think so.
- Q What kind of evidence can you secure on that? A Well I would like to have time to think about that.
- Q You don't know at this time what kind of evidence or witnesses you can get? A No I don't.
- Q You expect to bring your witnesses before the Commission in person to testify? A Yes.
- Q You understand that it is a matter of considerable importance to your claim that you show whether Phillip Payne lived in the old Choctaw Nation in eighteen hundred and thirty and whether he was a recognized Choctaw Indian and whether he went to the Indian Agent there and told him that he wanted to stay and become a citizen of the United States? A You say do I know that it is of importance? A ~~Yes~~
- Q Yes? A Yes I understand that.
- Q You understand that you are here making application for valuable property rights and in a case of that kind even the sworn statement of the party in interest does not carry very much weight unless supported by outside evidence? A Yes I understand that.
- Q You expect to secure evidence on these points if possible? A Yes.
- Qx Is there any other statement that you would like to make at this time? A No.
- Q Have you any papers that you want to file? 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, you will be permitted to do so and the same will be made a part of the record in this case.

- Q How does it happen that you have never made application before this time. Why did you not apply to the Dawes Commission in 1896? A I really don't know why it was.
- Qs If you knew you were a Choctaw Indian why did you not remove to the Indian Territory a long time ago and apply to the Choctaw Council for citizenship in the Choctaw Nation? A I don't know just why we didn't do it.
- Q You always knew you were a Choctaw Indian? A Yes I always knew that.
- Q Do you speak Choctaw? A No.
- Q How much Choctaw blood did your great grandfather Phillip Payne claim to have? A He claimed to be a full blood.
- Q Did he have a Choctaw name? A I don't know.
- Q You never heard that he did? A No I never did.

The applicant in this case has brown hair and blue eyes and moderately fair complexion. Her features and general appearance 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.

Mary Hackler, called as a witness, duly sworn testified as follows on behalf of the applicant in the above and foregoing cause.

- Q What is your name? A Mary Hackler.
- Q What is your age? A I was sixty-one last November, Sixty-seven last November.
- Q What is your post-office address? A Durant.
- Q Indian Territory? A Yes.
- Q How long have you lived there? A Ever since last fall.
- Q Are you an applicant for identification as a Mississippi Choctaw.
- Q you have already appeared before the Commission and made application? A Yes.
- Q Where did you live before you lived in the Indian Territory? A Lived in Texas.
- Q How long did you live in Texas? A I lived there about fifty years I guess.
- Q Where did you live before you lived in Texas? A In West Tennessee.
- Q How long did you live there? A About ten or fifteen years.
- Q Were you born there? A Yes.
- Q And lived there until you went to Texas? A Yes.
- Q And you lived in Texas until you went to the Indian Territory about one year ago? A Yes.
- Q Are you acquainted with Birdie Day the applicant here? A Berdie Day, her mammie is my sister.
- Q Well Berdie Day's mother was your sister? A Yes.
- Q And Berdie Day gets her Choctaw blood through her mother you say? A Yes.
- Q And you and Berdie Day's mother both had the same mother? A Yes.
- Q What was the name of your mother and Berdie Day's grandmother? A Elizabeth Standford.
- Q And what was the name of your father? A Hiram Standford.
- Q Which one of your parents claimed to be Choctaw? A My mother.
- Q Is Elizabeth Standford living now? A No she has been dead forty years.
- Q How old was she when she died? A I can't tell you she did not know her own age.
- Q Was she old when she died? A No she was middle aged.
- Q How does it happen that she did not know her age? A She could neither read nor write and just did not know their age.
- Q You mean Hiram and Elizabeth Standford both? A Yes.
- Q What was Elizabeth Standford's father's name? A Phillip Payne
- Q What was her mother's name? A Rissie Payne.
- Q Which one of Elizabeth Standford's parents claimed to be Choctaw? A Why my mother Elizabeth Standford.
- Q Well did you not say that Elizabeth Standford's father was named Phillip Payne and her mother Rissie Payne? A Yes I think that is the way.
- Q Now which one of Elizabeth Standford's parents claimed to be Choctaw? A Phillip Payne.

#6

- Q Her father then? A Yes.
- Q Did you know Phillip Payne? A No I never saw him.
- Q Well do you know where Phillip Payne was living in eighteen hundred and thirty? A Well he was living in Mississippi the last we knew of him.
- Q Well do you know where he was living in eighteen hundred and thirty? A No I can't figure that was at all.
- Q Well eighteen hundred and thirty was about seventy-years ago now do you know anything at all about whether Phillip Payne was living in eighteen hundred and thirty? A I don't know whether he was or not.
- Q About how old would your mother be if she were living now? A I can't tell.
- Q You say she has been dead about forty years? A Yes.
- Q And you say she was about middle aged when she died? A Yes.
- Q About forty- or forty five years old? A She might have been I don't know her age neither did she.
- Q You don't know about how old she was? A No.
- Q Well is there anybody living who knew Phillip Payne and would know where he was living in eighteen hundred and thirty and if he was living at that time? A I don't know anybody living right now.

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 8, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*  
Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*

Notary Public.

COPY.

M C R 3199

Muskogee, Indian Territory, July 21, 1902.

Bertie Day,

Farmersville, Texas.

Dear Madam:

You are hereby advised that on the 21st day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of W. C. Stanford, Sr. et al., embracing the following applications for identification as Mississippi Choctaws:

W. C. Stanford, Sr. et al.,	M C R 1220
Mary Hackler,	" 910
Harriet Jane McBoe, et al.,	" 911
John Stanford,	" 912
Mary Elue, et al.,	" 913
William C. Stanford, et al.,	" 914
John Henry Stanford,	" 916
Laura R. Stanford,	" 918
Pitta M. Stanford, et al.,	" 921
James A. Stanford, et al.,	" 923
Thomas A. Stanford,	" 925
Jesse Stanford, et al.,	" 927
Elizabeth G. Smith, et al.,	" 1221
J. R. Stanford, et al.,	" 1222
Joseph Stanford,	" 2703
Ida Milam, et al.,	" 2704
Mollie Reynolds, et al.,	" 2705
Bertie Day, et al.,	" 3199
Albert Sidney Hackler, et al.,	" 3368
Mary C. Hiddle, et al.,	" 3364
Joe Milam, et al.,	" 3715
Valeria Cooper, et al.,	" 4005
Tenny Hoff,	" 1567
Vina Cox, et al.,	" 1568
Rubie Nickles, et al.,	" 1924.

These applications were made under the provisions of the act of Congress of June 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 W. C. Stanford, Sr., Carl C. Stanford, Marvin C. Stanford, Mary Hackler, Harriet Jane McBees, John M. McBees, Paul McBees, Ruth McBees, Effie McBees, John Stanford, Mary Blue, James Alfred Blue, Minnie Beulah Blue, William C. Stanford, William L. Stanford, Lizzie E. Stanford, Ethel M. Stanford, Alva J. Stanford, Venice B. Stanford, George A. Stanford, John Henry Stanford, Laura R. Stanford, Pats Miller Stanford, Richard Stanford, Charlie Stanford, Frankie Stanford, Grady Stanford, J. A. Stanford, Lula May Stanford, Luola Stanford, Thomas A. Stanford, Jesse Stanford, Mary Elizabeth Stanford, Willie V. Stanford, Elisabeth G. Smith, Willie A. Smith, Myrtle O. Smith, Wyatt G. Smith, J. B. Stanford, Harris Stanford, Joseph Stanford, Ida Milam, Luther Milam, Mary E. Milam, Della Milam, Mollie Reynolds, Hughie Reynolds, Grover Reynolds, Minnie Reynolds, Robert L. Reynolds, Bertie Day, Oscar Day, Cera Day, Maud Day, Gracie Day, Roy Day, Albert Sidney Hackler, Lillian Hackler, Mary C. Riddle, Albert L. Riddle, Joe Milam, Malcolm Milam, Valeria Cooper, Ora Cooper, Kate Cooper, Ruth Cooper, Armond Cooper, Willie Cooper, Tenny Hoff, Vinn Cox, Andrew Cox, Ester Cox, Rubie Wickles and Pearl Jane Wickles 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."

1940

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,

RESPECTFULLY,

*T. B. Jackson*

Commissioner in Charge.

Registered.

COPY.

M.C.R. 3199.

Muskogee, Indian Territory, October 14, 1902.

Bertie Day,

Farmersville, Texas.

Dear Madam:

You are hereby advised that on the 2nd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of W. C. Stanford, Sr., et al., of which decision you were advised by registered mail on the 21st day of July, 1902.

Respectfully,

  
Commissioner in Charge.



M.C.R. 3199.

COPY

Muskogee, Indian Territory, November 14, 1906.

Bertie Day,

Farmersville, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office on June 23, 1906, by Mollie Reynolds of Caddo, Indian Territory, for a rehearing in the consolidated Mississippi Choctaw case of W. C. Stanford, Sr., et al.

Respectfully,

*Tams Beatty*

Commissioner.

No. 3199

For Identification as a Mississippi Choctaw

Date AUG -8 1901

Name Bertie Day

Age 33 Blood 1/8

Post Office, Farmersville Tex

Father: Theophilus Day (dead)

Mother: (Caroline Day) (dead)

Claims through mother

husband: J. J. Day  
(no claim for him)

Children:

Oscar Day 12

Corra " 10

Maud " 9

Gracie " 6

Roy " 2

Claims for self and 5 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3200

Mary C. Martin

See MCR D.1

MCR 3200

Department of the Interior/  
Commission to the Five Civilized Tribes.  
Atoka, I.T. June 10, 1901.

20595

In the matter of the application of Ellen Chambers for identification as a Mississippi Choctaw.

Ellen Chambers having been duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ellen Chambers.
- Q What is your age? A Fifty-eight.
- Q What is your post-office address? A Latham, Missouri.
- Q How long have you lived there? A I was born and raised in Cooper County, Missouri.
- Q Never lived anywhere else but in Missouri? A No.
- Q What is your father's name? A Valentine Martin.
- Q Is he living? A No.
- Q What is your mother's name? A Sarah Martin.
- Q Is she living? A No.
- Q Through which one of your parents do you derive your Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A One eighth.
- Q Has your mother through whom you claim your right to identification as a Mississippi Choctaw ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? A No, I don't know.
- Q Are you married? A Yes.
- Q What is your husband's name? A James Chambers.
- Q Do you make application for him? 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 No.
- Q You are making this application for yourself alone? A No, I reckon I am-- I have a sister and a son-- (here attorney interrupts and says she is an invalid.)
- Q I don't think the Commission can hear application for her. A Well, she can be brought here.
- Q And what about the son? A He is married and of age.
- Q He will have to make application for himself. You are making this claim for yourself alone then? 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 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 anyone for you, in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or by judgment of the United States Court in Indian Territory? A No.
- Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any description you have ever made? A Yes.
- Q Is it now your purpose to make a plication for identification as a Mississippi Choctaw? A Yes.
- Q Do you claim your rights as a beneficiary under the provisions of

- the fourteenth article of the treaty of 1830? A Yes.
- Q Are you familiar with the provisions of that article? A I think I am.
- Q Have you ever received any benefits as a Choctaw Indian? A No.
- Q Have any of your ancestors--? A No.
- Q What was the name of your ancestor or ancestors who were residents of the old Choctaw Nation in Mississippi or Alabama and acknowledged members of the Choctaw tribe of Indians in 1830 when the treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw tribe of Indians? A William Harris.
- Q What relation was he to you? A My great-grand-father.
- Q Have you any evidence showing that such ancestor was a recognized member of the Choctaw tribe of Indians at that time? A No.
- Q Did he, if a Choctaw Indian, remove from the Territory occupied by the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the other members of the Choctaw tribe from 1833 to 1838? A No, I don't know.
- Q If he did not remove with the other members of the tribe, did he, within six months after the ratification of the treaty of 1830, signify to the United States Indian Agent to the Choctaw Indians in Mississippi his intention to remain in Mississippi and become a citizen of the United States? A I don't know that.
- Q Are there any additional statements you desire to make in support of this application? A No.
- Q Have you any documentary evidence, affidavits, written evidence of any description, copies of records, deeds or patents, or any proper papers showing that your ancestors were ever recognized members of the Choctaw tribe of Indians in Mississippi in 1830, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 or that they ever received any benefits under that article of that treaty? A

Hudson & Arnold attorneys for applicant request thirty days for filing any evidence that she may be able to secure in support of her claim for identification as Mississippi Choctaws. Granted.

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

Applicant apparently white.

Henry G. Harris being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on June 19, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Harris

Subscribed and sworn to before me this 15 day of July 1901.

R. H. [Signature]  
Notary Public

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3200

In the matter of the application of Mary Catherine Martin for identification as a Mississippi Choctaw.

J. E. Arnold, Attorney representing applicant.

Mary Catherine Martin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Martin.
- Q What is your first name? A Mary Catherine.
- Q What is your age? A Fifty-four.
- Q What is your post-office address? A Matham.
- Q How do you spell it? A L-a-t-h-a-m.
- Q Where is that? A In Morgan County.
- Q What State? A Well it is in Cooper County.
- Q What State? A I could not tell you that.
- Q Don't you know what State you live in? A In Morgan County.
- Q What State is that County in? A I could not tell you that.
- Q Is it Arkansas? A No.
- Q You don't know what State you live in? A I live in Cooper County.
- Q Well do you know what State, is it Missouri? A Yes.
- Q Where did you live before you lived in Missouri? A We lived in Cooper.
- Q Where did you live before you moved to the State of Missouri? A Well I was born and raised in Cooper County, Missouri.
- Q Well then you lived in Missouri all your life? A Yes I was born in Cooper near Pisgah.
- Q You never had a home outside of the State of Missouri? A No.
- Q What is your father's name? A Valentine Martin.
- Q Is he living? A No.
- Q What is your mother's name? A Sallie Martin.
- Q Is she living? A No.
- Q Through which one of your parents do you claim your Choctaw blood? A On my mother's side.
- 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 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 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 eighteen hundred and ninety-six apply to the Daves Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities 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 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 member of the Choctaw Tribe of Indians? 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 Well just for myself.
- Q Well what do you claim you are? A I am a Choctaw.
- Q Well what kind of an application do you want to make? A I could not say.
- Q Well why are you making application now at all? A Why do I?  
Q Yes? Because my sister has been here and made my application for me.
- Q Your sister could not make application for you? A Well she put my name in.
- Q No the only thing she could do was to apply for herself? A Well that is what I am here for.
- Q Well then I asked you what makes you think you have a right to apply? A I could not tell you that. Of course my great grandfather was Indian.
- Q What kind of Indian? A Choctaw.
- Q What is your sister's name? A Chambers.
- Q What is her given name? A Ellen.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q What do you think a Mississippi Choctaw is? What do you understand by these words? A I don't know.
- Q Well what makes you think you are a Mississippi Choctaw then?  
A Well as far as I can tell you I hear my grandmother say so.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Nation? A No.
- Q You know what a treaty is? A No.
- Q You know what an agreement is? A No.
- Q You know what a contract is? A No I do not.
- Q You know what a bargain is? A No.
- Q You are not able to understand anything about these questions that I have been asking you about? A No.
- Q Are your ancestors the same as Ellen Chambers? Do you know what is meant by the word ancestor? A No I don't think I do.
- Q Well Ellen Chambers is your sister? A Yes.
- Q And her mother was the same as your mother? A Yes.
- Q And her father the same as your father? A Yes.
- Q Do you know anything about your grandparents, what their names were? A My first grandfather.
- Q Your mother's parents? A Jem and Rhoda Harris.
- Q Which one of them claimed to be a Choctaw? A My grandfather.
- Q Did you ever know your grandfather? A My first grandfather?  
Q Well did you ever know Jim Harris? A Yes.
- Q Is he dead now? A Yes.
- Q Do you know how long ago he died? A No.
- Q You know what his father's name was? A William Harris.
- Q You know which one of his parents claimed to be Choctaw? A No.
- Q The statement that your sister made about her parents, grandparents and great grandparents would apply to your case also would it? A Yes.
- Q Do you know which one of your parents or great grandparents

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Q. Do you know which one of your grandparents or great grandparents lived in Mississippi in eighteen hundred and thirty? A No.

This applicant has brown hair, blue eyes and moderately fair complexion. Her features and general appearance are those of a white person. It appears that at the time Ellen Chambers a sister of this applicant appeared before the Commission, she stated that she had a sister who lived with her for whom she wished to make application but it did not appear that her sister was permanently disabled. She did not have a Physicians certificate or a power of attorney from her sister and could not therefore make application for her but it now appears when this applicant presents ~~herself~~ herself that she is absolutely incapable of understanding the questions in the simplest possible forms. A copy of the testimony of her sister will therefore be 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 on August 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 14th day of October 1901.

*David Shelby*  
Notary Public.



Muskogee, Indian Territory, September 23, 1901.

Mr. J.E. Arnold,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 13th, with which you enclose joint affidavit of John S. Martin and J. C. Martin, and copies of the testimony of James Allen and John Pistole, taken before the Commission at Ardmore, Indian Territory, September 21st, 1898, in the matter of the application of John S. Martin et al., for identification as Mississippi Choctaws, which you offer for filing in support of the application of Mary C. Martin for identification as a Mississippi Choctaw.

The same have been filed with the other papers in this case, and will receive consideration in the disposition of this application.

Yours truly,

M.C.3200

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

ALLISON L. AVLESWORTH,  
SECRETARY.

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

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 2, 1901.

Mary C. Martin,  
Latham, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al., John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

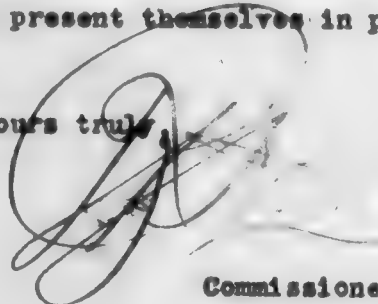
It appears from our records that at Atoka, Indian Territory, on August 8, 1901, you made personal application to this Commission for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

M. C. M.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

A large, stylized handwritten signature in dark ink, appearing to be the name of the Commissioner in Charge, written over the typed name.

M.C.-3200

Commissioner in Charge.

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

Miss. Choc. 3200

COPY.

Muskogee, Indian Territory, March 15, 1902.

Mary C. Martin,

Latham, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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,

WITNESSED,

*T. B. Needles.*

Commissioner in Charge.

Registered.



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

ALLISON L. AYLESWORTH.  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R., 3200.

ADDRESS OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

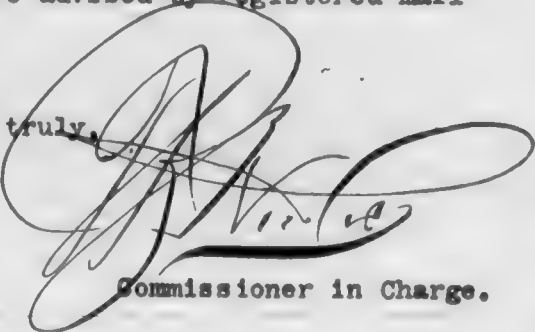
Muskogee, Indian Territory, April 24, 1902.

Mary C. Martin,  
Latham, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,



Commissioner in Charge.

*mm*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3200.

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

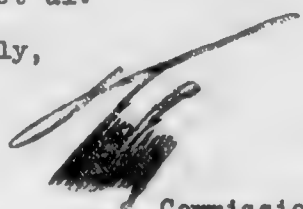
Muskogee, Indian Territory, November 16, 1906.

Mary C. Martin,  
Latham, Missouri.

Dear Madam: .

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.

For Identification as a Mississippi Choctaw.

Date **AUG -8 1901**

Name *Mary C. Martin*

Age *34* Blood *1/8*

Post Office, *Latham, Mo.*

Father: *Valentine Martin (dead)*

Mother: *Sallie Martin (dead)*

Claims through *mother*

~~Children:~~

*Claims for self only.*

Stenographer

*H. Rosenwinkel.*

3200

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
**FILED**  
MAY 14 1902

  
ACTING CHAIRMAN

LATHAM  
MAY 19 1902  
IND. TER.

REGISTERED  
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IND. TER.

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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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*Mary E. Martin*

*Lawrence*

*1100*

CALIFORNIA MO.  
NOV 15 1906  
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Commissioner to the

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*[Handwritten signature]*

Commissioner

CALIFORNIA MO.  
DEC 3 10AM 1906  
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



3200

~~Mary G. Martin,~~

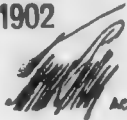
~~Latham, Missouri.~~

3200

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

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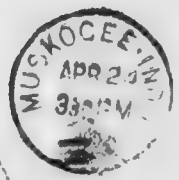
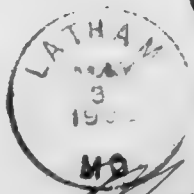
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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*Removed*  
~~*Henry C. Martin*~~  
~~*Latham*~~  
~~*Mo.*~~

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

**FILED**

FEB - 1901

*[Handwritten Signature]*

ACTING CHIEF

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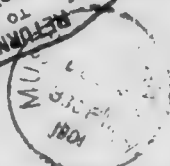
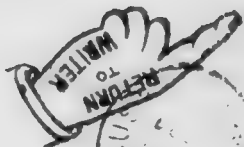
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Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.



*11/13/01*

*W. J. R. R. R. R. R.*  
*W. J. R. R. R. R. R.*

Separate

SEAL

h mistake by

Choctaw MCR 3201

Eva Campbell

See MCR 3186, 3187, 3202

MCR 3201

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

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

Eva Campbell, et al.,	M. C. R. 3201
Edith Narcisca Eberman, et al.,	M. C. R. 3186
Gladis E. Blevins, et al.,	M. C. R. 3187
Charles M. Reynolds, et al.,	M. C. R. 3202

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 Eva Campbell, et al., for identification as Mississippi Choctaws.	1
Original application of Edith Narcisca Eberman, et al., for identification as Mississippi Choctaws.	6
Original application of Gladis E. Blevins, et al., for identification as Mississippi Choctaws.	11
Original application of Charles M. Reynolds, et al., for identification as Mississippi Choctaws.	16
Decision of the Commission refusing the con- solidated application of Eva Campbell, et al., for identification as Mississippi Choctaws.	20

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3201

In the matter of the application of Eva Campbell for identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by attorney.

Eva Campbell being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Eva Campbell.  
Q C-a-m-p-b-e-l-l-? A Yes.  
Q What is your age? A Thirty-one.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q How long have you lived there? A Five years.  
Q How long have you lived in the Indian Territory? A Fourteen years.  
Q Where did you live before you lived in the Territory? A Texas.  
Q How long did you live in Texas? A Three years.  
Q Where did you live before you lived in Texas? A In Illinois.  
Q How long did you live in Illinois? A Ten years.  
Q Where did you live before you lived in Illinois? A Arkansas.  
Q How long did you live in Arkansas? A Four years.  
Q Where did you live before you lived in Arkansas? A I was born there.  
Q What is your father's name? A Breen Berry Reynolds.  
Q Is he living? A No.  
Q What is your mother's name? A Narcissa Reynolds.  
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 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.  
Q Have you any evidence of your father's and mother's marriage? A Yes.  
Q Have you it herewith you? A Mr. Meacham a friend of ours has it.  
Q Has he got the license and certificate? A No it is in the bible but we can get a copy of it if it is necessary.

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 Thomas Campbell.  
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 No.
- Q Have you any children for whom you wish to make application at this time? A I have one.
- Q What is the name of that child? A Frankie.
- Q What is the age of that child? A Five years.
- Q Is that a boy or girl? A Girl.
- Q This is your child? A Yes.
- Q Who is the father of that child? A Thomas Campbell.
- Q When and where were you married to Thomas Campbell? A At Colbert, Indian Territory, in 1895.
- Q Is your name or the name of your child 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 child enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your child 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 or your child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your child 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 yourself or your child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Have you ever before this time made application of any kind? A A No.
- Q What kind of an application do you want to make now? A Well we want to make application under the fourteenth article of the treaty.
- Q The fourteenth article of what treaty? A The treaty of Mississippi Choctaws.
- Q Do you know when that treaty was made? A 1830
- Q You understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A I don't know whether I do.

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 moving them to the Country west of Mississippi River and give them land there in exchange for their land in those states but some of the Indians did not want to come and the other's would not sign 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 these Choctaws who wanted to remain in Mississippi. After that article was made a part of the treaty the Indians signed it alrigh and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty between the United States and the Choctaw Nation, of eighteen hundred and thirty provides:

"Each Choctaw head of a family being desious 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-

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."

Within six months after this treaty was ratified a large number of Indians went to the United States Indian Agent there in 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 government to locate the land for these Indians he found that there were a great many Indians who claimed that they had gone to the Indians Agent and told him that they wanted to stay whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate and find out which of these Indians who claimed that they had gone to the Indian Agent were really entitled to land there in Mississippi 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, some of them they allowed and some they 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 they could use to buy land in Mississippi, Arkansas, Louisiana or Alabama from any of the public lands in these states

- Q Did any of your ancestors own any land in any of these States?  
 A My grandfather owned land in Mississippi.
- Q Do you know in what part of Mississippi that land was situated?  
 A No.
- Q You know in what County? A No but I think we can find out.
- Q Do you think you will be able to find out in what County that land was located? A I don't know.
- Q You know I presume that you can have the land records there in Mississippi examined and find out where that land was and how it was held? A I think we could find out.
- Q You know how your grandfather owned that land? A No I don't know that.
- Q You know if he got it from the government? A No I don't. I know he owned a big tract of land there.
- Q What was your grandfather's name? A Mitchell.
- Q What was his given name? A Mitchell.
- Q What was his surname? A Reynolds.
- Q What was your father's name? A Yes.
- Q And what was your father's mother's name? A Damsel Reynolds.
- Q Which one of your father's parents claimed to be Choctaw? A My father's father.
- Q Did you ever know your grandfather? A No he died before I can remember.
- Q You know how long ago he died? A In 1874.
- Q Do you know about how old he was when he died? A He was I think along about eighty.



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- Q Your grandfather then was living in eighteen hundred and thirty?  
A Yes he was born in 1800, in Mississippi, no excuse me he lived in Kentucky I believe about that time, My father was born in Kentucky in 1833.
- Q Well when did your grandfather own this land in Mississippi? A Before 1833 about 1830.
- Q How much Choctaw blood did your grandfather claim to have? A We Well he was a one-half Choctaw.
- Q Did he come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty eight? A No I think not because he lived in Kentucky in 1833 when my father was born.
- Q Do you know whether he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there and take land? A No I don't know.
- Q You never heard about that? A No.
- Q Do you know whether you can secure any evidence to show whether he did or not? A Yes I think I can, we have witnesses living who knew my grandfather in 1830.
- Q Do you expect to bring them before the Commission in person? A Yes if we can but they are very old.
- Q Well you understand that the oral testimony of witnesses carries more weight than their depositions or affidavits if it is possible for you to get them but the Commission will accept the depositions or affidavits if you cannot get your witnesses here in person? A Yes we did not know which would be the best.
- Q You understand now that it is better to bring witnesses before the Commission in person? A Yes the live witnesses.
- Q You understand that it is of very great importance to your case that you secure evidence to show that your grandfather was living in Mississippi in eighteen hundred and thirty and where he was living at that time and how he owned this land and what became of it and whether he went to the Indian Agent there in Mississippi within six months after the ratification of this treaty and told him that he wanted to stay there in Mississippi and also that your grandfather was a Choctaw Indian? A Yes.
- Q You think you will be able to secure that evidence? A Yes.
- Q Is there any other statement that you would like to make at this time? A No.
- Q Is there anything else that you think would be of advantage to your claim that you have not been asked about? A No I don't believe so.
- Q Have you any witnesses here at this time that you would like to have testify? A No.
- Q Did I not understand you to say that you wanted your mother's testimony taken in your case? A Yes I think she ought to.
- Q You would like to have her testimony taken then? A Yes.
- Q Have you any papers that you want to file now? 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 you will be permitted to do so and the same will be made a part of the record in your case.

This applicant has reddish hair, blue eyes and rather fair complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood.

- Q Do you speak Choctaw? A No.
- Q Did your grandfather have a Choctaw name? A No.
- Q You never heard of it if he did? A No.

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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 states that her grandfather owned land in Mississippi but does not know how that land was acquired.

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 8, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 22nd day of October 1901

*Rosenwinkel*  
*Charles H. Sawyer*

Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

In the matter of the application of Edith Narcissa Eberman et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3186.

In the matter of the application of Gladis E. Blevins et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3187.

In the matter of the application of Eva Campbell et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901, M.C. 3201.

In the matter of the application of Charles M. Reynolds et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901 M.C. 3202.

Not represented by attorney.

Narcissa Reynolds being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Narcissa Reynolds.  
Q What is your age? A Sixty-one.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q What Nationality are you? A White.  
Q Are you acquainted with the applicants Eva Campbell and Charles M. Reynolds, John W. Blevins and James M. Blevins? A Yes.  
Q What relation are they to you if any? A Well the Blevins' boys wives were my daughters and Eva Campbell is my daughter and Charles M. Reynolds is my son.  
Q John W. Blevins, and James M. Blevins only applied for the identification of their minor children? A Yes.  
Q And their children are your grandchildren? A Yes.  
Q And got their Choctaw blood through their mother's? A Yes.  
Q And their mother's were your daughters? A Yes.  
Q And your children get their Choctaw blood through their father? A Yes.  
Q Did you ever know Mitchell Reynolds? A Yes.  
Q Where did you know him? A In Indiana.  
Q How much Choctaw blood did he claim? A He claimed one-half.  
Q Did he look like a half blood Indian? A Yes he looked pretty dark.  
Q Did he have any other Indian features? A Well I was not much acquainted with Indians them days but I can see now that he looked much like an Indian.  
Q Do you know where Mitchell Reynolds was living in eighteen hundred and thirty? A I think if I am not mistaken that he just moved from Mississippi to Kentucky.  
Q Of course you don't know anything about that personally? A No only what I heard them talking about him going backward and forward from one State to the other, he would go around a great deal and he would take this Green Berry with him as a little child.  
Q Do you know how your husband's father owned this land in Mississippi? A No I don't know.  
Q Do you know what part of Mississippi this land was in? A I don't know exactly but it was pretty close to Kentucky by his taking the little boy.

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Q (to Mrs. Campbell, H.C. 2201) Is there anything else that you would like to have brought out by your mother? A No I think not.

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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*  
Notary Public.

G.A.L.  
C.W.

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

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

Eva Campbell, et al.,	M. C. R. 3201
Edith Narcissa Eberman, et al.,	M. C. R. 3186
Gladis E. Blevins, et al.,	M. C. R. 3187
Charles M. Reynolds, et al.,	M. C. R. 3202

---: 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 Eva Campbell for herself and her minor child, Frankie Campbell; by James M. Blevins for his minor stepdaughter, Edith Narcissa Eberman, and his two minor children, Carl and Jewel Blevins; by John W. Blevins for his three minor children, Gladis E., Leslie G. and Nebia N. Blevins; and by Charles M. Reynolds for himself and his minor child, Lottie E. Reynolds, 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

and may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Mitchell Reynolds, who is alleged to have been an one half blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mitchell Reynolds, 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

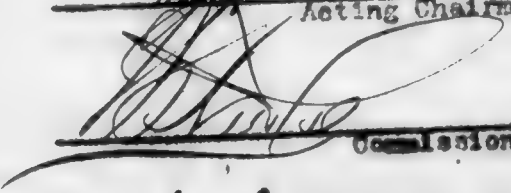
3.

adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eva Campbell, Frankie Campbell, Edith Harrietta Nberman, Carl Blevins, Jewel Blevins, Gladis E. Blevins, Leslie G. Blevins, Nebia N. Blevins, Charles M. Reynolds and Lettie E. Reynolds as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Waskoee, Indian Territory.

OCT 13 1902

copy

M.C.R. 3201

Muskogee, Indian Territory, October 13, 1902.

Eva Campbell,

Starrett, Indian Territory.

Dear Madam:-

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

Eva Campbell, et al.,	M.C.R. 3201
Edith Narcissa Eberman, et al.,	M.C.R. 3186
Gladie E. Blevins, et al.,	M.C.R. 3187
Charles M. Reynolds, et al.,	M.C.R. 3202

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 Eva Campbell, Frankie Campbell, Edith Narcissa Eberman, Carl Blevins, Jewel Blevins, Gladie E. Blevins, Leslie G. Blevins, Hobie E. Blevins, Charles M. Reynolds and Lottie E. Reynolds



Eva Campbell-----2

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

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

Respectfully,

SIGNED

Commissioner in Charge

Registered.

Muskogee, Indian Territory, October 13, 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 October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eva Campbell, et al., embracing the following applications for identification as Mississippi Choctaws:

Eva Campbell, et al.,	M.C.R. 3201
Edith Narcissa Eberman, et al	M.C.R. 3186
Gladis E. Blevins, et al.,	M.C.R. 3187
Charles M. Reynolds, et al.,	M.C.R. 3202

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 Eva Campbell, Frankie Campbell, Edith Narcissa Eberman, Carl Blevins, Jewel Blevins, Gladis E. Blevins, Leslie G. Blevins, Nobis N. Blevins, Charles M. Reynolds and Lottie R. Reynolds

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

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

Respectfully,

(SIGNED)

*T. B. Wilson*

Commissioner in Charge.

COPY.

M. C. R. 3201.

Muskogee, Indian Territory, October 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

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

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

Eva Campbell, et al.,	M.C.R. 3201
Edith Narcissa Eberman, et al.,	" 3186
Gladis E. Blevins, et al.,	" 3187
Charles M. Reynolds, et al.,	" 3202

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

Respectfully,

SIGNED:

*James L. Long*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.

1 inclosure.

*Copy*

REFER IN REPLY TO THE FOLLOWING:  
ITD 7475-1902.

C.M.R.

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

December 9, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
Gentlemen:

The Department is in receipt of your communication of October 29, 1902, transmitting the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Eva Campbell for herself and her minor child, Frankie Campbell; of James M. Blevins for his minor stepdaughter, Edith Narcissa Eberman, and his two minor children, Carl and Jewel Blevins; of John W. Blevins for his three minor children, Gladis E., Leslie G., and Nobia N. Blevins; and of Charles M. Reynolds for himself and his minor child, Lottie E. Reynolds, together with your decision, under date of October 13th, denying the applications.

From the record it appears that the applicants herein claim as their common ancestor one Mitchell Reynolds, who, it is alleged, was a Choctaw Indian, residing in Mississippi in 1830.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestor, Mitchell Reynolds, ever complied or attempted to comply with the provisions of article fourteen

of the treaty of September 27, 1830, or with the Acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Commissioner of Indian Affairs forwarded the record on December 4, 1902, and recommends that your decision be approved. The Department having carefully reviewed the whole record, concurs in said recommendation and your decision is hereby affirmed. A Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos Ryan

Acting Secretary.

1 enclosure.

M C R 3201

Muskogee, Indian Territory, February 28, 1906.

Mrs. Green B. Reynolds,  
Konawa, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of February 19, 1906, requesting to be informed as to the status of the Mississippi Choctaw applications of the heirs of Green B. Reynolds.

It appears that on October 13, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing to identify the following persons in the consolidated Mississippi Choctaw case of Eva Campbell, et al.:

Eva Campbell,	Frankie Campbell,
Edith Narcissa Eberman,	Carl Blevins,
Jewel Blevins,	Gladis E. Blevins,
Leslie G. Blevins,	Nobia W. Blevins,
Charles M. Reynolds,	Lottie E. Reynolds.

The record in the above case, together with the decision adverse to the applicants, was forwarded to the Secretary of the Interior on October 29, 1902, since which time this office has not been advised of any Departmental action thereon.

Respectfully,

Acting Commissioner.

M C R 3201

Muskogee, Indian Territory, March 13, 1906.

Mrs. Green B. Reynolds,  
Konawa, Indian Territory.

Dear Madam:

Replying to your letter of the 9th instant, you are advised that pending Departmental action on the consolidated Mississippi Choctaw case of Eva Campbell, et al., which was forwarded to the Department October 29, 1902, this office has no authority to receive or consider any further evidence in support of said claim.

You are further advised that there is no law guaranteeing rights of citizenship to persons by reason of their marriage to a Mississippi Choctaw.

Respectfully,

Acting Commissioner.



Muskogee, Indian Territory, December 6, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

October 29, 1902, the Commission to the Five Civilized Tribes transmitted to the Secretary of the Interior, through the Commissioner of Indian Affairs, the record in the consolidated Mississippi Choctaw case of Eva Campbell, et al., M C R 3201, together with the Commission's decision of October 13, 1902, refusing the applicants.

As it does not appear that this office has ever been notified of any Departmental action in this case, and as numerous inquiries are being received from the applicants relative to the status of their claims, it is respectfully requested that the Department advise the Commissioner what action, if any, has been taken in the consolidated case above mentioned.

Respectfully,

Acting Commissioner.

Through the Commissioner  
of Indian Affairs.

GAW

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Land  
107478-1906. WASHINGTON.

December 18, 1906.

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

Sir :--

The Office is in receipt of a communication from the Acting Commissioner, dated December 6, 1906, saying that the records of your office do not show that any Departmental action has been taken in the consolidated Mississippi Choctaw case of Eva Campbell, et al, M C R 3201, and that numerous inquiries have been received from the applicants relative to the status of their cases.

In reply you are advised that the Department affirmed the decision of the Commission refusing to enroll the applicants on December 9, 1902, and the records of this Office show that you were advised thereof on the same date. As it appears that the letter may have been lost in the mails, or otherwise misplaced, a copy is enclosed herewith to complete your records.

Very respectfully,

(Signed) C. F. Larrabee,  
Acting Commissioner.

KWB-RR

M C R 3201

Muskogee, Indian Territory, January 24, 1907.

Eva Campbell,  
Sterrett, Indian Territory.

Dear Madam:

The records of this office show that on December 9, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Eva Campbell, et al., but that through inadvertence no notice thereof was ever furnished the applicants.

You are now advised that your case, having been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, is considered closed.

Respectfully,

Commissioner.

M C R 3201

Muskogee, Indian Territory, January 24, 1907.

Mrs. Green B. Reynolds,

Konawa, Indian Territory.

Dear Madam:

It appears from the records of this office that on February 28 and March 13, 1906, you were advised in reply to inquiries as to the status of the consolidated Mississippi Choctaw case of Eva Campbell, et al., that no Departmental action had been taken thereon.

The Commissioner is now in receipt of a letter from the Acting Commissioner of Indian Affairs stating that the Secretary of the Interior on December 9, 1902, affirmed the decision of the Commission to the Five Civilized Tribes of October 13, 1902, adverse to the applicants in the consolidated Mississippi Choctaw case of Eva Campbell, et al. It seems that the Department's letter of December 9, 1902, reached this office December 15, 1902, but that through inadvertence no notice was ever furnished the applicants in the case above referred to.

Respectfully,

Commissioner.

M C R 3201

Muskogee, Indian Territory, January 24, 1907.

Mansfield, McMurray & Cornish,

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

Gentlemen:

The records of this office show that on December 9, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Eva Campbell, et al., but that through inadvertence no notice of such Departmental action was furnished the applicants or your office.

A copy of Departmental letter of December 9, 1902 in this case is herewith enclosed.

Respectfully,

Commissioner.

McM 24/2

10072-1910

Muskogee, Oklahoma, April 22, 1910.

Mr. C. H. Stevens,  
Konawa, Oklahoma.

Sir:

Receipt is hereby acknowledged of your letter of April 11, 1910, requesting to be advised relative to the Mississippi Choctaw case of Eva Campbell, et al.

In reply you are informed it appears from the records of this office that on October 13, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Eva Campbell, et al., M. C. R. 3201. This adverse decision was affirmed by the Secretary of the Interior December 9, 1902, notice of such action having heretofore been furnished the parties in interest.

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, since which date the Secretary of the Interior has been without authority to approve the enrollment of any person as a citizen or freedman of any of the Five Civilized Tribes.

Since the date last above mentioned there has been no further legislation relative to enrollment in the Five Civilized Tribes, nor have I any information as to the probability of the

C H S S

reopening of the rolls at any future date.

Respectfully,

Acting Commissioner.

WHA (McM)

AGE SEX

POST OFFICE

RESIDENCE  
COUNTY

NAME

CARD No.

REFER TO M. O. R. 3201

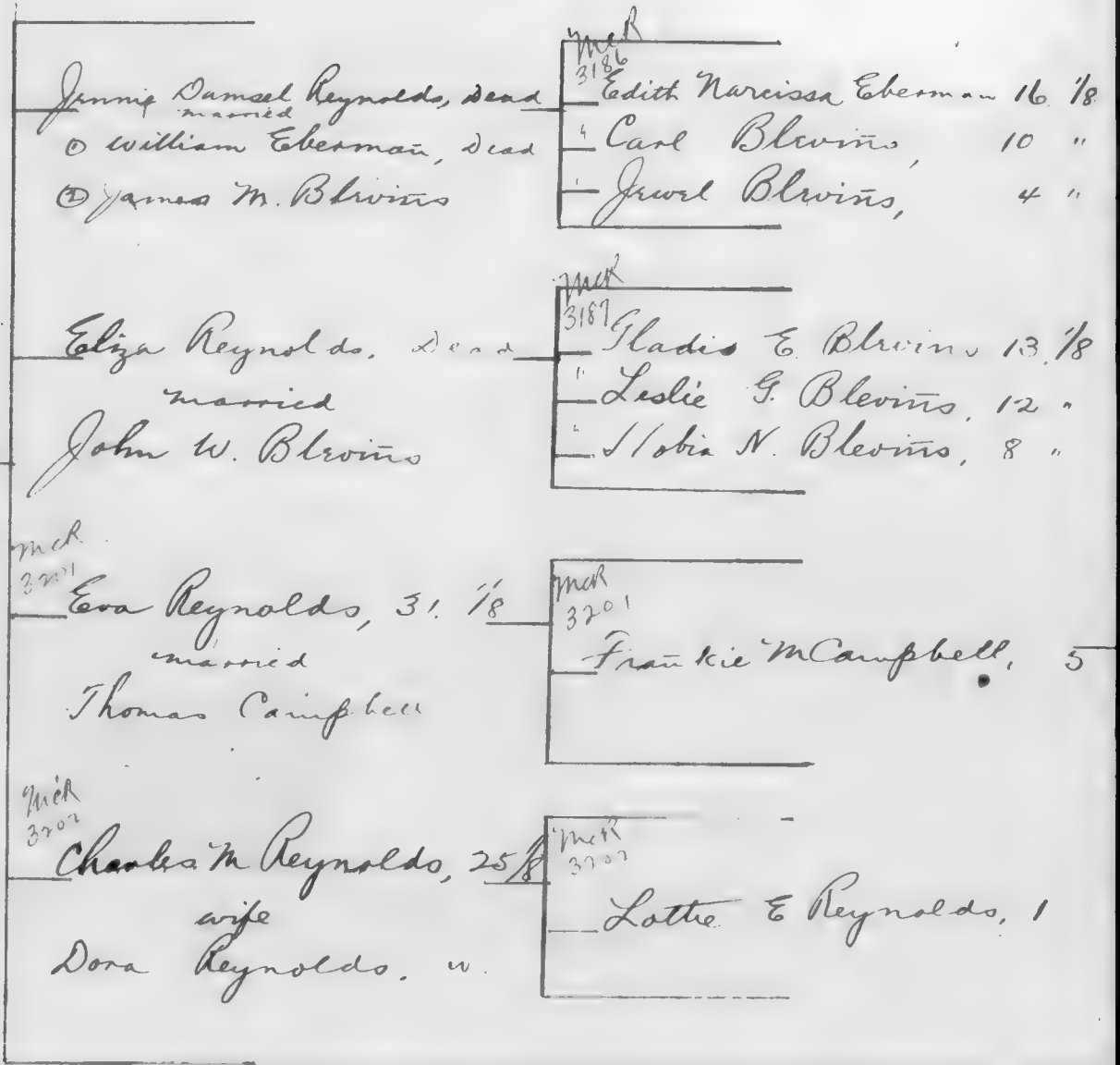
*Eva Campbell et al*

*Consolidated Case*



Mitchell Reynolds, Jr. <sup>Dea</sup>  
Damsel Reynolds, <sup>wife</sup>

Green B. Reynolds, <sup>Dea</sup>  
Narcissa Reynolds, <sup>wife</sup>



For Identification as a Mississippi Choctaw.

Date AUG -8 19:1

Name Eva Campbell

Age 31 Blood 1/8

Post Office, Sterrett, D. T.

Father: Green B. Reynolds (dead)

Mother: Narcissa "

Claims through father

Husband: Thomas Campbell  
(no claim for him)

Children:

Frankie M. F 5

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3202

Charles M. Reynolds

MCR 3202

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3202

In the matter of the application of Charles M. Reynolds for identification of himself and his minor child as Mississippi Choctaw

Applicant not represented by attorney.

Charles M. Reynolds being first duly sworn testified as follows

Examination by the Commission

- Q What is your name? A Charles M. Reynolds.  
Q What is your age? A Twenty-five.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q How long have you lived there? A About five years.  
Q How long have you lived in the Territory? A Since eighty-seven.  
Q Where did you live before you lived in the Territory? A Texas.  
Q How long did you live in Texas? A Three years.  
Q Where did you live before you lived in Texas? A In Illinois.  
Q How long did you live in Illinois? A Nine years.  
Q Were you born in Illinois? A Yes.  
Q And lived there until you moved to Texas? A Yes.  
Q What is your father's name? A Green B. Reynolds.  
Q Is your father living? A No.  
Q What is your mother's name? A Narcissa Reynolds.  
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 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 any evidence of your father's and mother's marriage? A Why we have it, --a certificate in the bible.  
Q Can you get a certified copy of this marriage certificate? 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 wife's name? A Dora Reynolds.  
Q Is she living? A Yes.  
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 whom you wish to make application at this time? A I have one.  
Q Give the name and age of that child? A Lettie E. Reynolds.  
Q How old? A One year old.  
Q This is your child? A Yes.  
Q What is the name of her mother? A Dora Reynolds.

- Q When and where were you married to Dora Reynolds? A We were married at Sterrett, Indian Territory, September 11th, 1898.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A By an ordained minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A No they don't return the license at Sherman.
- Q Did you get the license at Sherman? A Yes.
- Q Did you get your license at Sherman and was married in the Indian Territory? A Yes.

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

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever 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 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 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 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 child admitted or enrolled as members of the Choctaw Nation? A No this is the first.
- 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 Mississippi Choctaw.
- Q What do you understand is meant by a Mississippi Choctaw? A Indians who lived in Mississippi under the treaty of eighteen hundred and thirty and being entitled to land in this Country.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Treaty of eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Under the fourteenth article.
- Q Do you understand the provisions of the fourteenth article of the treaty? A Partly I do, I understand the provisions made for the Indians.
- Q Do you know what these provisions were? A Well they were to get them to move west of the Mississippi and take land here.
- Q And you claim as a descendant of an Indian who decided to remain in Mississippi and take land there instead of coming west? 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 I don't know his name? I don't think my grandfather was living at that time.
- Q Where do you think your grandfather lived at that time? A In Kentucky.
- Q How then can you claim as a descendant of a Choctaw Indian who lived in Mississippi in eighteen hundred and thirty and took land there? A I was mistaken I don't know whether they took land there or not. They had land there but I don't know how they

got it.

- Q What was your grandfather's name? A Mitchell Reynolds.
- Q Do you know how he owned that land in Mississippi? A No.
- Q Do you know what part of the state that land was located? A No I do not.
- Q Do you know how he finally disposed of the land? A No.
- Q Mitchell Reynolds was your father's father? A Yes.
- Q What was your father's mother's name? A Damsel Reynolds.
- Q Which one of your father's parents claimed to be Choctaw? A His father.
- Q Is Mitchell Reynolds living now? A No he is dead.
- Q You know about how long he has been dead? A I think he died in seventy-four.
- Q You know how old he was when he died? A He must have been seventy-four years old he was born in 1800.
- Q Your grandfather then was a grown man in eighteen hundred and thirty when this treaty was made? A Yes he would have been thirty years old.
- Q Do you think you will be able to secure any evidence to show where your grandfather was living in eighteen hundred and thirty? A Yes.
- Q And do you think you will be able to get any evidence to show whether he was a Choctaw Indian or not? A Yes.
- Q Did your grandfather 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 there and take land and become a citizen of the United States? A I don't know.
- Q Do you think you will be able to secure any evidence on those points? A Yes I think I will.
- Q You understand that they are all important matters in your case? A Yes.
- Q What kind of evidence do you think you will be able to secure, are there witnesses living who knew your grandfather in eighteen hundred and thirty? A Yes.
- Q Do you expect to bring them before the Commission? A I think we will or else get their deposition.
- Q The Commission will accept their depositions or affidavits if you cannot bring them here in person? Is there any other statement that you wish to make at this time? A No I guess not.
- Q How does it happen, you say you lived in the Territory here for fourteen years, why have you never applied before this time? A Well my father started to in 1896 and we children did not want him to, us children did not care much about it at that time.
- Q How did it happen that you did not apply to the Choctaw tribal council before 1896? A I don't know I was young then.
- Q How did it happen that you were opposed to your father making application in 1896? A Well we just did not care anything about it.
- Q Since that time you have decided that it was a pretty good thing and that you would like to get into it? A Yes we decided that we would like to have it.
- Q Do you speak Choctaw? A No.
- Q Did your father speak Choctaw? A No.
- Q You never saw your grandfather? A No.
- Q Did your grandfather have any Choctaw name? A Not that I know of.
- Q How much Choctaw blood did he claim to have? A My grandfather? Yes? A One-half breed.
- Q Have you any papers that you want to file now? A I suppose not.

7

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 A I would like to have my mother make a statement that is all.

This applicant has brown hair and mustache and blueish gray eyes and rather dark complexion. His features and general appearance are those of a white man 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, although it appears from his testimony that his grandfather owned land in Mississippi but he does not know how that land was acquired.

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 and foregoing cause on August 8, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

In the matter of the application of Edith Narcissa Eberman et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3186.

In the matter of the application of Gladis H. Blevins et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 7, 1901, M.C. 3187.

In the matter of the application of Eva Campbell et al for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901, M.C. 3201.

In the matter of the application of Charles M. Reynolds et al, for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, August 8, 1901 M.C. 3202.

Not represented by attorney.

Narcissa Reynolds being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Narcissa Reynolds.  
Q What is your age? A Sixty-one.  
Q What is your post-office address? A Sterrett, Indian Territory.  
Q What Nationality are you? A White.  
Q Are you acquainted with the applicants Eva Campbell and Charles M. Reynolds, John W. Blevins and James M. Blevins? A Yes.  
Q What relation are they to you if any? A Well the Blevins' boys wives were my daughters and Eva Campbell is my daughter and Charles M. Reynolds is my son.  
Q John W. Blevins, and James M. Blevins only applied for the identification of their minor children? A Yes.  
Q And their children are your grandchildren? A Yes.  
Q And get their Choctaw blood through their mother's? A Yes.  
Q And their mother's were your daughters? A Yes.  
Q And your children get their Choctaw blood through their father? A Yes.  
Q Did you ever know Mitchell Reynolds? A Yes.  
Q Where did you know him? A In Indiana.  
Q How much Choctaw blood did he claim? A He claimed one-half.  
Q Did he look like a half blood Indian? A Yes he looked pretty dark.  
Q Did he have any other Indian features? A Well I was not much acquainted with Indians them days but I can see now that he looked much like an Indian.  
Q Do you know where Mitchell Reynolds was living in eighteen hundred and thirty? A I think if I am not mistaken that he just moved from Mississippi to Kentucky.  
Q Of course you don't know anything about that personally? A He only what I heard them talking about him going backward and forward from one State to the other, he would go around a great deal and he would take this Green Berry with him as a little child.  
Q Do you know how your husband's father owned this land in Mississippi? A No I don't know.  
Q Do you know what part of Mississippi this land was in? A I don't know exactly but it was pretty close to Kentucky by his taking the little boy.



Q (to Mrs. Campbell, N.C. 1901) Is there anything else that you would like to have brought out by your mother? A No I think not.

Witness excused.

G. Rosenwinkal 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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkal*

Subscribed and sworn to before me this 22nd day of October 1901.

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, October 13, 1902.

Charles M. Reynolds,

Sterrett, Indian Territory.

Dear Sir:-

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

Eva Campbell, et al.,	M.C.R. 3201
Edith Narcissa Eberman, et al	M.C.R. 3186
Gladis E. Blevins, et al.,	M.C.R. 3187
Charles M. Reynolds, et al.,	M.C.R. 3202

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eva Campbell, Frankie Campbell, Edith Narcissa Eberman, Carl

Charles M. Reynolds-----2

Blevins, Jewel Blevins, Gladis E. Blevins, Leslie G. Blevins, Hobie E. Blevins, Charles M. Reynolds and Lettie E. Reynolds as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Commissioner in Charge

Registered.

REFER IN REPLY TO THE FOLLOWING:

M C R 3202

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

Muskogee, Indian Territory, January 24, 1907.

Charles M. Reynolds,  
Sterrett, Indian Territory.

Dear Sir:

The records of this office show that on December 9, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Eva Campbell, et al., of which your application is a part, but that through inadvertence no notice of such Departmental action was ever furnished the applicants.

You are now advised that this case, having been refused by the Commission to the Five Civilized Tribes and the Secretary of the Interior, is considered closed.

Respectfully,



Commissioner.

No. 3702

For Identification as a Mississippi Choctaw.

Date **AUG - 8 19 1**

Name *Charles M. Reynolds*

Age *25* Blood *1/8*

Post Office, *Merrett S. T.*

Father: *Green B. Reynolds (deaf)*

Mother: *Narcissa "*

Claims through *father*

wife: *Dora Reynolds*  
(no claim for her)

Children:

*Lottie C. Reynolds 1*

*Claim for self and 1 child*

Stenographer

*G. Rosenwinkel*

KENTUCKY

INDIAN  
FEB 18 1907  
REC'D.

DEPARTMENT OF THE  
Commissioner to the

FILED

FEB 18 1907

INDIAN  
FEB 18 1907  
REC'D.

*[Handwritten signature]*

Commissioner

INDIAN  
FEB 18 1907  
REC'D.

INDIAN  
FEB 18 1907  
REC'D.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Miss. Shostaw Div.

Charles M. Reynolds,

~~Stennett~~, Indian Territory.

*Wm. ...*  
*Try P... ..*  
*Kemp*

RECEIVED

Charles M. Reynolds  
et al  
R. 32-2

ACT OF SECRETARY OF THE TREASURY

NOTICE OF DEPARTMENT ACTION  
FORWARDED APRIL 1904

NO. 1  
FORM 100

SEP 1904



Choctaw MCR 3203

Levi Brashears

MCR 3203

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3203

In the matter of the application of Levi Brashears for identification of himself, his wife Ida Evaline Brashears and their four minor children as Mississippi Choctaws.

Applicants not represented by attorney.

Levia Brashears being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Levi Brashears.  
Q How do you spell it? A L-e-v-i--B-r-a-s-h-e-a-r-s.  
Q What is your age? A Forty-six.  
Q What is your post-office address? A Sherman, Texas.  
Q Have you a street number? A # 227 Washington Avenue.  
Q How long have you lived there? A I have lived there for about twenty-five years except five years when I was in Southern Texas.  
Q Where did you live before you lived in Texas? A I lived in Missouri, I was born there.  
Q How long did you live in Missouri? A I was born there.  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A Levi Brashears.  
Q Is he living? A No.  
Q What is your mother's name? A Her name is Permelia Brashears.  
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 claim one-sixteenth.  
Q Was your father ever recognized 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 my father never was that I know of.  
Q Have you any evidence of your father and mother's marriage?  
A No I only know that he was married in the early thirties. I don't know, I could get the record if I.

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

- Q A I suppose we can get it.  
Q Are you married? A Yes.  
Q What is your wife's name? A Ida Evaline Brashears.  
Q She is living? A Yes.  
Q Do you make application for your wife? A Yes.  
Q How old is your wife? A Thirty-three.  
Q What is your wife's father's name? A William Rainwater some called him Henry and some William.  
Q Is he living? A No he is dead.  
Q What is your wife's mother's name? A Mary Baily before she was married, Rainwater afterward.  
Q Is she living? A Yes.  
Q Through which one of your wife's parents does she claim her Choctaw blood? A Through her father.

#2

- Q Have you any children for whom you wish to apply at this time?  
A Yes.
- Q Under twenty-one years and unmarried? A Yes I have four.
- Q Give the names and ages of these children? A N-i-n-a, age eight. Ralph, age five, Dot, age three.
- Q Is that a girl or boy? A Girl.
- Q Next? A Gladys, age one.
- Q These are all your children? A Yes.
- Q You are their father? A Yes.
- Q What is the name of their mother? A Ida Evaline Brashears.
- Q When and where were you married to her? A Sherman, Texas, in 1890
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A By a Justice of the Peace.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A I will send them I have not got them with me.
- Q Is your name or is your wife's 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 applied to the Choctaw tribal authorities to have yourself, your wife, or your children 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 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 or your wife 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 wife 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 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 This is my first.
- Q What kind of an application do you want to make now? A Application for enrollment believing to be a descendant of a Choctaw of Mississippi.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q You want to be identified as a Mississippi Choctaw? A I want to be identified.
- Q I understand then that you want to apply for the identification of yourself, your wife and your children as Mississippi Choctaws? A Yes.
- Q Do you understand what a Mississippi Choctaw is? A I believe I do.
- Q What is your understanding about a Mississippi Choctaw? A I understand by a Mississippi Choctaw, that they were a tribe of Indians that occupied the Territory in Mississippi at the time the United States made a treaty with them whereby they accepted other land with the exception of some that remained there and took land in that State and did not move away. I have read the treaty but it has been some time ago and I have forgotten it.

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 move them all to the Country west of the River. Some of the Indians however did not want to come 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 these Choctaws who wished to remain in Mississippi. After that 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."

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 an agent was sent down by the government to locate the land for these Indians he found that there were a great many who claimed that they had gone to the Indian Agent whose names did not appear on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed and sent down into Mississippi to investigate the matter and find out just which of these claimants were really entitled to land under the fourteenth article of the treaty. 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 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 Now, did any of your ancestors ever own any land in these states?  
 A I don't know.
- Q You have no record in the family? A No our records were destroyed during the war.
- 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 John Brashear.
- Q What relation was John Brashear to you? A He was my grandfather.
- Q How much Choctaw blood did he claim to have? A three-fourths.

#4

- Q John Brashear was your father's father? A Yes.
- Q How old would your father be if he were living now? A About eighty three years of age.
- Q Your father then must have been a good sized boy when the treaty of eighteen hundred and thirty was made? A Yes.
- Q Were they living in Mississippi at that time, your father and grandfather? A Yes in eighteen hundred and thirty.
- Q You will be able to secure evidence to show that? A I am sure I can.
- Q Did John Brashear come west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty-eight to the present Choctaw Nation? A I think he came through Kentucky, that is my understanding, that portion of it I don't know.
- Q Well if he came west with the other Choctaws he did not then go to the Indian Agent and tell him that he wanted to stay there in Mississippi? A I don't know.
- Q You think you will be able to get any evidence to show whether he did or not? A Yes I understand that they are very material.
- Q To show whether your grandfather was living in Mississippi in eighteen hundred and thirty or not and whether he was a Choctaw Indian and whether he went to the Indian Agent there in Mississippi within six months and told him that he wanted to stay in Mississippi? A I suppose the records in Mississippi would show.
- Q How did it happen that you never made any application before this time? A Well the reason that I never made any application, my father years ago was talking about making application and we put it off from time to time, he had some connections living here. One reason he did not make application the Country here was a little too new for him, at least I heard him say in his life time that he would later on make application.
- Q How does it happen that you did not in 1896 apply to the Dawes Commission? A At that time I was in Southern Texas and was very busy but since that time I have made up my mind to come and make my application I was ever here one time with Flem Cobb when he made his application, along at the time when he was making his application.
- Q When was that? A That was,--it seems to me that that was in '96 if I am not mistaken. He wanted me to go on with it then but I could not at that time.
- Q Did your grandfather John Brashear have any Choctaw name? A Not that I know of.
- Q Did he speak Choctaw? A I don't know. I have heard that he could.
- Q Did you ever see him? A No.

applicant excused.

Ida E. Brashears being called, duly sworn testified as follows:

- Q What is your name? A Ida E. Brashears.
- Q What is your age? A Thirty-three.
- Q What is your post-office address? A Sherman, Texas.
- Q Did you hear your husband testify a few minutes ago and give the names of your father and mother? A Yes.
- Q That was correct? A Yes.
- Q You claim your Choctaw blood through your father? A Yes.
- Q How much Choctaw blood do you claim? A About one-sixteenth.
- Q Have you any evidence of your father and mother's marriage? A No.
- Q Will you be able to secure that? A No our family bible was burned up.

#5

- Q Well were they married? A Yes.  
Q Where? A In Mississippi.  
Q Can you secure the record of the Court? A Well I might be able to do that.

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 for your identification as a Mississippi Choctaw.

- Q Do you want to make application now? A Well I am just trying for the benefits of a descendant of the Mississippi Choctaws.  
Q You claim as a Mississippi Choctaw? A Yes.  
Q You claim anything under any of the treaties between the United States and the Choctaw Nation? A No I cannot say.  
Q Did you not hear the explanation just made to your husband about the treaty of eighteen hundred and thirty? A No I don't believe I quite understood that.  
Q You know what a treaty is I suppose? A Yes.  
Q Well what part of that explanation was there that you did not understand? A Well I did'nt ~~xxxx~~ quite understand the treaty between those that left and those that remained. I did'nt quite catch all of that.

Well in eighteen hundred and thirty the State of Mississippi was being filled up rapidly with white settlers and the United States found it very hard to protect the Choctaws in their tribal government and thought it would be best to give them land west of the Mississippi River and move them all there but 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 who did not want to come.

- Q Now do you claim as a descendant of one of those Choctaws who did not want to come but remained there in Mississippi? A Well I could not tell you whether he stayed or went away. I could not tell you about that.  
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 Abe Rainwater.  
Q What relation was he to you? A That was my great grandfather.  
Q You claim through your father? A Yes.  
Q What was your father's father's name? A His name was Zed Rainwater.  
Q What was your father's mother's name? A Sarah.  
Q Which one of your father's parents claimed to be Choctaw? A Why his father.  
Q And what was your Grandfather's father's name? A Abe Rainwater.  
Q And what was your grandfather's mother's name? A I could not tell you.  
Q Which one of your grandfather's parents claimed to be Choctaw? A His father.  
Q Did you ever see your grandfather? A No.  
Q Your father is dead? A Yes.  
Q How long has he been dead? A He has been dead about seven years.  
Q How old was he when he died? A He was sixty-two.  
Q Sixty-two when he died? A Yes.  
Q Then your father must have been born about the year eighteen hundred and thirty? A Yes.

#8

- Q And your father's father Zed Rainwater must have been a married man and the head of a family in the year eighteen hundred and thirty? A Yes.
- Q Was your father the oldest one of his father's children? A No my father was the youngest one of the children.
- Q Then there is no doubt in your mind that your grandfather was a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A No there is no doubt about this.
- Q Where did Zed Rainwater live in eighteen hundred and thirty? A In Mississippi.
- Q You have evidence to show that? A I think I can get it.
- Q Did your grandfather or any other of your ancestor's own any land in Mississippi, Arkansas, Louisiana or Alabama? A I could not tell you.
- Q You never heard? A No my father lived there after he was married.
- Q Did he ever live in Mississippi? A No.
- Q Where were you born? A In Texas.
- Q Did you live in Texas all your life? A All but seven years, I was in Arkansas, seven years.
- Q Did Zed Rainwater come west with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight to the present Choctaw Nation? A I can't tell you.
- Q Did Abe Rainwater his father come west with the other Choctaws? A I could not tell you.
- 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 there and become citizens of the United States? A I can't tell you.
- Q Do you think you will be able to get any evidence to show whether they did or not? A I think so.
- Q You understand that it is very material to your case to get evidence to show whether Zed Rainwater was living in Mississippi in eighteen hundred and thirty and whether he was a Choctaw Indian and if he went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there and become a citizen of the United States? A Yes.
- Q You think you will be able to secure such evidence? A Yes I think so.
- Q You think you will be able to bring your witnesses in person before the Commission to testify? A I could not say.
- Q You understand that the oral testimony of witnesses before the Commission carries more weight with it than depositions or affidavits of witnesses? A Yes.
- Q And that it will be to your interest to bring your witnesses here before the Commission? A Yes.
- Q Is there any other statement that you would like to make at this time? A I think not.
- Q If there is anything else in regard to your case about which you have not been questioned which you think would be of benefit to you just make a statement of it? A I think not.
- Q Have you any papers that you want to file at this time? A No.

This applicant has reddish hair, blue eyes and fair complexion Her features and general appearance are those of a white woman and she shows no traces of Indian blood. She 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. But it appears from her testimony that her grandfather lived in Mississippi in eighteen hundred and thirty.

#7

Ida E. Brashears excused.

Levi Brashears recalled.--

- Q Is there any other statement that you would like to make at this time? A No not at this time.
- Q Do you expect to bring your witnesses before the Commission in person? A That is what I want to do.
- Q You understand that the oral testimony of witnesses carries more weight than their depositions or affidavits? A Yes I understand that.
- Q You understand the urgency of having evidence to support your statements and fill out where you did not know? A Yes I know.
- Q Have you any papers that you want to file now? A No I have not.

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.

This applicant has brown hair and mustache, blue eyes and moderately fair complexion. His features and general appearance are those of a white man and he shows no traces of Indian blood. 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, although it appears from his testimony that his grandfather 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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

Subscribed and sworn to before me this 26th day of October 1901.

*G. Rosenwinkel*  
*J. H. Adams*  
Notary Public.



Muskogee, Indian Territory, September 7, 1901.

Mr. Levi Brashears,

#227 Washington Avenue,

Sherman, Texas,

Dear Sir:-

Receipt is hereby acknowledged of your certified copy of marriage license and certificate between Levi Brashears and Ida E. Rainwater, and written application of Ida Brashears, and copy of affidavits of John Lewis and Tobias Edwards, offered for filing in support of her application for identification as a Mississippi Choctaw. Also written application of Levi Brashears and copies of affidavits of Tobias Edwards and John Lewis offered for filing in support of the application for identification as Mississippi Choctaws of Levi Brashears, et al.

The written applications of Ida Brashears and Levi Brashears have been made a part of the record in support of the application for identification as Mississippi Choctaws of Levi Brashears, et al. The two copies of affidavits of John Lewis and Tobias Edwards are herewith returned to you for the reason that they have never been certified to as copies of original affidavits. When they are com-

cluded in this respect they may be returned to this office.

Yours truly,

M.C. 3208

Enc. A.B.S-7

Commissioner in Charge.

WFM

Muskogee, Indian Territory, February 10, 1903.

Levi Brashears,  
227 Washington Avenue,  
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John C. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

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."

Levi Brashears, -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 Margret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Det Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

*Tams Dixie.*

Acting Chairman.

Registered.

MOR-3203

COPY.

Muskogee, Indian Territory, January 25, 1906.

Levi Brashears,  
227 Washington Avenue,  
Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, the application for the identification of yourself, your wife, Ida E. and your minor children, Mina, Ralph, Dot and Gladys Brashears, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *W. O. Beall*

Acting Commissioner.

Levi Brashers et al

P. 3203

D. ...  
FIP 65 -

NOTICE OF DEPARTMENTAL ACTION

FEB 1906

FOR DEPARTMENTAL ACTION

FEB 1906

RECORD ...

FEB 2 1906

**ACTION APPROVED BY SECRETARY OF INTERIOR.**

**JAN 18 1906**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ...**

**JAN 25 1906**

**NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ... CHOCTAW  
AND CHICKSAW NATIONS.**

**JAN 27 1906**

**DECISION PREPARED**

For Identification as a Mississippi Choctaw.

Date AUG -8 1901

Name Levi Brashears

Age 46 Blood 1/16

Post Office Sherman, Texas  
228 Washington Ave.

Father Levi Brashears (dead)

Mother Permelia Brashears

Claims through father

wife: Ida E. Brashears <sup>1033</sup>

Father: Wm. Rainwater (dead)

Mother: Mary Rainwater

Wife claims through father

Children:

Nina Brashears 5

Ralph " 5

Dot " F 3

Gladys " 1

Claims for self, wife and 4 minor children

Stenographer

G. Rosenwinkel

Choctaw MCR 3204

Nancy J. Walser

See MCR D.1

MCR 3204



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 8, 1901.

3204

In the matter of the application of Nancy J. Walser for identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Said Nancy J. Walser being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nancy J. Walser, W-a-l-s-e-r.  
Q What is your age? A Sixty.  
Q What is your post-office address? A California, Missouri.  
Q How long have you lived there? A I have lived there nineteen years.  
Q Where did you live before you lived there? A I was born and raised there in Cooper County, Missouri.  
Q You never had a home outside of the State of Missouri? A No.  
Q What is your father's name? A Edward Snodgrass.  
Q Is he living? A No.  
Q What is your mother's name? A Lucy Snodgrass.  
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 We claim three-quarters. That is what---my great grandfather was full and my grandfather was one-half and my mother was one-quarter and then my great grandmother was about one-eighth.  
Q Then you claim about one-eighth? A Yes.  
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 I am a widow.  
Q What is your husband's name? A I have been married twice.  
Q What was your last husband's name? A John M. Walser.  
Q You say he is dead? A Yes.  
Q He was a white man? 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 that one.  
Q What is that child's name and age? A Nellie Gray age fifteen.  
Q Fifteen? A Yes Fifteen.  
Q You are the mother of this child? A Yes.  
Q What was the name of her father? A John M. Walser.  
Q When and where were you married to him? A I was married to him in California.  
Q When? A Well I don't remember but I will say----I can trace it by my age, I was forty two when we were married.  
Q About how long ago do you think that was? A Well Nellie is fifteen I was married three years before she was born. That would make it about eighteen years ago.  
Q Is your name or the name of your child 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 have yourself or your child enrolled as members of that tribe? A No.
- Q Did you or did anyone for you or your child 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 child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your child ~~xxx~~ 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 any application 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 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 as a descendant of a Choctaw, Mississippi Choctaw.
- Q You want to be identified as a Mississippi Choctaw? A Yes.
- Q Do you claim your right to be identified as a Mississippi Choctaw 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 the whole treaty or under a part of it? A Under the fourteenth article. I read it a time or two but could not repeat it.
- Q Are you familiar with the provisions of that article of the treaty? A Not particularly, I read it a few times.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians for the purpose of moving 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 leave their homes there in Mississippi and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay in Mississippi so article fourteen was made a part of the treaty after which 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:

"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 that 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 become citizens of the United States but when the government sent a locating Agent down 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 whose names did not appear on the list made by him so under different acts of Congress Commissioners were appointed to go down there and find out which of these claimants were entitled to land under the fourteenth article of the treaty. 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 disposed of 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, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these States? A I cannot tell you but I think he must because he remained there quite a while after the Indians left.
- Q Do you know whether any of them owned land in any one of these States? A I don't know personally I think it is stated in this evidence.
- Q Do you know in which one of these States this land was situated? A Near the South line I think.
- Q Which State? A Mississippi.
- Q Do you know which County in Mississippi? A Choctaw County I think.
- Q Do you understand that you can have the records of the transfers of land in Choctaw County, Mississippi examined and find out whether one of your ancestors owned land there and if so how he got it? A I don't know whether it is in this.
- Q Well I say do you understand that by having the record of land transfers examined in that County you could find out how he owned this land, how he got it and what finally became of it. Which one of your ancestors was it that owned this land? Q William Harris my great grandfather.
- Q You claim your Choctaw blood through your mother you say? A Yes.
- Q And what was your mother's father's name? A Jack Harris.
- Q And what was your mother's mother's name? A Mary.
- Q Which one of your mother's parents claimed to be Choctaw? A Why her father.
- Q Have you any evidence of the marriage of your mother's father and mother? A No I have it of my father and mother but not that.
- Q You think you will be able to secure that evidence? A Which, that of my grandfather owning land.
- Q No that your grandfather and grandmother were legally married? A I don't know that is way back. It must have been in Tennessee or Kentucky.
- Q And you have no record of any kind in your family of that marriage? A No.
- Q Do you know of any one living who knew your grandfather and grandmother who was present at their marriage? A No I don't. She had two sisters in Kentucky but I think they are dead now.
- Q Do you know of anyone living who knew that your grandfather and grandmother lived together as man and wife and were commonly regarded as such? A Why this one. (indicating Mrs. Sullins)
- Q Who is she? A She is here for us, a cousin of my mother. Her maiden name was Harris and her name is Sullins.
- Q Would you like to have her testimony taken on that point? A If you wish it.

- Q Well you understand that it is a matter of importance to your claim to have the marriage of your grandfather and grandmother proven. Did she know your grandfather and grandmother during their life time? A Well as far back as she can remember.
- Q Well do you think that this witness of whom you speak is old enough to have any actual remembrance that your grandfather and grandmother were living together and were commonly known as man and wife? A Yes.
- Q Well does she know this of her own personal knowledge? A She says she can just remember when my grandfather died.
- Q Well was she old enough then to remember or know whether they were living together as man and wife and commonly regarded as such among the people among whom they lived? A No only by what she has heard others say.
- Q What was Jack Harris's father's name? A William Harris.
- Q And what was Jack Harris's mother's name? A Mary Harris.
- Q Which one of your grandfather's parents claimed to be Choctaw? A Both of them, his father claimed to be a full blood and his mother a quarter?
- Q You say your mother is dead? A Yes.
- Q How long has she been dead? A Since seventy-nine.
- Q About how old was she when she died? A She was sixty-seven.--- -- No she did not die in seventy-nine---Well I can't say. She died just a couple of weeks before I was married the last time.
- Q Your mother then has been dead about eighteen years? A Yes.
- Q And she was sixty-seven years old when she died? A Yes.
- Q She would be about eighty-five years old if she were living now? A Yes.
- Q Then your mother must have been born about 1816? A Yes that is when she was born.
- Q Then your mother was about fourteen years old when the treaty of eighteen hundred and thirty was made? A Yes.
- Q Your grandfather then Jack Harris 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 Where was he living at that time? A He must have been living in Tennessee.
- Q Your grandfather was not living in Mississippi in eighteen hundred and thirty when this treaty was made? A I can't tell that I don't know.
- Q Do you know whether your grandfather ever lived in Mississippi? A No I don't.
- Q Will you be able to get any evidence to show whether he did or did not? I don't know whether I can or not.))He surely did not live there because he was in the War of eighteen hundred and twelve.
- Q Well he must have been a married man in eighteen hundred and thirty if your mother was fourteen years old when that treaty was made, but what I am trying to find out if he was living in Mississippi at that time or where he was living? A Well I can't tell that.
- Q Do you think you can get any evidence regarding that? A I don't know unless it is in this evidence.
- Q What is that evidence you speak of? A This is the evidence that two old gentlemen were brought from Mississippi to Ardmore to testify about this family. They knew my grandfather and my great grandfather Jack and William Harris.

Certified copy of the testimony of James Allen and John Pistole given before the Commission at Ardmore, Indian Territory, September 21, 1898, in the application of John S. Martin et al, for identification as Mississippi Choctaws, offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q There is nothing said about Jack Harris I notice? A No but Jack Harris is James Harris's brother.
- Q Well what relation was this William Harris to Jack Harris of whom this witness speaks. There is not anything in this testimony to show that William or Jack Harris had owned any land in Mississippi. The witnesses James Allen testified that they lived in Choctaw County but does not state that he owned any land. Did Jack Harris go to the Indian Agent there in Mississippi within six months after the treaty was ratified 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 Will you be able to secure any evidence on that point? A I don't know whether I will or not.
- Q Do you understand that this is an important point in your case? A Yes.
- Q Do you understand that it is very important to your case that you should have evidence to show that Jack Harris your grandfather was a Choctaw Indian. This testimony speaks of James Harris who was a son of William Harris but does not mention Jack Harris at all, and also that you should show whether Jack Harris was living in Mississippi, in the old Choctaw Nation in eighteen hundred and thirty and also that you should show whether Jack Harris went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to remain in Mississippi and become a citizen of the United States? A I know it is important, but I don't know whether I can do it or not.
- Q You expect to try to secure that evidence do you? A Yes.
- Q And do you expect to try to get evidence to show whether Jack Harris owned any land in Mississippi? A Yes.
- Q Are there any other statements that you would like to make at this time in support of your application? A No only that she (Mrs. Sullen) could be witnesses for me to show that Jack and James Harris were brothers.
- Q Did she know them both? A Yes. One was her grandfather and one was mine.
- Q Would you like to have her testify to that fact? A Yes. -- I can get those two old people to testify to----both of them know that my grandfather and grandmother were married and regarded as man and wife and this here lady knows that my grandfather and her grandfather were brothers.
- Q Is that other witness here? A No they are very old and cannot be brought here.
- Q Can you get their depositions? 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.

The applicant in this case has brown eyes and brown hair and dark complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood. She 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

applicant excused.

Matilda Sullins being duly sworn as a witness on behalf of this applicant testified as follows:

- Q What is your name? A Matilda Sullins.  
Q What is your age? A Sixty-six.  
Q What is your post-office address? A Clarksburg, Missouri.  
Q Are you expecting to be an applicant for identification as a Mississippi Choctaw? A Yes.  
Q Are you acquainted with Nancy J. Walser who has just made application here for identification as a Mississippi Choctaw? Yes.  
Q What relation are you to her if any? A Her grandfather and my grandfather were brothers.  
Q You claim your Choctaw blood through which one of your parents? A My father.  
Q What was his name? A William Harris.  
Q And your father claims his Choctaw blood through which one of his parents? A His father.  
Q What was his father's name? A James Harris.  
Q Through which one of Mrs. Walser's parents does she claim her Choctaw blood? A Through her father.  
Q What was her father's name? A Edward Snodgrass, was her father's name.  
Q And through which one of her parents does she claim her Choctaw blood? A Her mother.  
Q You said a little while ago that she claimed in through her father? A Through her grandfather.  
Q When you said a little while ago that Mrs. Walser claimed her Choctaw blood through her father you made a mistake? A Yes it was her mother.  
Q What was her mother's name? A Lucy Snodgrass.  
Q Through which one of her parents did she claim her Choctaw blood? A Her father.  
Q And what was her father's name? A Jack Harris.  
Q And what was the name of Jack Harris's father? A William Harris.  
Q And what was the name of James Harris's father your grandfather's father? A William Harris.  
Q Then William Harris was the father of both James and Jack Harris? A Yes.  
Q Then James Harris who was your grandfather and the Jack Harris Mrs. Walser's grandfather were brother's? A Yes.

Applicant recalled.

- Q Is there anything else that you want brought out by this witnesses  
A No I guess not.

Witness Excused.

Certified copy of marriage license and certificate between Edward Snodgrass and Lucy Harris offered in evidence, marked exhibit "B" 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 on August 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

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

*Charles H. Sawyer*  
Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Nancy J. Walser,  
California, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al.,                      John I. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Wannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 6, 1901, you made personal application to this Commission for the identification of yourself and minor child as Mississippi Choctaws, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

H. J. W.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3204

Commissioner in Charge.



Muskogee, Indian Territory, January 8, 1902.

Nancy J. Falser,  
California, Missouri,

Dear Madam:

Receipt is hereby acknowledged of your letter of the fifth instant, in which you state that you have no more evidence to offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. You also state that one John S. Martin has told your brother John G. Snodgrass and your cousin William Harris that he and his brother Jeff Martin will "put you through" provided you will pay him. You state that the Commission can use these men as witnesses in your case as John S. Martin's children and you had the same great grandfather, but that you will not pay him

In reply to your letter you are informed that on January 13, 1902, at Muskogee, Indian Territory, the Commission will take the testimony of all witnesses who are present in person in support of the claims of the descendants of William Harris, and your application, having been consolidated with these, will receive the benefit of all testimony offered therein.

Yours truly,

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

Miss. Choc. 3204

COPY.

Muskogee, Indian Territory, March 15, 1902.

Nancy J. Walsor,  
California, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R. 1010
Izzie Lee Wood, et al.,	M.C.R. 1011
Carl Clark,	M.C.R. 1012
Estella Trice, et al.,	M.C.R. 1013
Susan Lucinda Glover, et al.,	M.C.R. 1441
Mary J. Smith, et al.,	M.C.R. 1442
Sarah N. Johnson et al.,	M.C.R. 1543
Mary J. McDaniel, et. al.,	M.C.R. 3208
Martha J. Odneal, et al.,	M.C.R. 3209
Matilda Sullins, et al.,	M.C.R. 3212
Lucinda Francis Duncan, et al.,	M.C.R. 3288
William Alfred Duncan,	M.C.R. 3289
Fannie Adcock, et al.,	M.C.R. 3290
Luenettie Carpenter,	M.C.R. 3291
James Franklin Carpenter, et al.,	M.C.R. 3292
Susan Dale, et al.,	M.C.R. 2818
Fannie A. Lawson, et al.,	M.C.R. 16
Viola J. Oakman, et al.,	M.C.R. 716
Eliza J. Martin, et al.,	M.C.R. 717
Willis W. Martin,	M.C.R. 719
Aubrie Lawson, et al.,	M.C.R. 722
Charles C. McAdoo,	M.C.R. 723
Eva Chandler, et al.,	M.C.R. 1042
Robert J. McAdoo,	M.C.R. 1043
Ellen Chambers,	M.C.R. 2595
Francis M. Martin, et al.,	M.C.R. 2819
Mary C. Martin,	M.C.R. 3200
Margie A. Miller, et al.,	M.C.R. 3210
Harvey A. Martin, et al.,	M.C.R. 3218
Mary Leona Swarner, et al.,	M.C.R. 3287
George A. Chambers, et al.,	M.C.R. 3440
Susan Coffelt, et al.,	M.C.R. 2698
Nancy J. Walser, et al.,	M.C.R. 3204
John G. Snodgrass, et al.,	M.C.R. 3207
William Harris, et al.,	M.C.R. 3211
Sarah E. Snyder, et al.,	M.C.R. 3769
Charles C. Snyder, et. al.,	M.C.R. 3770
William L. Snyder, et al.,	M.C.R. 3484
Annie L. Kerfoot, et al.,	M.C.R. 3849
John T. Snyder,	M.C.R. 3850
Edmond P. Snyder, et al.,	M.C.R. 3851
Sallie T. Bristow, et al.,	M.C.R. 4225
William Stanton Mundell,	M.C.R. 1014
Daniel W. Son, et al.,	M.C.R. 1386
John W. Son, et al.,	M.C.R. 1385
James F. Son, et al.,	M.C.R. 1387
George W. Son, et al.,	M.C.R. 2594
Finis M. Son,	M.C.R. 2596
Maggie Bradford, et al.,	M.C.R. 2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wisner, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershaw Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walsler, Nellie Gray Walsler, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R., 3204.

Muskogee, Indian Territory, April 24, 1902.

Nancy J. Walsler,  
California, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John B. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 3204.

COPY

Muskogee, Indian Territory, November 16, 1906.

Nancy J. Walsor,  
California, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Tams Bixby.*  
Commissioner.



No. 3204

For Identification as a Mississippi Choctaw.

Date AUG -8 1901

Name Nancy J. Walsen

Age 60 Blood 1/5

Post Office, California, Mo

Father: Edward Snodgrass (dead)

Mother: Lucy Snodgrass (dead)

Claims through mother

Husband: John M. Walsen (dead)

Children:

Nellie Gray Walsen 15

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3205

William Davidson

See MCR 3206, 6052, 6122

MCR 3205

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

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

William Davidson,	M.C.R. 3205
Annie Smith, et al.,	M.C.R. 3206
Mary A. Jeter,	M.C.R. 6050
Louis F. Yates, et al.,	M.C.R. 6122.

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

	Page.
Original application of William Davidson before the Dawes Commission for identification as a Mississippi Choctaw.....	1
Original application of Annie Smith, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	7
Testimony of William Davidson .....	10
Original application of Mary A. Jeter before the Dawes Commission for identification as a Mississippi Choctaw.....	12
Original application of Louis F. Yates, et al., before the Dawes Commission for identification as Mississippi Choctaws....	19
Additional testimony of Louis F. Yates.....	25
Marriage record of Franklin Yates and Paralee Denson.....	26
Decision of the Commission refusing the applications in the consolidated case of William Davidson, et al., applicants for identification as Mississippi Choctaws.....	27

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

5205

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

Applicant not represented by Attorney.

William Davidson being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William Davidson.  
Q D-a-v-i-d-s-o-n? A Yes that is correct.  
Q What is your age? A About fifty-four.  
Q What is your post-office address? A Sherman.  
Q Texas? A Yes.  
Q How long have you lived there? A I have lived there twenty six years.  
Q Where did you live before you lived there? A In Arkansas.  
Q How long did you live in Arkansas? A Four years.  
Q Where did you live before you lived in Arkansas? A In Tennessee.  
Q Were you born in Tennessee? A Yes.  
Q What is your father's name? A Lewis Davidson.  
Q Is he living? A No.  
Q What is your mother's name? A Zylpha.  
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 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 the marriage of your father and mother? A No.  
Q Can you secure such evidence? A I don't know.

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 No my wife is dead. I have been married.  
Q What was the name of your wife? A Minerva.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A No.  
Q You are making this application for yourself alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.  
Q Have you ever applied to the Choctaw tribal authorities of the Indian Territory to be enrolled as a member of that tribe? A No.

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- 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 10, 1896? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? 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 Application for a right as a Mississippi Choctaw in the Indian Territory.
- Q What do you mean by a Mississippi Choctaw? A Well I mean that my foreparents were Mississippi Choctaws. They were from Mississippi.
- Q You think then that a Mississippi Choctaw is an Indian who lived in Mississippi? A Yes.
- Q Don't you know that originally all ~~Mississippi~~ Choctaws lived in Mississippi? A Yes.
- Q Well then what makes a Mississippi Choctaw differ from any other kind of a Choctaw? A I don't know. I know that my grandparents were Choctaw Indians, that is what they always told me.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A No.
- Q Do you know anything about the treaties? A No I don't.
- Q If you don't claim under any of the treaties what makes you think you have a right now to make an application as a Mississippi Choctaw? Well my parents, my grandmother was a one-half Choctaw.
- Q You are making this application then only because you have been taught that you had Choctaw blood? A Yes.

The law which gives the Commission the right to hear these applications is found in section 21, of the act of Congress approved June 28, 1896 which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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 authority to determine the identity of applicants who claim under the fourteen th article of the treaty of eighteen hundred and thirty

- Q Do you make any claim under the provisions of that article of the treaty? A Yes.
- Q Do you know what that article is? A Not exactly.
- Q How can you make claim under it when you don't know what it is? A Well I never saw it.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaws who lived then 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 filled up very rapidly with white settlers and it was very hard for the government to protect the Indians in their tribal government there and thought it would be best to move them all to the Country west of the Mississippi River where there would be no white people to bother them but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until something was done for those Choctaws who wished to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in the old Choctaw Nation in Mississippi and Alabama. After that article was put in the treaty the Indians signed it alright and it was ratified by the United States and the Choctaws. 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 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."

That means that those Choctaws who did not want to come west if they would 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 they would get land there 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, in doing this they would not lose the right to Choctaw citizenship but if they ever removed they would not get any part of the Choctaw yearly payments of money.

- Q Now, do you claim as the descendant of a Choctaw Indian, who lived in Mississippi in eighteen hundred and thirty, who went to the Indian Agent there within six months after the treaty was ratified and told him that he wanted to stay in Mississippi?  
 A I could not say about that, my grandmother lived in Mississippi somewhere between 1830 and 1835.
- Q Then where did they go? A They went to Tennessee.

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 take land and become citizens of the United States but when an Agent was sent down by the government to locate the land for these people 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

#4 were not found on the roll which the Indian Agent had made, so under different acts of Congress men were appointed and sent down to Mississippi to look into this matter and find out which of these Indians who claimed to have gone to the Indian Agent and told him that they wanted to stay, were really entitled to land. 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 these 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 next states of Mississippi, Arkansas, Louisiana or Alabama.

- Q Now did any of your ancestors own land in any of these States?  
A No I don't think they did.
- Q You never heard that they did? A No.
- Q You claim your Choctaw blood through your father you say? A Yes.
- Q What was your father's father's name? A John Davidson.
- Q What is your father's mother's name? A Nancy Davidson.
- Q Which one of your father's parents claimed to be Choctaw? A My father's mother.
- Q How much Choctaw blood did she claim to have? A One-half.
- Q Did she live in Mississippi in eighteen hundred and thirty?  
A Well she lived in Mississippi about 1830 or 1835 She was raised in Mississippi.
- Q D'd you ever know your grandmother? A Yes I have seen her but when I was very small.
- Q She is dead? A Yes.
- Q You know how long she has been dead? A No I don't know.
- Q Well about how long? A Between forty and fifty years.
- Q You know how old she was when she died? A No.
- Q You know about how old she was? A No I don't.
- Q You never heard whether she was young, middle ages or old when she died? A No I was too small.
- Q What was the name of your grandmother's father? A Duval.
- Q What was his given name? A I don't know the given name.
- Q What was your grandmother's mother's name? A I don't know that.
- Q Have you any evidence to show that your grandmother lived in Mississippi in eighteen hundred and thirty and was a Choctaw Indian? A Well I can get evidence on that I think.
- Q What kind of evidence do you expect to be able to produce? A I expect to get evidence from some of the Duvals, they are Choctaw Indians.
- Q Did they know your grandmother? A I think so.
- Q Did they know her in eighteen hundred and thirty? A Yes some of them did.
- Q Do you know how old they would have to be to have known your grandmother in eighteen hundred and thirty? They would have to be getting along pretty well that has been a long time ago.
- Q Who are they? A They are Duvals, Indians here.
- Q What kind of Indians? A Choctaw Indians, Mississippi Choctaws.
- Q Are they regularly enrolled Indians? A Well the witnesses we are going to get live in the Territory and are enrolled but my grandmother was not enrolled, I don't reckon, I don't remember any of the names only two of her brothers, of the Duval family.
- Q Are they enrolled as members of the Choctaw tribe? A Her brothers.
- Q These Duvals that you are speaking of, how were they enrolled?  
A I don't know how they were enrolled, I don't understand how they do enroll them.
- Q What I mean, are they recognized members of the Choctaw tribe of Indians by the Choctaw tribal authorities? A I don't know.
- Q Do they hold land in the Territory? A These Duvals.
- Q Land here in the Nation? A I don't know.

- Q Do you expect to bring these witnesses in person before the Commission? A Yes I expect to if it is necessary.
- Q You understand that it is better for your case to bring them here in person? A Yes if it is better I will bring them in person. Will it be necessary to take my grandmother's brother's names? Take their names for what? A As Indians, my great grandmother's brothers.
- Q Are your great grandmother's brothers living here? A My grandmother's brothers I mean, they are on the rolls /
- Q On what rolls? A On the Choctaw rolls, they came here with the Indians.
- Q Are they living now? A No I guess not but I heard of them living here.
- Q Yes you can give their names? A John Duval and Yale Duval is the other.
- Q Well you understand that that is no evidence in your case? A No I did not understand.
- Q What you have to show is whether you grandmother lived in Mississippi in eighteen hundred and thirty and whether she was a Choctaw Indian or not? A Yes, Well she was living there in eighteen hundred and thirty or between that and eighteen hundred and thirty five.
- Q Well you understand that you have to have some evidence of that. Your own statement or the statement of a party in interest will carry very little weight? A Yes of course I understand that.
- Q Did your grandmother go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that she wanted to become a citizen of the United States? A Not that I know of.
- Q Well do you understand that is also a material point in your case on which you should secure evidence if possible? A Yes I think it would be necessary to do that.
- Q You don't know whether your grandmother owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't think that my grandmother ever was in Arkansas.
- Q Well I said any one of these States? A Well I don't think that she ever owned any land in any one of them.
- Q Well suppose you just make a statement now of what you think you would have to prove in order to establish your right here? A A statement of what I think I would have to prove?
- Q Yes? A Well I think I would have to get evidence that my foreparents were Choctaws in Mississippi and who they was.
- Q You thought that was all that was necessary did you? A Yes that they were Choctaws and didn't take any land in Mississippi.
- Q You don't understand then that if your ancestors had taken land in Mississippi it would be a great point in your favor at this time? A Well I was not thinking about that at all. I knew they ~~lived there~~ left there and that is the reason I didn't think they owned any land there and I knew that it would not have out any figure in my case I could not show any title to any thing of the kind. If I could it would have been evidence that I was a Choctaw.
- Q It would have been evidence that your foreparents had complied with the fourteenth article of the treaty of eighteen hundred and thirty? A Yes I might have had a mistaken idea, may be they did not all leave. I understood that the Indians all left there in eighteen hundred and thirty.
- Q Is there any other statement that you would like to make at this time in support of your application? A No not that I know of.
- Q Have you any papers that you want to file now? A No.
- Q Do you understand that unless you have some evidence to support your statement and fill up where you did not know anything about



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your ancestors, that there is very little for the Commission to act on when they come to take up your case? A Yes.

Idf 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 your case.

- Q Can you speak Choctaw? A No.  
Q How does it happen that you never made application until this late a time? A Well my father came west in seventy to make application here, he was taken sick and died and it was just carelessness I reckon that we did not do it.  
Q You knew all the time that you were Indian? A Ever since I can recollect.

This applicant has brown hair and grayish mustache and beard which seems to have been dark originally, blue-gray eyes, and rather dark complexion. His features and general appearance are those of a white person and he shows no Indian characteristics. 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 and it appears from the testimony that the ancestor through whom he claims removed from Mississippi to Tennessee about the year 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 9, 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 16th day of October 1901.

*Charles H. Sawyer*

Notary Public.

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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 William Davidson, et al., for identification as Mississippi Choctaws, consolidating the applications of:

William Davidson,	M.C.R. 3205
Annie Smith, et al.,	M.C.R. 3206
Mary A. Jeter,	M.C.R. 6062
Louis F. Yates, et al.,	M.C.R. 6122.

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

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William Davidson for himself; by Annie Smith for herself and her four minor children, Emmett, Evere, Barret and Ira Smith; by Mary A. Jeter for herself; and by Louis F. Yates for himself and his three minor children, Jim, Marie and Cocheclater Yates 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 \_\_\_\_\_ Duval (or Duvall), who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said 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 anyone bearing the surname of Duval (or Duvall), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized

to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (8 Stats., 531).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Davidson, Annie Smith, Emmett Smith, Evers Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates, Jim Yates, Marie Yates and Oocheclater Yates 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,

CHIEF,

Tamc Pixby.

Acting Chairman.

CHIEF,

T. B. Needles.

Commissioner.

CHIEF,

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 20 1907

Mississippi Choctaw  
3205 and 3206.

Muskogee, Indian Territory, April 19, 1902.

C. O. Smith,  
415 East Pecan Street,  
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 16, in which you inquire if any evidence has been filed in support of the applications of William Davidson and Annie Smith, et al. for identification as Mississippi Choctaws, made at Atoka, Indian Territory.

In reply to your letter you are advised that it appears from our records that no evidence has been offered in support of these applications except the oral testimony of Annie Smith and that of William Davidson, at the time they made application before the Commission at Atoka, Indian Territory, August 9, 1901, for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

4/24/1902

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

Miss. Choctaw 3205

ALLISON I. AYLESWORTH  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 3, 1902.

Time Chapman,  
Lehigh, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of recent date in which you state that you desire to make application for identification as a Mississippi Choctaw under the fourteenth article of the treaty of 1830; that your uncle, William Davidson, has already appeared before the commission as an applicant for identification as a Mississippi Choctaw. You state that you are not able to come to Muskogee to appear before the Commission, and wish to have your letter considered as your application.

In reply to your letter you are advised that it appears from our records that William Davidson, son of Lewis and Zylphia Davidson, on August 9, 1901, at Atoka, Indian Territory, applied for identification as a Mississippi Choctaw. No decision has yet been reached nor opinion rendered relative to his rights as a Mississippi Choctaw.

You are further advised that the rules of the commission and of the Department of the Interior require that each applicant for identification as a Mississippi Choctaw must present himself in

T.C. 2

person before the Commission for examination under oath, at which time a proper record is made of his application, and until such personal appearance is made by you, no consideration can be given your application.

The authority of the Commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the act of Congress of June 23, 1898:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

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

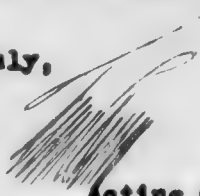
The Commission will require of applicants for identification as Mississippi Choctaws a reasonable demonstration of the fact that they are descendants of Choctaw Indians who resided in the old

T.C. 3

Chectaw Nation in Mississippi and Alabama in 1830, and whose claims under the fourteenth article of the treaty of 1830 were favorably adjudicated.

If you desire to present a claim as a beneficiary under the fourteenth article of the treaty of 1830 above quoted, you will be heard upon your personal appearance at the office of the commission at Muskogee, Indian Territory. In view of the probability of some early date being fixed or agreed upon terminating the time within which the commission can receive and consider applications of this character, it is advisable that if you anticipate making such an application, you do so as early as practicable.

Yours truly,



Acting Chairman.



COPY

Muskogee, Indian Territory, December 30, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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 William Davidson, et al., embracing the following applications for identification as Mississippi Choctaws:

William Davidson	H.C.R. 3205
Annie Smith, et al.	H.C.R. 3206
Mary A. Jeter	H.C.R. 6052
Louis A. Yates, et al.	H.C.R. 6122

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

Said decision concludes as follows:

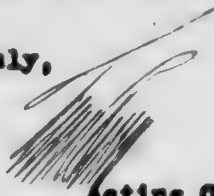
"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Davidson, Annie Smith, Emmett Smith, Evare Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates, Jim Yates, Marie Yates and Ochoolater Yates as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

T.C. 3

Chester Nation in Mississippi and Alabama in 1830, and whose claims under the fourteenth article of the treaty of 1830 were favorably adjudicated.

If you desire to present a claim as a beneficiary under the fourteenth article of the treaty of 1830 above quoted, you will be heard upon your personal appearance at the office of the commission at Muskogee, Indian Territory. In view of the probability of some early date being fixed or agreed upon terminating the time within which the commission can receive and consider applications of this character, it is advisable that if you anticipate making such an application, you do so as early as practicable.

Yours truly,



Acting Chairman.

Muskogee, Indian Territory, December 30, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 20th day of December, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Davidson, et al., embracing the following applications for identification as Mississippi Choctaws:

William Davidson	M.C.R. 3205
Annie Smith, et al.	M.C.R. 3206
Mary A. Jeter	M.C.R. 6052
Louis A. Yates, et al.	M.C.R. 6122

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 William Davidson, Annie Smith, Everett Smith, Evere Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates, Jim Yates, Marie Yates and Oocheelater Yates as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. MOK. & C. —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,

SIGNED,

*T. B. Needles.*  
Commissioner incharge.

M.C.R. 3205.

COPY.

Muskogee, Indian Territory, December 20, 1902.

William Davidson,  
Sherman, Texas.

Dear Sir:

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 William Davidson, et al., embracing the following applications for identification as Mississippi Choctaws:

William Davidson	M.C.R. 3205
Annie Smith, et al.	M.C.R. 3206
Mary A. Jeter	M.C.R. 6052
Louis F. Yates, et al.	M.C.R. 6122

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Davidson, Annie Smith, Emmett Smith, Evare Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates,

William Davidson, —2

Jim Yates, Marie Yates and Oocheelater Yates 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,

COPIED

*I. B. Needles*  
Commissioner in charge.

Registered.

COPY

Muskogee, Indian Territory, January 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Davidson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 20, 1902.

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

William Davidson,	M.C.R. 3206
Annie Smith, et al.,	M.C.R. 3206
Mary A. Jeter,	M.C.R. 6082
Louis F. Yates, et al.,	M.C.R. 6128.

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,

*Tame Dixby.*  
Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 3206.

M C R 3205  
M C R 3206

Muskogee, Indian Territory, January 22, 1903.

William Davidson,  
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the joint letter of yourself and Annie Smith of the 18th inst., in which you ask to be advised of the present status of your cases.

In reply to your letter you are informed that it appears from the records of the Commission that William Davidson made application for identification as a Mississippi Choctaw and that Annie Smith made application for the identification of herself and minor children as Mississippi Choctaws. The Commission on December 20, 1902, rendered its decision refusing these applications and, on the same date the applicants were notified by registered mail of the action of the Commission and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claim to be forwarded to the Secretary of the Interior. The fifteen days, heretofore granted in these cases, expired on January 4, 1903, and on January 5, 1903, the record in the case together with the decision of the Commission was forwarded to the Secretary of the Interior. Yourself and Annie Smith will be duly notified of such action as may be taken by him.



W. Davidson---2

The letters of notification were mailed to yourself and Annie Smith at Sherman, Texas, the post-office address given at the time applications were made.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, January 28, 1903.

William Davidson,  
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 30th ult., to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action. Therein you state that you have moved from Texas to Lehigh, Indian Territory, to select a home for yourself and children; that you desire to know how much land, "per head", you are entitled to, and whether you can make your selections in the Chickasaw Nation.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for identification as a Mississippi Choctaw and that the Commission, on December 20, 1902, rendered its decision refusing your application and on the same date you were notified by registered mail of the action of the Commission and that you were granted fifteen days from the date of said decision within which to file arguments in support of your case to be forwarded to the Secretary of the Interior. The fifteen days, heretofore granted, expired on January 4, 1903, and on January 5, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secre-

W. Davidson---2

tary of the Interior. You will be duly notified of such action as may be taken by him.

It is not believed that you are at this time in any manner entitled to possessory rights of the tribal property of the Choctaw Chickasaw country.

The letters notifying you of the action of the Commission in your case were addressed to you at Sherman, Texas, the post-office address given by you at the time you made application.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, March 9, 1903.

William Davidson,  
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd ultimo, to the Secretary of the Interior, which has been by him referred to this Commission for consideration and appropriate action. Therein you state that you did not receive the letter of the Commission notifying you of the refusal of the several applications included in the consolidated Mississippi Choctaw case of William Davidson, et al., until it was too late to furnish additional evidence. You ask to be advised wherein your evidence is insufficient.

In reply to your letter you are informed that the fifteen days from December 20, 1902, heretofore granted the applicants in this case within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior, expired on January 4, 1903. On January 5, 1903, the record in this case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of these claims. The several applicants will be duly notified of such action as may be taken by the Secretary.

W D 2

You are further advised that the Commission requires of applicants for identification as Mississippi Choctaws that they demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830. No evidence of this character has been submitted in support of the claims of the several applicants in this case.

Respectfully,

Chairman.

( COPY )

Refer in reply to the following:  
Land-- 1714--1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, March 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of William Davidson for the identification of himself; the application of Annie Smith for the identification of herself and her four minor children, Emmett, Evere, Barret and Ira Smith; the application of Mary Jeter for the identification of herself; and the application of Louis F. Yates for the identification of himself and his three minor children, Jim, Marie and Oscheelater Yates---all as Mississippi Choctaws.

On December 20, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to lands under the provisions of article 14 of the treaty of 1830, and that their applications for such

identification should be refused.

An examination of the record evidence shows that all of said applicants claim to be the descendants of Lewis Davidson and through him of his mother, Nancy Davidson, nee Duvall; but neither the record evidence nor an examination of the records in this office shows that any person by the name of Lewis Davidson or Nancy Davidson, nee Duvall, or any person by the name of Duval, ever complied or attempted to comply with the provisions of article 14 of said treaty, or secured a patent for land thereunder.

By reason of the premises the office considers that the said decision of the Commission is correct and recommends that it be approved by the Department.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B. (S)

( COPY )

J W H

I.T.D. 3284-1903.

DEPARTMENT OF THE INTERIOR,

D.C. 8990-1903.

Washington, March 27, 1903.

FHE

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 5, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of William Davidson (M O R 3205) for himself; of Annie Smith for herself and her four minor children, Emmett, Evere, Harret and Ira Smith; of Mary A. Jeter for herself; and of Louis F. Yates for himself and his three minor children, Jim, Marie and Cocheelater Yates, including your decision of December 20, 1902, refusing to identify them as such.

The principal applicant, William Davidson, was born in 1847 in Tennessee; he has also lived in Arkansas and Texas. His quantum of Choctaw blood is one-eighth. Applicant, Mary A. Jeter, is his sister. They obtained their Choctaw blood from their father, Lewis Davidson, and he from his mother, Nancy Davidson, who was an one-half blood Choctaw. She obtained her Indian blood from her



2.

father, whose name was Duval. The other applicants are the descendants of the said brother and sister.

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 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 23, 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 the same is hereby affirmed.

Respectfully,  
(Signed) Thos. Ryan,  
Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 7, 1903.

William Davidson,

Lehigh, Indian Territory.

Dear Sir:

You are hereby notified that on the 27th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Davidson et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

SIGNED:

*C. R. Breckinridge.*  
Commissioner in Charge.

COPY.

100 R 1005

Muskegee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 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 William Davidson et al., of which decision you were advised by mail on the 20th day of December, 1902.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*  
Commissioner in Charge.

Muskogee, Indian Territory, January 14, 1904.

Davis A. Homer,  
Attorney at Law,  
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, asking for a rehearing in the consolidated Mississippi Choctaw case of William Davidson, et al., and enclosing certain interrogatories to be propounded to John Lewis, Solomon York and Reubin Orr.

In reply to your letter you are informed that motions for rehearings are granted only in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made satisfactorily by

D A H 2

proper evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

The interrogatories enclosed by you are herewith returned.

Respectfully,

Muskogee, Indian Territory, July 19, 1904.

William Davidson,  
Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, in which you ask what action has been taken in regard to the second hearing in the matter of the applications made by you and Annie Smith for identification as Mississippi Choctaws.

In reply you are informed that it appears from our records that on January 14, 1904, the Commission received from Davis A. Homer, of Ardmore, Indian Territory, a letter asking for a rehearing in the consolidated Mississippi Choctaw case of William Davidson, et al., and enclosing certain interrogatories to be propounded to John Lewis, Solomon York and Reubin Orr. Said interrogatories were returned to Davis Homer and he was advised of the procedure necessary to obtain a rehearing in Mississippi Choctaw cases. No further correspondence has been received at this office in regard to this matter.

As advised in our letter to you under date of April 7, 1903, the Secretary of the Interior, on March 27, 1903, approved the decision of the Commission refusing the several applications included in the consolidated Mississippi Choctaw case of William

W D 2

Davidson, et al., of which the application of Annie Smith, et al. is a part. Therefore, the Commission considers this case closed, and it is not believed that any of the applicants in said consolidated case are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

Duval

(on Duval)  
 Nancy Duval +  
 Mar dead  
 John Davidson

Lewis Davidson dead  
 wife  
 Zylpha Davidson  
 or Zylphia "

mer  
 3205  
 William Davidson 54  $\frac{1}{8}$   
 wife  
 Minerva Davidson  
 dead

mer  
 3206  
 Annie Davidson 28  $\frac{1}{16}$   
 mar  
 Chris Smith  
 - W -

mer  
 3206  
 Emmett Smith 12  
 "Evers .. 8  
 "Barret .. 6  
 "Ira .. 2

mer  
 6052  
 Mary A. Davidson 46  $\frac{1}{16}$   
 mar  
 ① Al Yates  
 ② Sam Yeter

mer  
 6122  
 Louis F. Yates 26  $\frac{1}{16}$   
 (or Franklin)  
 mar  
 Paralee Denson

mer  
 6122  
 Jim Yates 6  
 "Marie Yates 3  
 "Docheater Yates 6m

Steve Davidson  
 Joe Davidson  
 Peardie Davidson  
 mer  
 Woods



Consolidated Case  
of  
William Davidson

REFER TO 2 3205

Card No. NAME RESIDENCE COUNTY POST OFFICE AGE SEX

3200

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

**FILED**

JUL 12 1902



ACTING CHAIRMAN.



W. H. H.  
3-05

Anna Chapman

Jan 1, 1880  
D. D.



Department of the Interior:

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

No. 3205

For Identification as a Mississippi Choctaw.

Date AUG -9 1901

Name William Davidson

Age 36 Blood 1/8

Post Office, Sherman, Texas

Father: Lewis Davidson (dead)

Mother: Gylpha Davidson

Claims through father

wife: Minerva Davidson (dead)

Children:

Claims for self alone

Stenographer

G Rosenwinkel

P. 3206

Annie Smith et al

**REFUSED**

DECISION RENDERED. DEC 20 1902

NOTICE OF DECISION MAILED APPLICANT. DEC 20 1902

NOTICE OF DECISION MAILED ATTORNEYS  
FOR CHOCTAW AND CHICKASAW NATIONS. DEC 20 1902

RECORD FORWARDED DEPARTMENT. JAN 5 1903

ACTION APPROVED BY SECRETARY OF INTERIOR. MAR 27 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED APPLICANT. APR 7 1903

NOTICE OF DEPARTMENTAL ACTION  
FORWARDED ATTORNEYS FOR CHOCTAW  
AND CHICKASAW NATIONS. APR 7 1903

REFER TO M. C. R.

DECISION PREPARED

Choctaw MCR 3206

Annie Smith

MCR 3206

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

#5206

In the matter of the application of Annie Smith for identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Said Annie Smith being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Annie Smith.  
Q What is your age? A Twenty-eight.  
Q What is your post-office address? A Sherman, Texas.  
Q How long have you lived in Sherman? A I have lived there about twenty-seven years.  
Q Where did you live before you lived there? A I came from Arkansas when I was about two years old.  
Q Were you born in Arkansas? A Yes.  
Q What is your father's name? A William Davidson.  
Q Is he living? A Yes.  
Q What is your mother's name? A Minerva Davidson.  
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.  
Q Has your father, through whom you claim your Choctaw blood, 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 any evidence of your father and mother's marriage? A No I have'nt with me but I can get it.

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

- Q Are you married? A Yes.  
Q What is your husband's name? A Chris Smith.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No just myself and children.  
Q Your husband is a white man and makes no claim to Choctaw blood? A Yes.  
Q Give the names and ages of your children for whom you wish to make application? A Emmett twelve years old.  
Q Next? A Evers.  
Q How do you spell it? A E-v-e-r-s  
Q Is that a boy or girl? A Girl.  
Q How old? A Eighth years old.  
Q Next? A Barret.  
Q How do you spell that? A B-a-r-r-e-t.  
Q Is that a boy? A Yes.  
Q How old? A Six years old.  
Q Next? A Ira, I-r-a.  
Q How old? A Two years old.  
Q These are your children? A Yes.

- Q What is the name of their father? A Chris Smith.
- Q When and where were you married to him? A At Sherman.
- Q When? A In eighteen hundred and eighty seven.
- 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 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 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 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 enrolled or admitted 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 want to make application under the treaty that my father made under just a few minutes ago.
- Q Do you claim as a Mississippi Choctaw? A Yes the same as my father, they always taught me and my grandfather.

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, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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 those applicants who claim under the treaty of eighteen and thirty, the fourteenth article.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who were living then 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 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 this fourteenth article was put into the treaty for the benefit of these 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 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 come west would go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that they wanted to stay in Mississippi and take land, they would get land from the government for themselves and their children and in doing this they would not lose the right of Choctaw citizenship but if they ever removed would not get any part of the Choctaw yearly payments of money.

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 in Mississippi but when a locating agent was sent down to locate the land for the Indians, this locating agent found that there were a great many Indians who claimed 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 into Mississippi and find out just which ones of the Indians had a right to land in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred claims, some of them were allowed and some of them 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 which they could use to buy land in Arkansas, Mississippi, Alabama or Louisiana from any of the public lands in those States.

- Q Did any of your ancestors own any land in any 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 1830 who was a recognized Choctaw Indian? A Duval was the name.
- Q You know what the other name was, the first name? A Well my great grandmother's name was Nancy Duval that is as far back as I have heard anything about.
- Q You claim your Choctaw blood through your father? A Yes.
- Q What is your father's father's name? A Lewis Davidson.
- Q What was your father's mother's name? A Zylpha Davidson.
- Q Which one of your father's parents claimed to be Choctaw? A  
A His father, my grandfather.
- Q That was Lewis Davidson? A Yes.
- Q What was Lewis Davidsons father's name? A I can't tell you.

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- Q What was Lewis Davidson's mother's name? A Nancy Duval.  
Q Which one of Lewis Davidson's parents claimed to be Choctaw?  
A His mother.  
Q How much Choctaw blood did she claim to have? A One-half.  
Q Did she live in Mississippi in eighteen hundred and thirty? A  
That is what I have been taught when I was small.  
Q Will you be able to get any evidence to show that she was living  
in Mississippi in eighteen hundred and thirty? A Yes.  
Q You understand that it is important to your case that you have  
such evidence? A Yes.  
Q Did Nancy Duval come west with the other Choctaws to the present  
Choctaw Nation between eighteen hundred and thirty-three and  
eighteen hundred and thirty-eight? A I don't know, I was so  
small I don't recollect but very little about his people.  
Q Did Nancy Duval within six months after the treaty was  
ratified go to the United States Indian Agent there in Mississippi  
and tell him that she wanted to stay there and take land and  
become a citizen of the United States? I don't know I can't  
tell anything but what my grandparents and parents taught me.  
Q Do you think you will be able to get any evidence to show 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 I think so.  
Q You understand that is also a matter of importance to your  
case? A Yes.  
Q You expect to try to secure that evidence? A Yes.

If you wish to offer any further evidence in support of your  
application either the oral testimony of witnesses, their depo-  
sitions 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 great grandmother Nancy Duval have any Choctaw Name?  
A I can't say I never did hear it.  
Q Would you like to have the testimony of your father in your case?  
A Yes of course he is ahead of me.  
Q Well do you want him to identify you as his child? A Yes.

Applicant excused.

William Davidson called as a witness duly sworn testified as  
follows:

- Q What is your name? A Davidson.  
Q What is your first name? A William.  
Q What is your age? A Fifty-four.  
Q What is your post-office address? A Sherman, Texas.  
Q You just made application here for identification as a Missis-  
sippi Choctaw? A Yes.  
Q Are you acquainted with Annie Smith? A Yes.  
Q What relation is she to you if any? A She is my daughter.  
Q What is her mother's name? A Minerva.  
Q Through which one of her parents does she get her Choctaw blood?  
A Through me.  
Q Have you any evidence of your marriage to Minerva Davidson? A  
I can get a certificate.  
Q Do you expect to do that? A Yes.

Witness Excused.

#

Applicant recalled.

This applicant has brown hair, brown eyes and dark complexion. Her features and general appearance are those of a white woman and she has no Indian Characteristics. She does not speak the Chectaw 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 August 9, 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 16th day of October 1901.

*Charles H. Sawyer*

Notary Public.

Mississippi Choctaw  
3205 and 3206.

Muskogee, Indian Territory, April 19, 1902.

C. C. Smith,  
415 East Pecan Street,  
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 16, in which you inquire if any evidence has been filed in support of the applications of William Davidson and Annie Smith, et al. for identification as Mississippi Choctaws, made at Atoka, Indian Territory.

In reply to your letter you are advised that it appears from our records that no evidence has been offered in support of these applications except the oral testimony of Annie Smith and that of William Davidson, at the time they made application before the Commission at Atoka, Indian Territory, August 9, 1901, for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M.C.R. 3206.

Muskogee, Indian Territory, December 30, 1902.

Annie Smith,

Sherman, 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 William Davidson, et al., embracing the following applications for identification as Mississippi Choctaws.

William Davidson	M.C.R. 3205
Annie Smith, et al.	M.C.R. 3206
Mary A. Jeter	M.C.R. 6052
Louis F. Yates, et al.	M.C.R. 6122

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 485), which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Davidson, Annie Smith, Emmett Smith, Evers Smith, Barret Smith, Ira Smith, Mary A. Jeter, Louis F. Yates,

Annie Smith, --2

Jim Yates, Marie Yates and Cocheelater Yates 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,

*I. B. Wood*  
Commissioner in charge.

Registered.

Muskogee, Indian Territory, January 12, 1903.

Annie Smith,  
Sherman, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 3rd instant, relative to the decision of the Commission in your case.

In reply you are informed that the fifteen days from December 20, 1902, heretofore granted you within which to file arguments in support of your claim, to be forwarded to the Secretary of the Interior, expired January 4, 1903. On January 5, 1903, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, was forwarded to the Secretary of the Interior. You will be duly notified of any action taken by him.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Annie Smith,

Lehigh, Indian Territory.

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 William Davidson et al., of which decision you were advised by registered mail on the 20th day of December 1902.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*  
Commissioner in Charge.



For Identification as a Mississippi Choctaw.

Date AUG - 0 1901

Name Annie Smith

Age 28 Blood 1/6

Post Office, Sherman, Texas

Father: William Davidson

Mother: Minerva Davidson (dead)

Claims through father

husband: Chris Smith  
(no claim for him)

Children:

- Emmett Smith 12
- Evere " F 5
- Barret " M 6
- Ira " 2

Claims for self and 4 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3207

John G. Snodgrass

MCR D.1

MCR 3207

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

3207

In the matter of the application of John G. Snodgrass for identification of himself and his three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

John G. Snodgrass being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John G. Snodgrass.  
Q What is your age? A Fifty-eight.  
Q What is your post-office address? A Clarksburg, Missouri.  
Q How long have you lived there? A I have lived there about eleven years.  
Q Where did you live before that? A Cooper County, same State.  
Q How long did you live in Missouri? A All my life.  
Q You were born in Missouri?  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A Edward Snodgrass.  
Q What is your mother's name? A Lucy Snodgrass.  
Q Is your father living? A No.  
Q Is your mother living? A No.  
Q Which one of your parents claimed to be Choctaw? A My mother.  
Q How much Choctaw blood do you claim? A Well I don't know. My great grandfather was a full blood and my great grandmother was three-quarters.  
Q Well how much do you claim? A Well I don't know exactly. I have never figured it up. Somewhere about three-sixteenths I guess.  
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? I don't know only in a kind of a round about way, there was a couple of old men testified from Mississippi that our grandfather and grandmother was Mississippi Choctaws.  
Q Well I asked you if your mother had ever been recognized 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 Lucy Snodgrass.  
Q Is she living? A Yes.  
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 under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.  
Q How many? A Three, Mary P.  
Q How old is Mary P.? A fourteen.  
Q Next? A Charlie S., eleven.--Lucy H., two and one-half months  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Lucy.  
Q She is the mother of all three of them? A Yes.  
Q When and where were you married to her? A In Cooper County, Missouri.  
Q When? A June eighty four.

#2

- Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A Official.  
Q Justice of the Peace? A Yes.  
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 John G. Snodgrass and Lucy A. McDaniel, 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 Indian Territory? A No.  
Q Have you ever applied 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 anyone 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 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 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 do you want to make now? Well I want an application as a Choctaw Indian under the treaty made between the United States and the Nation, September twenty-seven, eighteen hundred and thirty, the fourteenth section.  
Q Do you understand the provisions of the article? A Yes I read it several times but I can't repeat it.  
Q Just state what you understand by it and what bearing it has on your application? A I don't know that I could. I have read it several times but don't think that I could repeat any of it.  
Q Well can't you just state in your own words what you understand by it, what makes you think you have a right to make this application? A Well it just says that the Dawes Commission has a right to say whether or not there examination and so on.

Article fourteen of the treaty of eighteen hundred and thirty does not make any mention of the Dawes Commission you must be confusing it with part of the Curtis Act. The law under which the Commission is acting in hearing these applications for identification as a Mississippi Choctaw 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."

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 State of Mississippi and Alabama but some of the Indians ~~and~~ did not want to come to the New Country to which the government wanted to move them and the other Indians would not sign and treaty until something was done for those Indians who wanted to remain in the old Choctaw Nation, so article fourteen was made a part of the treaty for the benefit of these Choctaws and after that they Indians signed the treaty alright and it was ratified by both the United States and the Choctaw Nation? Article fourteen of the treaty between the United States and the Choctaw Nation, made in 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 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."

- 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 and told him that they wanted to stay in Mississippi and become citizens of the United States but when an Agent was sent down to locate the land for these Indians he found that there were a large number 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 the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and look into this matter and decide which of the Indians were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases 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 claimed by the Indians 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 own land in any one of these States?  
A No.

- Q You never heard. 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 William Harris my great grandfather.
- Q Was he living in Mississippi in eighteen hundred and thirty? A Yes.
- Q Have you any evidence of that fact? A No I don't know that I have except what has been testified to heretofore.
- Q Heretofore where? A At Ardmore Indian Territory.
- Q In what case? A In John S. Martins case.
- Q Have you any copy of that testimony? A Yes.
- Q Do you want to file this testimony in your case? A Yes.

Certified copy of testimony of James Allen and John Pistole taken before the Commission at Ardmore, Indian Territory, September 21, 1898 in the application of John S. Martin et al for identification as Mississippi Choctaws, offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

- Q Who was James Allen? A That was---I don't know.
- Q Did you ever know him? A No.
- Q Did he ever know you? A I don't think he did.
- Q What relation is this John S. Martin to you? A Well I don't know that he is any relation particular, it is far off.
- Q What was your mother's father's name? A Jack Harris.
- Q What was your mother's mother's name? A Mary Harris.
- Q Which one of your mother's parents claimed to be Choctaw? A Her father's.
- Q Her father's name was Jack Harris? A Yes.
- Q Did you ever know Jack Harris? A Yes.
- Q Where did you know him? A In Cooper County, Missouri.
- Q Is he dead now? A Yes.
- Q How long has he been dead? A Some where about fifty-three or fifty-four years. No no that long, lets see---he died-- in about fifty-three or fifty-four.
- Q He has been dead then about forty-five or forty-six years? A Yes about that.
- Q About how old was he when he died? A No. I don't know.
- Q Have you any idea? A No.
- Q Do you know what year he was born? A No I don't but he was old enough to go to the X Jackson War in 1812.
- Q He must have been born then before the beginning of the last century? A Yes.
- Q Your mother is dead you say? A Yes.
- Q How long has she been dead? A About seventeen years.
- Q How old was she when she died? A I don't remember, she was born in 1816 I believe.
- Q Your mother was born in 1816? A Yes.
- Q Then your grandfather Jack Harris 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 Did your grandfather Jack Harris comwest with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty three and thirty eight? A I believe he moved to Missouri some where between thirty-four and forty. I don't know it. It is just hearsay with me.
- Q He did not come to the present Choctaw Nation? A No.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay there and become a citizen of the United States? A I don't know.

#5

- Q Do you think you will be able to get evidence on that point?  
A I don't know that is further back than we can say.
- Q Do you understand that it is a matter of considerable importance to your case to have evidence to show whether your grandfather went to the Indian Agent and told him that he wanted to stay in Mississippi? A Yes.
- Q Your grandfather was Jack Harris? A Yes.
- Q Well in this testimony that you have filed I see no mention of Jack Harris. There is a James Harris and William Harris but no Jack Harris? A Yes I know that but I want to show that they were brothers.
- Q How are you going to show that they were brother's? A I have testimony here to show it.

Deposition of Barton McRoberts offered in evidence, marked exhibit "C" filed, and made a part of the record in this case.

Deposition of William M. Larimore offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q What was Jack Harris's father's name? A William Harris.
- Q And William Harris was the father of both Jack and James Harris?  
A Yes.
- Q Was William Harris living in eighteen hundred and thirty? A Yes.
- Q Have you any evidence on that? A Only through that testimony.
- Q Well I think that this testimony does not state specially that he was living in eighteen hundred and thirty, it does not state specifically what time William Harris was living in Mississippi. It does refer specifically to James Harris and says that he was there between eighteen hundred and thirty and eighteen hundred and forty but does not say anything about William Harris.
- Q You say you do not know whether you can secure any evidence to show that your grandfather Jack Harris went to the Indian Agent there in Mississippi and told him that he wanted to stay in Mississippi? A I don't know but it would not appear that he would stay there until eighteen hundred and thirty-four or five without having done that.
- Q Well it might be very possible that a great many Indians stayed there in Mississippi and did not do this? A Yes it might.
- Q You understand the importance of securing evidence on that point? A Yes I understand but whether it can be got I don't know. I have got about the eldest settler in our County and I don't suppose he knows a word about that. A Person might write to Choctaw County and see if they had land in that County. The land records I presume would show whether they ownedland in that County.
- Q Is there any other statement that you would like to make at this time in support of your application? A No I don't know that there is.
- Q Have you any other papers that you want to file at this time?  
A Yes I have my marriage certificate.
- Q Why did you not file that already? A Yes, this is my father's and mother's.

Certified copy of marriage certificate between Edward Snodgrass and Lucy Harris, offered in evidence, marked exhibit "E" filed and made a part of the record in this case.

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This applicant has grash brown hair and mustache, brown eyes and dark complexion. His features and general appearance are those of a white man and he shows no Indian Characteristics. He does not know of any compliance on the part of his ancestors with provisions of the fourteenth article of the treaty of eighteen hundred and thirty although it appears from his testimony that his grandfather was living in Mississippi in eighteen hundred and thirty.

If your 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 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 on August 9, 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 12, day of October 1901.

*Charles H. Sawyer*

Notary Public.



Muskogee, Indian Territory, December 2, 1901.

John G. Snodgrass,  
Clarksburg, Missouri.

Dear Sir:

In the matter of the applications for identification as  
Mississippi Choctaws of

John Harris et al., John I. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 9, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and three minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

J. G. S.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3207

Commissioner in Charge.

COMMISSIONERS

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

ALLISON L. AYLESWORTH.  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 3207

COPY.

Muskogee, Indian Territory, March 15, 1902.

John G. Snodgrass,  
Clarksburg, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Esteile Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walsler, Nellie Gray Walsler, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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)

*T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R., 3207.

Muskogee, Indian Territory, April 24, 1902. (

John G. Snodgrass,  
Clarksburg, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.



M.C.R. 3207.

COPY

Muskogee, Indian Territory, November 16, 1906.

John G. Snodgrass,

Atoka, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Tams Bixby.*

Commissioner.

3997

No. \_\_\_\_\_

# For Identification as a Mississippi Choctaw.

Date **AUG -9 1901**

Name *John E. Snodgrass*

Age *58* Blood *3/16*

Post Office, *Clarksburg Mo.*

Father: *Edward Snodgrass*

Mother: *Lucy Snodgrass* (deceased)

Claims through *mother*  
*wife Lucy Snodgrass*  
*(no claim for her)*

Children:

- Mary P. Snodgrass* 14
- Charlie S.* " 11
- Lucy H.* " 2 1/2 mo

*Claims for self and 3 children*

Stenographer

*Rosenwinkel*

Choctaw MCR 3208

Mary J. McDaniel

See MCR D.1

MCR 3208

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

3208

In the matter of the application of Mary J. McDaniel for identification of herself and her minor child as Mississippi Choctaws

Applicant not represented by attorney.

Mary J. McDaniel being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary J. McDaniel.  
Q What is your age? A Forty.  
Q What is your post-office address? A Clarksburg, Missouri.  
Q How long have you lived there? A One year.  
Q Where did you live before you lived there? A Cooper County, Missouri.  
Q How long have you lived in Missouri? A I was born and raised there.  
Q Never had a home outside of the State? A No.  
Q What is your father's name? A William Harris.  
Q Is he living? A No.  
Q What is your mother's name? A Nancy Harris.  
Q Is your father living? A No.  
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 Well I ain't never knowed about that. My great grandfather is a Mississippi Choctaw and my grandmother, great grandmother was said to be a one-quarter.  
Q You don't know about how much that would make you? A Well I should think about three sixteenths, something like that.  
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 am too young to say that.  
Q You never heard? A No only from evidence.  
Q Well now did he ever live in Mississippi? A Well when my great grandfather moved to Missouri he was a child and he came over here.  
Q Your father William Harris lived in Mississippi? A That is my father William Harris.  
Q This William Harris is your father? A No that is my grandfather.  
Q Well I am asking you about your father. Was your father ever enrolled or recognized in any way 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 Yes.  
Q Do you wish to file that evidence? A Yes.

Certified copy of marriage certificate between William Harris and Nancy Davis offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Are you married? A Yes.
- Q What is your husband's name? A Isaiah or I.V. McDaniel.
- 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 under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes one.
- Q Give the name and age of that child? A Mordecai.
- Q How do you spell that? A M-o-r-d-e-c-a-i.
- Q M-o-r-d-e-c-a-i? A Yes.
- Q How old is this child? A Fifteen.
- Q Is this your only child? A Yes.
- Q What is the name of its father? A Isaiah McDaniel.
- Q When and where were you married to him? A Cooper County, Missouri.
- Q When? A 1885.
- Q Is your name or is the name of your child 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 have yourself or your child enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your child 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 child been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your child 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 child admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Have you ever made any kind of an application before this time? A No.
- Q This is the first you have ever made? A Yes.
- Q What kind of an application do you want to make now? A To become a citizen of the Choctaw tribe.
- Q What claim do you have to become a citizen of the Choctaw Nation? A Well 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 Well partly I do.
- Q Well just state your understanding? A I suppose it was made between the United States and the Choctaws, the Mississippi Choctaws? A Well all the Choctaws at that time were Mississippi Choctaws? A I don't know about that.
- Q Well what do you understand by the word Mississippi Choctaws? A Well I suppose Mississippi Choctaw Indians, claimants by blood.
- Q Well what makes the Mississippi Choctaws differ from any other kind of Choctaws? A I can't say.
- Q Or do you think that they are different? A I don't know.

In eighteen hundred and thirty the United States wanted to make a treaty with the Indians who lived in Mississippi and Alabama for the purpose of moving them to a country west of the Mississippi river and give them land over here in exchange for their land in those States but some of the Indians did not want to come west

and the others would not sign any treaty until provision was made for those Choctaws who wanted to remain in Mississippi and article fourteen was put in 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 Choctaw 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 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 this the article under which you claim now? 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?  
 A William Harris.  
 Q Have you any evidence to show that William Harris lived in the Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A Yes.

Certified copy of the testimony of James Allen and John Pistole, taken before the Commission at Ardmore Indian Territory, September 21, 1898, offered in evidence, marked exhibit "B" filed, and made a part of the record in this case.

- Q Who was James Allen? A I don't know.  
 Q Who was John Pistole? A I don't know.  
 Q Well there is not a thing in the testimony of either of these witnesses to show that William Harris actually lived in Mississippi in eighteen hundred and thirty. It does show that there was a James Harris who lived in Mississippi when the other Choctaws emigrated to the West but it does not mention whether William Harris lived there at that time or ~~was~~ not. Now who was this James Harris mentioned here? A He was my grandfather.  
 Q Well why don't you claim through your grandfather instead of going way back and claiming through your great grandfather?  
 A Well I mean to say my grandfather.  
 Q Did you ever know your grandfather James Harris? A No he died before I was large enough to remember.  
 Q James Harris was the father of William Harris your father? A Yes.  
 Q And the father of James Harris your grandfather was William Harris? A Yes.  
 Q How much Choctaw blood did James Harris claim to have? A He was a full blood Choctaw I suppose or one half, I don't know.  
 Q Did James Harris 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 Will you be able to get any evidence on that point? I can't say that I can.
- Q Do you understand that that is a matter of importance to your case? A I supposed it would be.
- Q Don't you understand that that fourteenth article under which you are claiming states specifically that the people who claim under that article must have gone, or their ancestors to the Indian Agent there in Mississippi within six months after that treaty was ratified and told him that they wanted to stay there and become citizens of the United States? A I think not.
- Q Did any of your ancestors own land in Arkansas, Mississippi, Louisiana or Alabama? A Not that I know of.
- Q You never heard anything about that? A No.
- Q Did your grandfather? A Not that I know of.
- Q Or your father? A Not that I know of.
- Q Would you not remember if your father owned any? A My father, if it was since I can remember there in Missouri.
- Q Have you any papers that you would like to file at this time? A No.
- Q Are there any other statements that you would like to make at this time? 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, 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.

This applicant has dark brown hair, eyes and dark complexion. Her features and general appearance are those of a white woman. 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, although it appears that her grandfather lived in Mississippi in eighteen hundred and thirty.

*E. Rosewin Kel*

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

*Charles H. Sawyer*

Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Mary J. McDaniel,  
Clarksburg, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al.,                      John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 9, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, January 13, 1902, at nine o'clock A. M., there will be heard the



M. J. McD--2.

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

Yours truly,

M.C.-3208

Commissioner in Charge.

Muskogee, Indian Territory, December 23, 1901.

Mary J. McDaniel,  
Clarksburg, Missouri,

Dear Madam:

Receipt is hereby acknowledged of your letter of the eighteenth instant, in which you ask if it will be necessary for you to appear before the Commission January 13, 1902, or if it will be sufficient for you to present any additional evidence you may have in support of your application for identification as a Mississippi Choctaw on that date.

In reply to your letter you are advised that it will not be necessary for you to again make personal appearance before the Commission, but that the Commission will hear the testimony of such witnesses as may be offered in support of your application for identification as a Mississippi Choctaw at its office at Muskogee, Indian Territory, January 13, 1902.

Yours truly,

Commissioner in Charge.

MC 3208

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

Miss. Choct. 3208

COPY.

Muskogee, Indian Territory, March 15, 1902.

Mary J. McDaniel,  
Clarksburg, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
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Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
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Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
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William Stanton Mundell,	M.C.R.	1014
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George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wisner, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin. Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

SIGNED,

*T. B. Needles*

Commissioner in Charge.

Registered.

M.C.R., 3208.

Muskogee, Indian Territory, April 24, 1902.

Mary J. McDaniel,  
Clarksburg, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.



M.C.R. 3208.

COPY

Muskogee, Indian Territory, November 16, 1906.

Mary J. McDaniel,  
Clarksburg, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the reconsideration of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Tams Bixby.*  
Commissioner.

No. 3208

For Identification as a Mississippi Choctaw.

Date AUG -9 1901

Name Mary J. McDaniel

Age 40 Blood 3/16

Last Office, Clarksburg, Mo.

Father: William Harris (dead)

Mother: Nancy Harris "

Claims through Father

husband: J. V. McDaniel  
(no claim for him)

Children:

Mordecai McDaniel 15

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3209

Martha J. Odneal

See MCR D.1

MCR 3209

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

3209

In the matter of the application of Martha J. Odneal for identification of herself and her two minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Martha J. Odneal being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Martha J. Odneal.  
Q How do you spell that? A O-d-n-e-a-l.  
Q What is your age? A Forty-seven.  
Q What is your post-office address? A Pisgah, Cooper County, Missouri.  
Q How long have you lived there? A I was born and raised there.  
Q You never had a home outside of Missouri? A No/  
Q What is your father's name? A William Harris.  
Q Is he living? A No.  
Q What is your mother's name? A Nancy Harris.  
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 I believe it would be about one-eighth.  
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 I think not.  
Q Have you any evidence of your father's and mother's marriage?  
A Yes.

Certified copy of the marriage certificate between William Harris and Nancy Davis, offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Are you married? A Yes.  
Q What is your husband's name? A George P. Odneal.  
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 two.  
Q Give the names and ages of these children? A Flara May seventeen  
Q How do you spell that F-l-o-r-a? A No F-l-a-r-a.  
Q Next? A Thomas.  
Q How old is Thomas? A Thirteen.  
Q These are your children? A Yes.  
Q What is the name of their father? A George P. Odneal.  
Q When and where were you married to him? A In Cooper County.  
Q When? A In eighteen hundred and seventy-five.  
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 applied to the Choctaw tribal authorities to have yourself or your children enrolled as members of that tribe? A No.

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- Q Did you or did any one for you or your children in eighteen hundred and ninety-six 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 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 of the Dawes Commission or the Choctaw tribal authority? A No.
- Q Have you ever before this time applied to either the Choctaw tribal authority 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 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 to be identified.
- Q As a Mississippi Choctaw? A As a Mississippi Choctaw.
- Q Do you claim your right under any of the treaties between the United States and the Choctaw Indians? A Eighteen hundred and thirty.
- Q Do you claim under the whole treaty or under any particular part? A Fourteenth article.
- Q Do you understand the provisions of the fourteenth article? A No I can't say that I do.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi for the purpose of moving them to a Country west of the Mississippi River and give them land there in exchange for their land in Mississippi but some of the Indians did not want to leave Mississippi and the other Indians would not sign any treaty until something was done 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 these Indians who did not want to leave Mississippi, after this the Indians signed the treaty and it was ratified by the United States and the Choctaw Indians. Article fourteen of the treaty between the United States and the Choctaw Nation made in 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 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 the government sent an Agent down there to locate the land for these Indians, this locating Agent 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 whose names did not appear on the list made by the Indian Agent, so under different acts of Congress Commissioners were appointed to go down into Mississippi and find out just who of these claimants 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. In those cases where the claims were allowed by the Commissioners and their action 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 locate land on 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 I don't know whether they did or not.

Q You never heard of it? A No I never heard.

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

Q You claim your Choctaw blood through your father? A Yes.

Q What was your father's father's name? A James Harris.

Q What was your father's mother's name? A Rhoda Harris.

Q Which one of your father's parents claimed to be Choctaw? A His father.

Q And what was James Harris's father's name? A William Harris.

Q What was James Harris's mother's name? A I can't tell you I don't remember.

Q Did William Harris live in Mississippi in eighteen hundred and thirty? A My great grandfather William Harris did.

Q Have you any evidence to show that he did? A Yes I think I have

Q Do you want to file that at this time? A Yes.

Certified copy of testimony of James Allen and John Pistole taken before the Commission, September 21, 1898 at Ardmore, India Territory, offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Q Who was James Allen? A He was from Mississippi but I don't know him.

Q Who was John Pistole? A I don't know.

Q You say that this is the evidence which proves that your great grandfather William Harris lived in Mississippi in eighteen hundred and thirty? A Yes.

Q No where in this testimony do I find it stated that William Harris lived in Mississippi in eighteen hundred and thirty. It is stated that James Harris who is claimed to be the son of William Harris lived in Mississippi after the Choctaws came west but no where is it stated that William Harris lived in Mississippi in eighteen hundred and thirty, it does state however that James Harris who you claim to be your grandfather lived in Mississippi?  
A Yes.

Q Did James Harris go to the Indian Agent in Mississippi within six months after that treaty was ratified and tell him that he wanted to stay in Mississippi and become a citizen of the United

#4

- States? A I don't know.
- Q Do you think you can secure any evidence to show whether he did or not? A No I don't know, I suppose he did by him staying there a great while after the treaty was made.
- Q Well it might be presumed that most of the Indians who stayed there in Mississippi at that time went to the Indian Agent and told him that they wanted to stay there in Mississippi but even in that case there might be exception. Have you any evidence to show the Commission that your grandfather did go to the Indian Agent and tell him he wanted to stay there? A No I have not.
- Q You understand that valuable property rights are involved in the application you are making and in such a case as that, the statement of the party in interest must be supported by outside evidence in order to carry a greater amount of weight. Do you understand that? A Yes.
- Q Have you any other papers that you would like to file at this time? A No I think not.

If you wish in the future 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.

This applicant has brown hair, blue-gray eyes and rather dark complexion. Her features and general appearance are those of a white woman and she shows no traces of Indian blood. She 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, although it appears that her grandfather lived in Mississippi in eighteen hundred and thirty 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 9, 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*  
*Charles H. Sawyer*  
Notary Public/

Muskogee, Indian Territory, December 2, 1901.

Martha J. Odneal,  
Pisgah, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al., John I. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 9, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and two minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,



M. J. O.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3209

Commissioner in Charge.

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

Miss. Choct. 3209

COPY.

Muskogee, Indian Territory, March 15, 1902.

Martha J. Odneal,  
Pisgah, Missouri,

Dear madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
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Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelie Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary.''

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

Yours truly,

(SIGNED).

*W. B. Hoedles.*

Commissioner in Charge.

Registered.

M.C.R., 3209.

Puskogee, Indian Territory, April 24, 1902.

Martha J. O'neal,  
Pisgah, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 3209

Muskogee, Indian Territory, May 7, 1902.

Martha T. Odneal,  
Pisgah, Missouri,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 1, in which you state that you have received the notice that the evidence in your case was insufficient to establish your identity as a Choctaw and you ask what kind of evidence will be needed.

In reply to your letter you are advised that the authority of the Commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the act of Congress of June 28, 1898:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled



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

The Commission requires of applicants for identification as Mississippi Choctaws that they reasonably demonstrate that they are descendants of a Choctaw ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830, and complied with the provisions of the fourteenth article of the treaty of 1830 above quoted, and whose claims under such article were favorably adjudicated. The evidence offered in support of your application showed clearly that your ancestor who was living and the head of a family in 1830, had, prior to that time, removed to the state of Missouri, and could not have complied with the provisions of that article, neither was any evidence of such compliance offered, and the commission, therefore, had no authority to identify you as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of the article above referred to.

The Commission cannot recommend attorneys to applicants. The employment of an attorney is a matter which is entirely within the discretion of the applicants themselves.

Yours truly,

Commissioner in Charge.

M.C.R. 3209.

COPY

Muskogee, Indian Territory, November 16, 1906.

Martha J. Odneal,  
Pisgah, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Wams Bixby.*  
Commissioner.

No. 8209

For Identification as a Mississippi Choctaw.

Date AUG -9 1901

Name Martha J. Adneal

Age 11-7 Blood 1/8

Post Office, Poyah, Mo

Father: William Harris (dead)

Mother: Nancy Harris (dead)

Claims through father  
husband: George Adneal  
(no claim for him)

Children:

Flora May Adneal 17

Thomas " 13

Claims for self and 2 children

Stenographer

E. Rosenwinkul

Choctaw MCR 3210

Margie A. Miller

See MCR D.1

MCR 3210

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

3210

In the matter of the application of Margie A. Miller for identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Margie A. Miller being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Margie A. Miller.  
Q How do you spell that Margie? A M-a-r-g-i-e.  
Q What is your age? A Forty-two.  
Q What is your post-office address? A Cordicello.  
Q Missouri? A Yes.  
Q How long have you lived there? A I was born and raised there.  
Q You never had a home outside of the State of Missouri? A No.  
Q What is your father's name? A Jesse Martin.  
Q Is he living? A No.  
Q What is your mother's name? A Perthena Martin.  
Q Is she living? 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 Well I think about one-eighth some where around there.  
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.  
Q Do you wish to file it? A Yes I have it right here.

Certified copy of marriage certificate between Jesse Martin and Perthena N. McRoberts offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Are you married? A Yes.  
Q What is your husband's name? A Cline Miller.  
Q How do you spell that? A C-l-i-n-e.  
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? A They are all under twenty-one.  
Q How many have you? A Four.  
Q Give the names and ages of these children? A Charley A., fifteen  
Bertha E., twelve, Jessie F., nine.  
Q Is that a boy or girl? A Girl.  
Q Next? A Lillie A.  
Q L-i-l-l-i-e? A Yes.  
Q How old? A Three years.  
Q These are all your children? A Yes.  
Q What is the name of their father? A Cline Miller.

- Q When and where were you married to him? A In Moniteau County, Missouri, in 1884.
- 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 anyone 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 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 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 Well I want to claim as a Mississippi Choctaw.
- Q You want to claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A No.

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 which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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 authorizes 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 Choctaws who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those two States and move them west to the New Country 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 in Mississippi so article fourteen was made a part of the treaty for the benefit of these Indians 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 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 claim anything under the provisions of this article of the treaty? A I don't know that I can give that answer.  
 Q You don't know whether you make any claim under that article then or not? A I don't know about that.

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 and become citizens of the United States but when the government sent an Agent down to locate the land for them this Agent found that there were a large number of Indians who claimed that they had gone to the Indian Agent and told him that they wanted to take land there 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 to look into the matter and find out which of the Indians were entitled to land under the fourteenth article of the treaty. 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 had not already been sold it was given to them if it had been sold 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 any of these States? A Yes I think my great grandfather did.  
 Q Owned land where? A In Mississippi.  
 Q Do you know in what part of Mississippi? A No I don't know in what County.  
 Q Did you ever hear in what County it was? A No I never heard.  
 Q Do you know that it would be a matter of great importance to your case to know whether your great grandfather ever owned any land in Mississippi, how he owned it, and whether he got it from the government or not? A I could not answer that question.  
 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 William Harris.  
 Q What relation was he to you? A My great grandfather.  
 Q What was your father's name? A Jesse.  
 Q And you claim your Choctaw blood through him? A Yes.  
 Q What was your father's father's name? A Jesse.  
 Q Your grandfather's name was Jesse also? A Yes.  
 Q Jesse Martin? A Yes.

- Q Which one of your father's parents claimed to be Choctaw? A His father.
- Q And what was your grandfather's father's name? A William Harris.
- Q Which one of your father's parents claimed to be Choctaw? A I got that wrong it was his mother.
- Q What was her name? A Mary Harris.
- Q Mary Martin was it not? A Yes.
- Q And what was Mary Martin's father's name? A Harris, William Harris was her father.
- Q And what was Mary Martin's mother's name? A Mary Harris.
- Q Which one of Mary Harris's parents claimed to be Choctaw? A Her father I think.
- Q Did you ever know your grandmother Mary Martin? A No.
- Q Your father you say is dead? A Yes.
- Q How old would he be if he were living now? A Well he has been dead just two years. He was seventy-eight years and two months when he died.
- Q Well then he would be about eighty or eighty-one years old if he were living now? A Yes.
- Q Then your father must have been born before the year eighteen hundred and thirty? A Oh! Yes.
- Q Then your grandmother Mary Martin 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 Did she live in Mississippi in eighteen hundred and thirty? A That is an answer that I cannot give.
- Q Well did you ever hear that she did? A Yes I heard it. That is what I have been taught.
- Q Have you any evidence to show that Mary Martin was living in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Can you get any evidence to show that? A We might.
- Q Have you any evidence to show that she was a recognized Choctaw Indian? A I don't believe I have.
- Q Do you think you can get any evidence on that point? A I might.
- Q Do you understand that these are important matters in your case on which you should secure ~~xxx~~ evidence if you possibly can? A I suppose it is.
- Q Did Mary Martin 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 and become a citizen of the United States? A I cannot say.
- Q You never heard? A I don't remember.
- Q Do you think you can get any evidence to show whether she did or not? A I don't know.
- Q Do you know if she ever got any land scrip from the government? A I don't know.
- Q Do you think you would be able to find out? A I don't know we might.
- Q You realize that these are extremely important points in your case about which you should secure evidence if you can? A Of course it is to our advantage.
- Q You never heard whether Mary Martin ever owned any land in Arkansas, Louisiana, Alabama or Mississippi? A I never heard it.
- Q Is there any other statement that you would like to make at this time in support of your application? A I don't think there is.
- Q Have you any papers that you want to file? A Yes.

Certified copy of the testimony of James Allen and John Pistole taken before the Commission at Ardmore, Indian Territory, September 21, 1898, in the matter of the application of John S. Martin et al, offered in evidence, marked exhibit "B", filed and made a part of the record in this case.



- Q Do you know who James Allen was? A No.  
 Q Do you know who John Pistole was? A No.  
 Q You did not know them? A No I did not.  
 Q Well you claim that William Harris who is mentioned in this testimony is your great grand father? A Yes.  
 Q Well I don't see any mention of your grandmother Mary Harris, does she appear in this testimony? A Why I don't know whether she does or not.  
 Q Have you any evidence to show that Mary Martin was a daughter of this William Harris? A I don't know if I have.  
 Q Can you secure such evidence? A I could if they was in here. Who? A Mrs Walsor, she has been with my grand parents amany a time.  
 Q Did she know your great grandfather William Harris? A No I don't know, I don't suppose, that is too far back.  
 Q Well how would she know that Mary Martin was his daughter? A I don't suppose she would know that.  
 Q You understand the importance of securing evidence on these matters about which you have been questioned to day and that it is very material to, your case to get such evidence if you possibly can? A No answer.  
 Q You understand that do you? A Yes.  
 Q You understand that in a case where valuable property rights are involved that even the sworn statement of a party in interest would not carry very much weight unless supported by outside evidence? A Why of course not.

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.

This applicant has light brown hair, gray eyes and medium complexion. Her features and general appearance are those of a white woman. She 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, although it appears from her testimony that her grandmother lived in Mississippi 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 9, 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.

*Charles H. Sawyer*  
 Notary Public.

Muskegee, Indian Territory, December 2, 1901.

Margie A. Miller,  
Cordicelle, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al.,                      John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 9, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and four 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 Muskegee, Indian Territory, on Monday,

M. A. M.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. -3210

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3210

COPY.

Muskogee, Indian Territory, March 15, 1902.

**Margie A. Miller,**  
**Corticello, Missouri,**

**Dear Madam:**

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walsler, Nellie Gray Walsler, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

“In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

Registered.



M.C.R., 3210.

Muskegee, Indian Territory, April 24, 1902.

Margie A. Miller,  
Corticello, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

*mfM*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3210.

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

Muskogee, Indian Territory, November 16, 1906.

Maggie A. Miller,  
Oktaha, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.

No. 3210

For Identification as a Mississippi Choctaw.

Date AUG -9 1901

Name Margie A. Miller

Age 42 Blood 1/8

Post Office, Cordicello, Mo.

Father: Jesse Martin (dead)

Mother: Bertha Martin

Claims through father

Husband: Chire Miller  
(No claim for him)

Children:

Charley A Miller	15
Bertha E "	12
Jessie F "	9
Lillie A "	3

Claims for self and 4 children

Stenographer

G. Rosenwinkel

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1906  
REC'D

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



3210

*Return  
enclosed  
for*

Miss. Chectaw Div.

~~Maggie A. Miller,~~

~~Oktaha, Indian Territory.~~

Choctaw. MCR 3211

William Harris

See MCR D.1

MCR 3211

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

3211

In the matter of the application of William Harris for identification of himself and his ten minor children as Mississippi Choctaws.

Applicant not represented by attorney.

William Harris being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William Harris.  
Q What is your age? A Forty-four.  
Q What is your post-office address? A Pisgah, Missouri.  
Q How long have you lived there? A I was born and raised in that County.  
Q And never had a home outside of the State of Missouri? A No.  
Q What is your father's name? A Obadiah Harris.  
Q Is he living? A No.  
Q What is your mother's name? A Susan Harris.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? 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 the authorities of the United States? A No.  
Q How much Choctaw blood do you claim? A About three-sixteenths.  
Q Have you any evidence of your father's and mother's marriage?  
A No.  
Q Can you get that evidence? A Yes, I guess 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 Mary J. Harris.  
Q Is she living? A Yes.  
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 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 these children? A Tilman G.,  
Q How old? A Nineteen years old. Sterling Harris.  
Q S-t-e-r-l-i-n-g? A Yes.  
Q How old? A Seventeen years old.  
Q Next? A Mettie S., sixteen years.  
Q M-e-t-t-i-e? A Yes.  
Q Next? A John W.  
Q How old? A He is fourteen.  
Q Next? A Albert G.  
Q How old is Albert G? A He is thirteen. Martin M.  
Q How old? A He is eleven.  
Q Next? A Grover Cleveland.  
Q How old? A He is eight.

#2

- Q Next? A Sam S.  
Q How old? A He is five years old.  
Q Next? A Grace M.  
Q How old? A She is three years old.  
Q Next? A Bertha T.  
Q How old? A She is twelve months old.  
Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Mary J. Harris.  
Q When and where were you married to her? A We were married April 21, 1881, in Missouri.  
Q Did you obtain a license to marry? A No.  
Q Were you married by an ordained minister or an official? A I was married by an official.  
Q Justice of the Peace? A Yes.  
Q Have you any evidence of your marriage to your wife? A I don't know.  
Q Was it not recorded? A I guess so.  
Q Well can't you get the Court record? A Yes I will get it.

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 Indian Territory? A No.  
Q Have you ever applied 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 10th, 1896? A No.  
Q Have you or your children 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 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 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 Application as a Mississippi Choctaw.  
Q What makes you think you have a right as a Mississippi Choctaw? A I have been taught that I had Mississippi Choctaw blood in me.  
Q Do you know what a Mississippi Choctaw is? A No I don't know that I do.  
Q Do you make any claim under any of the treaties between the United States and the Choctaw Nation? A Yes I can't repeat any of the treaties tho' I have heard them.  
Q What treaty do you claim under? A I don't know that I can tell you. There are so many different treaties that I don't remember.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898, commonly known as 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 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 in Mississippi and a part of Alabama for the purpose of giving them land west of the Mississippi river in exchange for their land in Mississippi and Alabama and for the purpose of moving them all west to the New Country but some of the Indians did not want to leave their homes there and the others would not sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi and Alabama so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain 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 the Choctaw Indians. Article fourteen of the treaty of eighteen hundred and thirty reads as follows:

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

Q Do you claim anything under the provisions of this article of the treaty? A Yes.

Within six months after this treaty was ratified a large number of Indians went to the United States Indian Agent there in 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 government to locate the land for the 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 made by him, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate and find out which of the Indians were really entitled to land in Mississippi 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 claimed by the Indians had not already been sold it was given to them, if it had been sold they were given scrip issued by the government 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 any of these states? A  
A I don't know whether they did or not.
- Q You never heard? A No I have not.
- Q What was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty who was a recognized Choctaw Indian? A William Harris.
- Q What relation was William Harris to you? A He is my great grandfather.
- Q What was your father's father's name? A Jack Harris.
- Q And what was your father's mother's name? A Mary Harris.
- Q Which one of your father's parents claimed to be Choctaw? A His father.
- Q Have you any evidence of the marriage between your grandfather and grandmother? A No.
- Q Can you secure such evidence? A I don't know whether I can or not.

It will be necessary for the Commission to be supplied with evidence of the marriage between your grandfather and grandmother, in support of the application you make for yourself and your minor children to be identified as Mississippi Choctaws.

- Q What was Jack Harris's father's name? A William Harris.
- Q And what was Jack Harris's mother's name? A Mary Harris.
- Q How much Choctaw blood did William Harris claim to have? A He claimed to be a full blood? A
- Q Did your grandfather get his Choctaw blood wholly through his father? A Father and mother both.
- Q His father and mother both claimed to be Choctaw? A Yes.
- Q Have you any evidence to show that William Harris or Mary Harris his wife lived in Mississippi in eighteen hundred and thirty and were recognized Choctaw Indians? A I have a statement
- Q What kind of a statement? A Here it is.

Certified copy of the testimony of James Allen and John Pistole taken before the Commission at Ardmore, India Territory, September 21, 1898, in the matter of the application of John S. Martin et al, offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Who is James Allen? A I don't know, I never saw him.
- Q Who is John Pistole? A I don't know.
- Q Are they living now? A I can't say but I heard that one of them is dead.
- Q What do you expect to prove by this testimony? A I expect to prove that Jack Harris is a brother of Jim Harris and a son of William Harris.
- Q Well there is no mention made anywhere in this testimony of Jack Harris. Who was he? A He was my grandfather.
- Q Mention is made of William Harris and James Harris but there is nothing said about Jack Harris at all. Who was he? A Jack Harris is a brother of James Harris.
- Q How old would your father be if he were living now? Q He would be eighty-seven years old, a little over eighty seven.
- Q Your father then must have been born prior to the year eighteen hundred and thirty? A Yes.
- Q Jack Harris who you claim was your grandfather must have been married and the head of a family in eighteen hundred and thirty when this treaty was made? A I don't know.

- Q Well use your reason and think. You say that your father would be eighty-seven years old if he were living now. Your father must have been born about the year 1814? A Somewhere along there I expect.
- Q Your father then must have been a boy of fifteen or sixteen years of age when that treaty was made? A I don't know.
- Q You said he would be eighty seven years old if he were living now? A According to that he would.
- Q Then he must have been a boy of fifteen or sixteen when that treaty was made? A Must have been.
- Q Then your grandfather must have been a married man and the head of a family at that time? A He must have been.
- Q How much Choctaw blood did your grandfather Jack Harris have? A I suppose he was more than one-half Choctaw because his father was a full blood and his mother a quarter.
- Q Did William Harris ever own any land in Mississippi? A I don't know.
- Q Was William Harris living in the year eighteen hundred and thirty? A I don't know.
- Q Did Jack Harris ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q Did you ever hear whether he did or not? A No I never did.
- Q Did Jack Harris come west with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A I think he came west about eighteen hundred and thirty-five or forty.
- Q Did he come to the present Choctaw Nation in the Indian Territory? A No I think he came to Missouri.
- Q Then your grandfather stopped in Missouri? A Yes.
- Q Did your grandfather go to the Indian Agent there 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 I don't know.
- Q Do you think you will be able to secure any evidence on that point? A I don't know if I will or not.
- Q Do you think you will be able to secure any evidence to show whether your grandfather Jack Harris was a recognized Indian and lived in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Do you understand that these are all points of importance in your claim? A Yes I understand that.
- Q Do you intend to try to secure such evidence if possible? A Yes.
- Q Do you understand that unless you secure evidence on these points there will be very little for the Commission to take up when they come to pass on your claim? A Yes.
- Q Are there any other statements that you would like to make at this time in support of your application? A No I guess not.
- Q Have you any other papers that you want to file at that time? A No I will get that marriage certificate and send it in.

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.

This applicant has brown hair and brown eyes, and dark complexion, his features and general appearance are those of a white man and he shows no traces of Indian blood. He does not know ~~the~~ 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 it appears from his testimony that his grandfather 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 8, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 18th day of October 1901.

*David Shelby*  
Notary Public

Muskogee, Indian Territory, November 2, 1901.

William F. Harris,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 30, in which you state that at the time you applied for identification as a Mississippi Choctaw your address was Pisgah, Cooper County Missouri, but that you have since that time removed to the Indian Territory, and now live at Atoka, Indian Territory. This change in address has been made a matter of record.

Yours truly,

MC 3211

Muskegee, Indian Territory, December 2, 1901.

William Harris,

Atoka, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of

John Harris et al., John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 9, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and ten 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 Muskegee, Indian Territory, on Monday,

W. H.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3211

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM 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

Miss. Choc. 3211

COPY.

Muskogee, Indian Territory, March 15, 1902.

William Harris,  
Pisgah, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordeja Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009



Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sulljns, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wisner, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fanniè Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kertoot, Claude Wallace Kertoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelie Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

*J. W. JONES.*

Commissioner in Charge.

Registered.

M.C.R., 3211.

Muskogee, Indian Territory, April 24, 1902.

William Harris,  
Pisgah, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R3211

Muskogee, Indian Territory, June 24, 1902.

William F. Harris,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 21, giving the names of your children, the names of your father and mother, and stating that you appeared before the Commission at Atoka, Indian Territory, August 9, 1901. You are informed that the information contained in your letter has enabled us to determine that you are the William Harris, whose post office was Pisgah, Missouri, at the time he applied for the identification of himself and his minor children as Mississippi Choctaws, at Atoka, Indian Territory, August 9, 1901.

You are advised that on March 15, 1902, the Commission rendered its decision in the consolidated case of John S. Martin, et al., of which your application was made a part, refusing the applications of the several persons named therein for identification as Mississippi Choctaws, and on the same date notice of this decision was forwarded to you by registered mail at Pisgah, Missouri, and the record in the case was transmitted to the Secretary of the Interior for review. On April 14, 1902, the Secretary of the Interior affirmed the decision

of the Commission and on April 24, 1902, a letter was addressed to you at Pisgah, Missouri, advising you of the action of the Secretary of the Interior in your case.

Relative to your previous letter in which you requested to be allowed to introduce additional evidence in support of your claim, you are advised that the authority of the Commission to determine the identity of so-called Mississippi Choctaws, is found in the following provision of the act of Congress of June 28, 1898:

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

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

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

The Assistant Attorney General, in his opinion as to the authority vested in the Commission by acts of congress, to determine the identity of Mississippi Choctaws, says:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those-----

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

The Commission requires of applicants for identification as Mississippi Choctaws under the provisions of the law and the treaty above quoted, a reasonable demonstration of the fact that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and complied or attempted to comply with article fourteen of the treaty of 1830, and whose claims under said article of the treaty were favorably adjudicated. This you and the other applicants embraced in the consolidated case of John S. Martin, et al., have utterly failed to do. On the contrary the evidence offered in support of this case shows clearly that the ancestors through whom the applicants claim were heads of families in 1830, and were living in the state of Missouri, hence could not have complied with the provisions of said fourteenth article of the treaty of 1830.

In view of these facts it is not believed that any evidence



W.F.H. 4

which you could introduce at this time could materially affect your claim to identification as a beneficiary under the provisions of the fourteenth article of the treaty of 1830.

Yours truly,

Acting Chairman.

M.C.R. 3211.

COPY

Muskogee, Indian Territory, November 16, 1906.

William Harris,  
Pisgah, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Tams Bixby.*  
Commissioner.

No. 321

# For Identification as a Mississippi Choctaw.

AUG -9 1901

Date

Name William Harris

Age 44 Blood 3/16

Post Office, Pisgah, Mo.

Father: Obadiah Harris (dead)

Mother: Susan Harris

Claims through father

wife: Mary J Harris  
(no claim for her)

### Children:

Tilman G Harris	19
Stertiny "	17
Mettie P "	16
John W "	14
Albert G "	13
Martin N "	11
Grover Cleveland "	8
Sam S "	5
Grace M "	3
Bertha T "	4 mo

Claims for self and 10 children

Stenographer

G Rosenwinkel

Choctaw MCR 3212

Matilda Sullins

See MCR D.1.

MCR 3212

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 9, 1901.

3213

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

Applicant not represented by attorney.

Matilda Sullins being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Matilda Sullins.  
Q How do you spell Sullins? A S-u-l-l-i-n-s.  
Q What is your age? A Fifty-seven.  
Q What is your post-office address? A Clarksburg, Missouri.  
Q How long have you lived there? A I have lived in that County four years.  
Q How long have you lived in Missouri? A All my life, I was born and raised there.  
Q Never had a home outside of the State? A No.  
Q What is your father's name? A William Harris.  
Q Is he living? A No.  
Q What is your mother's name? A Nancy Harris.  
Q Is she living? A No.  
Q Through which of your parents do you claim your Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A Three-sixteenths.  
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 Not that I know of.  
Q Have you any evidence of your father's and mother's marriage? A Yes.

Certified copy of the marriage certificate between William Harris and Nancy Davis offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Are you married? A Yes.  
Q What is your husband's name? A John E. Sullins.  
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 in your family under twenty-one years of age and unmarried for whom you wish to apply at this time? A Two.  
Q Give the names and ages of these children? A Harvey E. Sullins.  
Q How old is Harvey E? A Eighteen.  
Q Next? A Mary H.,  
Q How old? A The same, they are twins.  
Q These are your children? A Yes.  
Q What is the name of their father? A John Sullins.  
Q When and where were you married to him? A Cooper County, Missouri? A Yes.  
Q When? A In 1866.

- 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 applied 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 apply for citizenship in the Choctaw Nation to the Dawes Commission 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 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 enrolled as members of the Choctaw Nation? A No.
- Q Is this the first time you have ever made any kind of an application? A Yes.
- Q What kind of an application do you want to make now? A Well I want to make application under the treaty of eighteen hundred and thirty.
- Q Under any particular part of that treaty or under the whole treaty? A Under the whole treaty, under the article of the treaty that was made in eighteen hundred and thirty.
- Q Do you claim under the fourteenth article or under the whole treaty? A Under the fourteenth article.
- Q Do you understand the provisions of that article? A I can't just repeat it.
- Q Well do you understand it? A I don't think I do.

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 west of the Mississippi River instead of their land in Mississippi and Alabama and move them all to the Country west of the Mississippi river but some of the Indians did not want to come west, 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 Choctaws who wanted to stay in Mississippi and Alabama so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

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

- 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 applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No.
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- 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 enrolled as members of the Choctaw Nation? A No.
- Q Is this the first time you have ever made any kind of an application? A Yes.
- Q What kind of an application do you want to make now? A Well I want to make application under the treaty of eighteen hundred and thirty.
- Q Under any particular part of that treaty or under the whole treaty? A Under the whole treaty, under the article of the treaty that was made in eighteen hundred and thirty.
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Q This is the provision under which you are claiming at this time?  
A Yes.

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 become citizens of the United States but when an Agent was sent down 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 whose names were not found on the roll which the Indian Agent had made, so under different acts of Congress Commissioners were appointed and sent down to Mississippi to find out just who of the Indians were entitled to land there in Mississippi under this fourteenth article of the treaty. These Commissioners took up and passed on a large number of claims, several hundred, some were allowed and some rejected. In those claims where the Commissioners passed favorably on them, if the land had not already been sold it was given to the Indians; 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 Did any of your ancestors own land in any of these States? A Not that I know of.

Q You never heard anything about it? 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 William Harris, who was my great grandfather.

Q Well did he live in Mississippi in eighteen hundred and thirty? A I don't know.

Q Was William Harris living in Mississippi in eighteen hundred and thirty? A I don't know.

Q Was he living in eighteen hundred and thirty? A I don't know.

Q How much Choctaw blood did he claim to have? A Full blood.

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

Q What was your father's father's name? A James Harris.

Q What was your father's mother's name? A Rhoda Harris.

Q And which one of your father's parents claimed to be Choctaw? A His father.

Q Have you any evidence of the marriage of James Harris to his wife Rhoda Harris? A No I have not.

Q Do you think you will be able to secure any such evidence? A I don't know, I can't say about that.

Q What was James Harris's father's name? A William Harris.

Q What was James Harris's mother's name? A I don't remember.

Q Which one of your grandparents claimed to be Choctaw? A His father.

Q Your grandfather then got his Choctaw blood wholly through his father? A Yes.

Q Well some of your family have testified that your great grandfather's wife was also a part Choctaw? A Yes that's what I have been told.

Q Well you just testified, just now that your grandfather got his Choctaw blood wholly through his father? A Well through his father.

Q I asked you in the first place which one of your grand father's parents claimed to be Choctaw and you said his father? A Well is father and mother both. His father claimed to be a full blood and his mother one-quarter.

Q When I asked you then if your grandfather got his Choctaw blood through his father alone, and you said yes, you were mistaken in that statement were you? A Yes I was mistaken it was his



- father and mother both.
- Q How old would your father be if he were living now? A He was born in eighteen hundred and twelve.
- Q Your father then was born about eighteen years before this treaty was made? A I suppose so.
- Q Your grandfather James Harris then must have been a married man and the head of a family in eighteen hundred and thirty? A I suppose so.
- Q And you don't know whether William Harris was living in eighteen hundred and thirty you say? A My father was living in 1830.
- Q I mean your great grandfather William Harris? A No I don't know.
- Q Was James Harris your grandfather living in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Have you ever heard where he was living at that time? A I don't remember.
- Q How much Choctaw blood did your grandfather claim to have? A My great grandfather was full.
- Q How much did your grandfather claim to have? A Three-quarters.
- Q You don't know whether your grandfather James Harris was living in Mississippi in eighteen hundred and thirty? A No.
- Q Well which one of your ancestors that you claim through did live in Mississippi in eighteen hundred and thirty? A Well I don't know that was before I was born.
- Q Well have you never been told anything about that? A No.
- Q Did you ever hear that your grandfather James Harris lived in Mississippi in eighteen hundred and thirty? A No.
- Q Have you any evidence to show whether your grandfather James Harris was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A I have no evidence except the evidence that these other's had.

Certified copy of the testimony of James Allen and John Pistole taken before the Commission at Ardmore, Indian Territory, September 21, 1898, offered in evidence marked exhibit "B" filed and made a part of the record in this case.

- Q Do you know James Allen? A No.
- Q Do you know John Pistole? A No.
- Q Do you know who they are? A No.
- Q How does it happen that they are testifying in your case then? A Well these old men got them.
- Q What old men? A John S. Martin.
- Q What relation is John S. Martin to you? A Uncle by marriage.
- Q How does he happen to have Choctaw blood, do you get your Choctaw blood from the same source that he does? A He got it from his wife, his wife was a sister of my father's.
- Q He got his Choctaw blood from his wife? A They are our relatives by marriage.
- Q Is this James Harris whose name appears in this testimony the James Harris you claim as your grandfather? A Yes.
- Q Did James Harris go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that he wanted to stay in Mississippi and take land there? A I don't know.
- Q Did you ever hear about that? A No I think not.
- Q Have you any evidence to show whether he did or not? A No.
- Q Will you be able to get any such evidence? A I don't know.
- Q Do you understand that it is a matter of considerable importance to your case to show that your grandfather James Harris was a recognized Choctaw Indian, and lived in the old Choctaw Nation in eighteen hundred and thirty and that he went to the United States Indian Agent within six months after the treaty was ratified and told him that he wanted to stay there in Mississippi and take land? A Yes.

- Q You understand that these are all material points in your case? A Yes.
- Q You intend to secure evidence along these lines if possible? A Yes.
- Q Are there any other statements that you would like to make at this time? A No.
- Q Have you any other papers that you want to file? A Yes.
- Q In this affidavit of J. B. Stewart and the joint affidavit of Lucy A. Snodgrass and Perthena Ann Martin the name of your son appears as Harvey A. Sullins and in your testimony a little while ago you gave it as Harvey E. Sullins. How does that happen? A May be they didn't ask him how to spell it, he always signs it as Harvey E. All people don't spell names alike, his middle name is Alexander.

Affidavit of J. B. Stewart and joint affidavit of Lucy A. Snodgrass and Perthena Ann Martin, offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

Deposition of Barton McRoberts offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

- Q In this deposition of Barton McRoberts I notice he refers, down here to Louisia Harris, who is claimed as a daughter of James Harris. What relation was this Louisia Harris to you? A My father's sister.
- Q Well why is her name placed in this deposition which relates wholly to your claim? A Well I don't know. He thought that was necessary.

Deposition of William M. Larimore, offered in evidence marked exhibit "E" filed and made a part of the record in this case.

- Q These are all the papers you want to file now? A Yes.

Q 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

This applicant has grayish brown hair, gray eyes, and moderately fair complexion. Her features and general appearance are those of a white woman and she shows no traces of Indian blood. She 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 and does not know whether they ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty or not.

- Q How does it happen that you never did anything about this application until just now? A Well I was not able financially to take hold of it.
- Q Is that the reason you did not apply in ninety-six to the Dawes Commission? A I was not able to come.
- Q You did not have to come personally to the Dawes Commission in 1896. All you had to do was to send in your application and affidavits. Is there any other statement that you would like to make at this time in support of your application? A No.

G. Rosenwinkel being duly sworn on his states as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the foregoing cause on August 9, 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

Muskogee, Indian Territory, December 2, 1901.

Matilda Sullins,  
Clarksburg, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al., John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 9, 1901, you made personal application to this Commission for the identification of yourself and two minor children as Mississippi Choctaws, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

M. S.--8.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3213

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

COPY.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3212

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 15, 1902.

Matilda Bullins,  
Clarksburg, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai



McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walsler, Nellie Gray Walsler, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

\*\*In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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) *D. Needles.*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 24, 1902.

Matilda Sullins,  
Clarksburg, Missouri.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 3212.

COPY

Muskogee, Indian Territory, November 16, 1906.

Matilda Sullins,

Clarksburg, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Tams Bixby.*  
Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG -9 1901

Name Matilda Mullins

Age 57 Blood 3/16

Post Office, Clarksburg, Mo.

Father: William Harris (dead)

Mother: Nancy Harris (dead)

Claims through father

Husband: John E. Mullins  
(no claim for him)

Children:

- 1 w Harvey E. Mullins 18
- 2 n Mary H " 18
- 3 s

Claims for self and 2 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3213

Charlie Jacoway

MCR 3213

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

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In the Matter of the Application of Charlie Jacoway et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 3213.

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

In the Matter of the Application of Charlie Jacoway et al.,  
for Identification as Mississippi Choctaws.

M. C. R. 3213.

- - I N D E X . - -

Original application of Charlie Jacoway et al for identification as Mississippi Choctaws .....	1
Decision of the Commission identifying said applicants .....	12.



DEPARTMENT OF THE INTERIOR.  
 COMMISSION TO THE FIVE CIVILIZED TRIBES.  
 Meridian, Mississippi, August 7, 1901.

In the matter of the application of Charlie Jacoway for the identification of himself, his wife and four minor children as Mississippi Choctaws.

Charlie Jacoway, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charlie Jacoway.  
 Q How old are you? A Fifty two.  
 Q What is your post office address? A Madden, Mississippi.  
 Q What county? A Leake County.  
 Q How long have you lived in Leake County? A I have been living in Neshoba and Leake County all my life; I lived first in Neshoba and bought a place in Leake county and have lived there thirty six years.  
 Q Have you ever been out to the territory? A Yes, been there and only stay three months.  
 Q When did you go there? A About fifteen years ago; I went to Tushkahomma.  
 Q Did you take up any land there and make it your home? A No sir.  
 Q What did you do there? A I just looking around; I have relatives there.  
 Q You didn't attempt to exercise the right of citizenship in any way  
 A No sir.  
 Q Did you make any application to be admitted to citizenship out there when you were there? A No.  
 ✓ Q Is your father living? A Dead long time, when I was little child.  
 ✓ Q What was his name? A Ineda Jacoway.  
 Q Did he have a Choctaw name? A Chuffatubbee.  
 Q How old would he be if he were living? A Seventy years old, I think.  
 Q Did he live here in Mississippi all his life? A Yes sir?  
 Q He didn't move out to the territory? A No sir, never was that I know of. My pa nor ma never went there; the rest went.  
 Q When you say the rest, do you mean his parents and brothers and sisters? A Yes.  
 ✓ Q Do you know the name of your father's father? A Ineda, I never seen him.  
 Q Did he have any other name? A No, don't know.  
 Q Did you ever see him? A No never seen him.  
 Q Do you know the name of your father's mother? A No sir.  
 Q Did you ever see her? A No sir.  
 Q Did your father's father go to the Choctaw Nation? A I don't know.  
 Q Did your father's mother go out there? A I don't know.  
 Q What ones of your ancestors did go out there? A My first cousin; he went about six or seven years ago; ~~xxx~~ he is dead now.  
 Q Your old kin folks, away back--did they go out there? A Don't know nothing about my old folks.  
 Q You don't know whether any of them went out there or not? A No.

Charlie Jacoway-----2.

- Q Do you know the names of any of your father's ancestors except his father? A That is all.
- Q Have all of your father's people always lived here in Mississippi? A Yes, all been in Neshoba but I never seen them.
- Q Is your mother living? A Yes.
- Q What is her name? A Sallie Jacoway.
- Q How old is she? A Eighty nine.
- Q Where does she live at this time? A At Tom Chitto's, close to Edinburg.
- Q How long has your mother lived in the state of Mississippi. A She has been staying here all her life.
- Q She never went to the Indian Territory? A No.
- Q Did any of your mother's people ever go out there? A One sister went out there.
- Q When did she go? A Long time ago.
- Q Before you were born? A Yes, that is an older sister.
- Q Older than your mother? A Yes.
- Q Did she ever come back here? A No, never came back.
- 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 Pah-lubbee.
- Q Has your mother a Choctaw name? A Biney Pah-lubbee.
- Q How much Choctaw blood do you claim to have? A Full blood.
- Q As far as you know have all of your ancestors been full blood Choctaws? A Yes.
- Q Are you married? A Yes.
- Q Is your wife living? A Yes.
- Q What is her name? A Mandy Mandy Jacoway.
- Q Are you living with Mandy at this time? A Yes sir.
- Q Were you married to her under license or according to the Choctaw custom? A Choctaw custom.
- Q Do you want to make application for her too? A Yes.
- Q How old is she? A I think she is twenty four now.
- Q How long has she lived in the state of Mississippi? A All of her life.
- Q How much Choctaw blood do you claim she has? A Full blood.
- Q Is her father living? A No, he is dead.
- Q What was his name? A Martin Weshock.
- Q When did he die? A Seven years ago.
- Q About how old was he when he died? A I don't know.
- Q Was he an old man or young man? A Old man.
- Q Do you think he would be sixty five? A May be fifty five or sixty five.
- Q He was older than you? A Yes.
- Q Did he always live in Mississippi? A Yes, close around to Carthage and Philadelphia.
- Q Was he a full blood Choctaw? A Yes.
- Q Did he have a Choctaw name? A Choctaw name Shon-cunny Weshock-she-homah.
- Q Do you know the name of Martin Weshock's father? A Weshockshe-homah was his daddy.
- Q Did you say you had never seen Weshockshehomah? A No, never seen him.
- Q When did he die? A Before I was born.
- Q You have no idea how old he would be if he were living now? A No.
- Q Do you know the name of Martin Weshock's mother? A I don't know.
- Q As far as you know, Martin Weshock and all of his ancestors have always lived here in Mississippi? A Yes sir.

Charlie Jacoway-----3.

- Q What is the name of Mandy Jacoway's mother? A Sallie Martin.  
Q She is living with you now? A Yes.  
Q How old is Sallie Martin? A I don't know.  
Q About how old is she? A I think may be sixty or sixty five years old.  
Q Has she always lived here in Mississippi? A Yes sir.  
Q Is she a full blood Choctaw? A Yes sir.  
Q Do you know the name of Sallie Martin's father? A No.  
Q Do you know the name of Sallie Martin's mother? A No sir.  
Q As far as you know have all of Sallie Martin's ancestors always lived here in Mississippi? A I don't know; Sallie Martin is all I know.  
Q As far as you know have all of the ancestors of Sallie Martin been full blood Choctaw Indians? A Yes sir, I reckon, I don't know that is the only one I know.  
Q Have you any children? A Yes, four.  
Q What are their names and ages? A Martin Jacoway.  
Q How old is Martin? A Five.  
Q That is a boy? A Yes.  
Q What is the next? A Oma.  
Q Is that a boy or girl? A Girl.  
Q How old? A Four.  
Q Next one? A Elsie.  
Q How old? A Three years old.  
Q Next? A Onas.  
Q Boy or girl? A Girl.  
Q How old is Onas? A Five months.  
Q When was she born? A March 6th, 1901.  
Q Is that all your children? A Yes.  
Q This application is for yourself, your ~~xxx~~ wife and four minor ~~xxx~~ children? A Yes.  
Q Are these children all of them the children of yourself and Mandy Jacoway? A Yes sir.  
Q Is your name or your wife's name to be found upon any of the Choctaw tribal rolls in Indian Territory---Do you know what I mean by tribal rolls? A I don't know.  
Q By tribal rolls, I mean rolls or lists of the names of Indians who belong to the Choctaw tribe out in the territory prepared by the Choctaw tribal authorities. They have what they call rolls or lists of names of people who belong to the tribe, so they will know ~~x~~ who are members of the tribe--Is your name or your wife's name to be found upon any of these rolls? A I don't know.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or your wife to be admitted or enrolled as members of that tribe? A No sir.  
Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself your wife or any of these children? A No, sir.

The records of the Commission show that this applicant made application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for himself and wife, Mandy Jacoway, under the act of Congress of June 10, 1896, their names being included in the case of Jack Amos et al vs. the Choctaw Nation. This application was filed with the Commission on September 10, 1896. On December 7th, 1896, the application was denied by the Commission, and from the decision of

Charlie Jacoway-----4.

the Commission, an appeal was taken to the United States Court for the Central District of the Indian Territory, which Court on August 25, 1897, affirmed the decision of the Commission denying the application. Appeal was then taken by the petitioners to the Supreme Court of the United States where the decision of the lower Court was affirmed.

Q Did you ever make any other application of any kind except the application made by you in 1896 to which I have just referred? A I appeared two years ago at Philadelphia.

The records of the Commission show that on January 21, 1899, this applicant appeared before the Commission to the Five Civilized Tribes at Philadelphia, Mississippi, and made application for the identification of himself, his wife, Mandy, and three minor children, Martin, Omer and Elsie, as Mississippi Choctaws, their names appearing upon Mississippi Choctaw Card, Field No. 253; also upon page 68 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior, as to the identity of Choctaw Indians residing in Mississippi claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being Nos 866, 867, 868, 869 and 870 respectively thereon.

Q The record made by the Commission two years ago of the different members of your family shows the name of your second child to be Omer,--Is that correct? A It is Oma.

Q The records also show that this child is a boy---is that correct? A No, a girl.

Q Are these two applications I have referred to the only applications of any kind you have ever made? A Yes sir.

Q Do you now desire to make application for the identification of yourself, your wife and four minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I reckon so.

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No, I heard about it.

Q Do you know what a treaty is? A Yes.

A treaty is the same thing as an agreement in writing, except that it is between nations. The treaty of Dancing Rabbit Creek as it is commonly known was made at Dancing Rabbit Creek here in Mississippi on the 27th day of September, 1830, nearly seventy one years ago, between the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived here in Mississippi, and some of them along the western edge of Alabama. The object of the treaty was to get these Choctaw Indians to move from the states of Mississippi and Alabama out west of the Mississippi to a new country. At the time the treaty was made, some of the Indians were perfectly willing to go there, where they could hunt and would not be subject to the law of the white man, but others of them preferred to stay here in Mississippi because their fathers had lived here from time immemorial, and for the benefit of those who wanted to stay here, the

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fourteenth article was put into the treaty. By the fourteenth article, I mean a part or paragraph of the treaty. The treaty is divided into paragraphs numbered from one up. This fourteenth article is one of these paragraphs. The 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 to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek--Do you think you understand that now? A I don't know whether I understand it.

As I have explained to you, this treaty was made here over seventy years ago, and this fourteenth article was put into it for the benefit of the people who wanted to stay here and not go out west. We will suppose that you were here in 1830 when this treaty was made, and you didn't want to go out to the new country, but wanted to stay here. That treaty said if you want to stay here, you can do so, and you can get land upon certain conditions, but you must do certain things before we will give you any land. The first thing is that you must within six months after this treaty ~~was~~ is ratified, or finally agreed to, tell the agent of the government, or let him know, that you want to stay and take land. That treaty was ratified on the 24th day of February, 1831, so if you had been a Choctaw living here at that time, it would have been necessary for you to have gone to, or let the agent know within six months from February 24th, 1831, or by August 24, 1831, that you wanted to stay here and become a citizen of the states and take land. After you had done that, you would be entitled to a reservation of one section of land, or a piece of land a mile square, six hundred and forty acres, and if you had a child in your family over ten years of age, that child would be entitled to one half that quantity, or three hundred and twenty acres of land,--a piece of land one mile one way and one half mile the other way, and each child living with you over ten years of age and unmarried would be entitled to three hundred and twenty acres, and if you had a child under ten years of age, that child would get a quarter section or one hundred and sixty acres. These reservations for your children

Charlie Jacoway-----6.

must adjoin your reservation; and this reservation must include your improvements. At that time, some of the Choctaws had a little bit of land under cultivation, and a little house they lived in, and his reservation must include the land that this house and improvement is on. It further said in the fourteenth article, if they resided upon said land for a period of five years from the ratification of this treaty, in that case a grant in fee simple shall issue. On the supposition that you are the Choctaw ~~head~~ head of a family, ~~as the supposition that~~ and the agent gave you a section of land for yourself, and a half section for your children over ten, and a quarter section for your children under ten, the fourteenth article said you must live on that land five years intending to become a citizen of the United States, and if you do live on it five years in accordance with this fourteenth article, we will give you a grant in fee simple for this tract of land--that is, we will give you a deed or patent relinquishing all rights that the government has to that land, and you will have the right to dispose or sell it in or do anything you want with it.

Q Do you understand clearly what I have explained to you so far? A Yes.

Q You understand what constituted a compliance with the provisions of the fourteenth article? A Yes.

Here is the last clause of that article: "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 this: That if you had been a Choctaw head of a family at that time, and preferred to stay here and take land under that fourteenth article, you should not by so doing lose the privilege of a Choctaw citizen, but if you ever went out to the new country west of the Mississippi and joined the tribe out there, you should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money paid annually, or yearly, to the Choctaws by the government of the United States under treaty provisions.

Q Do you understand that? A I understand part of it, but don't think I understand it all.

Q What is it you don't understand---Do you mean you do not understand the last clause? A I understand the first part but not the last.

Q Did any of your ancestors or any of your wife's ancestors ever comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek which I have just explained to you? A I think they did, but I don't know. I have heard my mother state about Choctaws getting scrip and money here in Mississippi.

Q Did your mother get scrip from the government? A No.

Q None of your people got any land or scrip? A Not that I know of

Q But you heard your mother speak of other Choctaws getting scrip and money? A Yes, long time ago--some of them sold the scrip and got money for it.

Q Who of your ancestors or your wife's ancestors were living here in Mississippi at the time this treaty was made seventy one years ago?

A I think Weshockshehahah.

Q That is your wife's grandfather on her father's side? A Yes.

Q What other of your wife's people were living then do you know? A No I don't know.

Charlie Jacoway-----7.

Q What one of your people was living then? A My mother's daddy's half brother named Cobb--he was a half breed.

Q Was this man Cobb a captain at that time? A Musholacubbe was captain.

Q What was Cobb's first name? A I don't know.

Q Did you ever hear that it was Samuel? A Don't know.

Q He was a little chief? A Yes.

Q Didn't they call him a captain? A Yes, may be so.

Q Where did he live? A Near Carthage. He died in the nation they told me.

Q Were any of your ancestors or any of your wife's ancestors recognized members of the Choctaw tribe in 1830? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors own any improvements here at that time? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors remove from the old Choctaw Nation in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the 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 or any of your wife's 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.

Q Did any of your ancestors or any of your wife's ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did any of your ancestors or any of your wife's ancestors ever claim or receive any land in Mississippi 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 I don't know.

Q Do you know any one living who would know about that? A No, all dead I think.

Q Your mother is living? A Yes.

Q And she is about eighty nine years old? A Yes.

Q Don't you think she would be informed on that subject. A I don't think she knows, she don't understand 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 in Mississippi and take advantage of this fourteenth article, and become citizens of the states and get land here. The records of the government show that this agent, Colonel William Ward, 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 under article fourteen of that treaty. Shortly after the treaty---within a few years---the government of the United States sold a great deal of this land in Mississippi that the Choctaws formerly owned. It was bought in by white people and the country was gradually settled up here. On account of the fact that this agent did not report to the government the names of a great many of these Choctaws that had improvements and wanted to stay and become citizens of the state the government at these land sales in many instances sold land on which the Choctaws had improvement and on which the Indians lived, and which the Indians thought they would get under the

Charlie Jacoway-----8.

fourteenth article, as they had told the agent they wanted to stay and become citizens. The action of the government in selling the land caused a great deal of complaint among the Choctaws, who claimed that the government had not fulfilled the fourteenth article of the treaty, as they had sold their lands. The matter was finally brought to the attention of Congress, and Congress passed an act approved on March 3rd, 1837, providing for the appointment of a Commission to come here to Mississippi and hear the applications of Indians who claimed that they had complied with all of the provisions of article fourteen of the treaty, but their land has been sold by the government. That commission was appointed by the President and the commissioners came down here in 1837 and 1838, and they heard a few of these Choctaw cases, but in the time they were allowed for their work under the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases. Congress passed another act, which was approved August 23, 1842, providing for the appointment of another Commission to come down here in Mississippi and finish up this work of hearing Choctaw cases. The president appointed this second commission, and the Commissioners came down here in the early forties, and they heard a great many more of these Indian claims.

Q Did any of your ancestors or any of your wife's ancestors appear before either of these Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know

Q Did you ever hear that Weshockshehomah went before one of these Commission to get land? A I reckon so.

~~the~~ The records in the possession of the Commission show that Weshock shehomah applied to the Commissioners appointed under the act of Congress approved August 23, 1842, for benefits under the fourteenth article of the treaty of Dancing Rabbit Creek; that his residence at the date of the treaty was Section 25, Twp. 11, Range 13. His claim was allowed by the Commissioners, and the decision of the Commissioners as to Weshockshehomah's claim was on the 3rd day of March, 1845, approved and confirmed by President John Tyler. See pp. 242 and 300 of Volume one of the record of the Court of Claims in the case of the Choctaw Nation of Indians vs. the United States, No. 12742.

Q Did you ever hear of this Weshockshehomah getting land from the government? A No, until fifteen years ago when his son, Martin Weshock tried to get some land between Pearl River and Low Butcher in Leake County, which it was claimed was received from the government by Weshockshehomah, Martin Weshock's father.

Q Did you ever hear of Weshockshehomah having gotten any scrip from the government? A No sir, never heard it.

Q Did you ever hear of your father, Chuffatubbee, appearing before either of these Commissions? A No sir.

Q Do you know the names of Weshockshehomah's children except Martin? A No sir, done dead now.

Q Was Martin the oldest child? A He was the baby.

In a list of 99 cases adjudicated by Commissioners Murray & Vroom under the act of Congress approved March 3rd, 1837, found on page 317 of Volume one of the record of the Court of Claims in



Charlie Jacoway-----9.

the case of the Choctaw Nation of Indians vs. the United States, No. 12742, appears the case of Chuffatubbee, No.202; it appears that at the date of the treaty he had four children over ten years of age and three children under ten years of age; that at that time he resided on the NW 1/4 Sec.28, Twp.3, Range 10 east. These ninety nine cases were approved and confirmed by President John Tyler on March 25, 1843.

- Q Have you any brothers and sisters living? A No, all dead but me  
Q Did you have any brothers or sisters older than you? A No.  
Q You were the oldest of the family? A Yes.  
Q Do you know the names of any of your father's brothers and sisters? A Don't know,-----Linnie Tobe Jacoway, Bettie Tobe Jacoway, Ike Picken Jacoway, Sallis Jacoway, Willie Jacoway and Sabie Jacoway.  
Q Who were all these people? A My daddy's brothers children.  
Q What is your daddy's brother's name? A Tobe Jacoway.  
Q What was his Indian name? A Shanowtubbee.  
Q Was he older or younger than your father? A Younger.  
Q How much younger? A He is dead, -- I don't know, two or three between.  
Q This Tobe, is he living now? A No, he is dead.  
Q Can you remember the name of any other brother of your father? A No.  
Q He had others? A Yes, he had it.  
Q And you don't know any of their names? A No sir.  
Q Do you remember the names of any of your father's sisters? A No.

From the testimony of this applicant, it is apparent that the Chuffatubbee herein above referred to would not be his father. It is impossible from his testimony to identify his father Chuffatubbee as one of the persons bearing this name whose claim were adjudicated under the act of Congress approved August 23, 1842.

- Q Did any of your ancestors ever get any scrip from the government that you know of? A No sir.  
Q Do you know any one living would likely be informed on these questions that I have asked you as to whether they get land or scrip? A No, old Indians all dead.  
Q As far as you know, none of your ancestors then have ever received any benefits as Choctaw Indians, have they? A No, I don't know anything about it.  
Q Did you ever see any deed or patent issued by the government of the United States to any of your ancestors or any of your wife's ancestors giving them land here in Mississippi? A No sir.  
Q Have you any written evidence of any kind that you want to give the Commission in support of your claim? A No.  
Q You have no witnesses here today that you want to have testify in your case? A No.  
Q Have you any further statements you want to make? A No.  
Q Are any of your brothers living? A No sir.  
Q Any of your sisters living? A No sir.  
Q Any of your half brothers? A Davis Jacoway.  
Q He was before the Commission last month? A Yes.  
Q Are any of the children of any of your brothers living? A No, sir.

Charlie Jacoway----10.

- Q Are any of the children of any of your sisters living? A Ed Bon-aham and Louana.
- Q Was their mother your full sister? A Yes sir.
- Q Are any of your father's brothers living? A No sir. The last one was Tobe Jacoway and he is dead now, and the children live out in Neshoba.
- Q What are the names of these children who are living in Neshoba now? A Bettie Tobe Jacoway--She is the wife of Sydney John.
- Q The next? A Ike Picken Jacoway, Sallis Jacoway, Willie Tobe Jacoway and Sabie Jacoway.
- Q Is Sabie a girl? A Yes.
- Q Is she married? A Yes.
- Q What is her husband's name? A Adam Jim Isaac.
- Q Are any of the other children of any of your father's deceased brothers living? A No.
- Q Did your ~~mother~~ mother ever have a sister. A He had a sister but I didn't know it, and I never have found out where the children are.
- Q And you don't know whether she had any children? A No.
- Q Are any of your mother's brothers living? A No, all dead.
- Q Are any of the children of any of your mother's brothers living? A No, ain't got no children.
- Q Did your mother ever have any sister? A Yes, Tom Chitto's wife is my mother's sister's child.
- Q What was the name of that sister? A Phyllis Pah-lubbee.
- Q Is she living? A No, dead longt ime.
- Q That is the only living child of any one of your mother's sisters? A Yes.
- Q Has your wife any brothers living? A Tom Martin.
- Q Any others? A Jake Martin.
- Q Next? A That is all.
- Q Are they married? A No.
- Q Did she ever have any other brothers? A They died in the nation.
- Q You don't know their names? A No.
- Q Did your wife ever have any sister? A Yes, one living.
- Q What is her name? A Lizzie West Martin.
- Q What is her husband's name? A Wes Wauconubbe.
- Q Any other sister? A Jeff Davis' wife is a sister of my wife.
- Q What is her name? A Sealy.
- Q Did your wife ever have any other sisters? A All dead.
- Q Are any of the children of those that are dead living now? A Yes.
- Q What are the names of those children? A Lizzie's children are Minnie--that is a boy; and Willie, a boy.
- Q How old are they? A About ten years old and next one about nine years old.
- Q What are their surnames? A West.
- Q Are there any other children of your wife's deceased sisters living? A There are some off from where I am living---Annie Hickman and Topsy Gibson.
- Q Are any of the brothers of your wife's father living? A No sir.
- Q Are any of the children of any of the brothers of your wife's father living? A No sir.
- Q Are any of the sisters of your wife's father living? A No.
- Q Are any of the children of any sister of your wife's father living? A No sir.
- Q Are any of the brothers of your wife's mother living? A No.
- Q Are any of the children of any of the brothers of your wife's mother living? A No sir.

Charlie Jacoway-----li.

Q Did Hallie, your wife's mother, have any sisters? A Don't know.  
Q If she had, you don't know whether they had any children or not?  
A No.

This applicant has every appearance and characteristic of a full blood. He speaks and understand the Choctaw language and also speaks and understand English fairly well, the examination having been conducted in English.

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 7th 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 15th day of August, 1901.

*[Signature]*

Notary Public.

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

*C.W.*

-----  
In the Matter of the Application of Charlie Jackoway  
et al, for Identification as Mississippi  
Choctaws.

M. C. R. 3213.

- - 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 August 7, 1901 by Charlie Jacoway, for himself, and his wife Mandy and his four minor children, Martin Jacoway, Oma Jacoway, Elsie Jacoway and Onus Jacoway, under the following provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495):

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


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

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

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

It is, therefore, the opinion of this Commission that Charlie Jacoway, Mandy Jacoway, Martin Jacoway, Oma Jacoway, Elsie Jacoway and Onus Jacoway should be identified as Mississippi Choctaws, and it is so ordered.

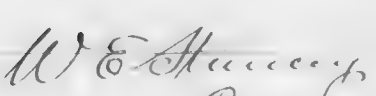
COMMISSION TO THE FIVE CIVILIZED TRIBES.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Muskogee, Indian Territory.

  
Commissioner

M C R 3012  
M C R 3213  
M C R 4497

Muskogee, Indian Territory, April 22, 1903.

M. P. Foy,

Sterrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask if the following named persons have been identified as Mississippi Choctaws:

Charley Jacoway  
Dave Jacoway  
Martin Jacoway  
Omer Jacoway  
Rosie Jacoway.

Ike Jacoway  
Manda Jacoway  
Elsie Jacoway  
Sealy Jacoway

In reply you are informed that it appears from our records that all the above mentioned persons, with the exception of Ike Jacoway, are applicants to this Commission for identification as Mississippi Choctaws. The Commission has not yet determined the right of these applicants to such identification. As soon as a decision is rendered they will be duly notified of the action of the Commission.

On January 7, 1902, Ike Jimmy made application to this Commission for identification as a Mississippi Choctaw, and on February 14, 1903, the Commission rendered its decision identifying him as a Mississippi Choctaw entitled to allotment in the lands of the Choctaw and Chickasaw Nations, of which action he was duly

M P F 2

notified by registered mail at Franks, Mississippi, on March 11, 1903.

When Ike Jimmy made application to this Commission in the year 1899, for identification as a Mississippi Choctaw, he gave his name as Ike Jacoway, and it is presumed that this is the Ike Jacoway mentioned in your letter.

The powers of attorney enclosed by you are herewith returned.

Respectfully,

Chairman.

COPY

M.C.R.3213.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying Charlie Jacoway, his wife, Mandy Jacoway, and his four minor children, Martin Jacoway, Oma Jacoway, Elsie Jacoway and Oms Jacoway, as Mississippi Choctaw Indians, under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

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

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

Respectfully,

SIGNED

*Tams Bixby.*

Chairman.

Registered.  
Enc.: 3213.



M.C.R. 3213

COPY.

Muskogee, Indian Territory, May 6, 1903.

Charlie Jacoway,

Hadden, Mississippi.

*Remailed Stovell, I. T. June 2, 1903.  
Stovell  
Sept 22 1903*

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, Mandy Jacoway and minor children, Martin Jacoway, Oma Jacoway, Elsie Jacoway and Onus Jacoway 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)

*Tamm Dixey.*  
Chairman.

Registered.

Enc. 3213.

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 511, you are informed that the following notations have been made upon the duplicate card in the possession of this office:

SETTLEMENT ADDRESS "Roff, I. T.  
DATE OF PROOF OF SETTLEMENT "Sept. 25, '03."

Respectfully,

Chairman.

Muskogee, Indian Territory, October 7, 1903.

Commissioner in Charge,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir:

Referring to identified Mississippi Choctaw card number 511, you are informed that the following notations have been made upon the duplicate card in the possession of this office:

SETTLEMENT ADDRESS "Roff, I. T.  
DATE OF PROOF OF SETTLEMENT "Sept. 25, '03."

Respectfully,

Chairman.

#1270

No. 313

For Identification as a Mississippi Choctaw.

Date AUG 7 1901

Name Charlie Jacoway

Age 52 Blood full

Post Office, Madden, Miss.

Father: Seneda Jacoway d.  
(Chaf far tubee)

Mother: Sallie Jacoway S.  
(Biney Pah-lubbee)

Claims through both parents.  
wife

Mandy Jacoway (full) 24  
Father Martin Weshock, d.  
(Shon-cunny. We-shock-she-ho-mah-)  
Mother Sallie Martin S.

Children:

Martin Jacoway 5

Anna " (F) 4

Elvie " 3

Onie " (F) 5 mo.

(See Miss. Choctaw card

field No 253. Appearance

1/31/99.)

(Claims for self, wife and  
4 minor children)

Stenographer

H. R. Ritten

**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.**

IN RE  
*Identification*  
Application for Enrollment of

INFANT CHILD

*Onus Jacoway*

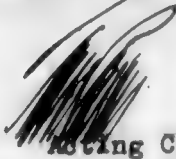
MISSISSIPPI CHOCTAW, Nation.

Approved  
**FOR IDENTIFICATION AS  
A MISSISSIPPI CHOCTAW.** 190

Commissioner.

*All Miss Choctaw Card Filed No 253*

The application hereto is accepted by the Commission as evidence of the birth of this child, and not as an application for its enrollment as a citizen of the Choctaw Nation; and is to be filed with and made a part of the original application of its parents for identification as Mississippi Choctaws.

  
Acting Chairman.

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

**FILED  
AUG 20 1901**

  
ACTING CHAIRMAN

MISSISSIPPI CHOCTAW.

+202

*3213  
2048*

See Miss Choce Card Guild No 253.  
FOR IDENTIFICATION AS  
BIRTH AFFIDAVIT. A MISSISSIPPI CHOCTAW.

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

Identification  
IN RE Application for Department, as a ~~citizen~~ of the Mississippi Choctaw Nation,  
of Onus Jacoway, born on the 6<sup>th</sup> day of Mich., 1901  
(Here insert name of child)  
Name of Father: Charlie Jacoway, a ~~citizen~~ of the Choctaw Indian Nation.  
Name of Mother: Mandy Jacoway, a ~~citizen~~ of the Choctaw Indian Nation.  
Post-office, Madden, Miss.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

State of Mississippi  
County of Leake

I, Mandy Jacoway, on oath state that I am 24  
years of age and a ~~citizen~~ Full Blood of the Choctaw Indian Nation;  
that I am the lawful wife of Charlie Jacoway, who is a ~~citizen~~  
Full Blood of the Choctaw Indian Nation, that a Female child was  
(male or female)  
born to me on the 6<sup>th</sup> day of March, 1901; that said child has been  
named Onus Jacoway, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Willie Moore  
Sely Davis

Mandy Jacoway  
mark

Subscribed and sworn to before me this 17<sup>th</sup> day of August, 1901.

W. H. Greer, Jr.  
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Mississippi  
County of Leake

I, Sallie Martin, a midwife, on oath state that I  
attended on Mrs. Mandy Jacoway, wife of Charlie Jacoway,  
on the 6<sup>th</sup> day of March, 1901; 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 Onus Jacoway.

WITNESSES TO MARK:

(Must be Two Witnesses)

Willie Moore  
Sely Davis

Sallie Martin  
mark

Subscribed and sworn to before me this 17<sup>th</sup> day of August, 1901.

W. H. Greer, Jr.  
NOTARY PUBLIC.

Charlie Jacobson, et al.

K-213

# 2213

Choctaw MCR 3214

John Henry

MCR 3214



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

---o---

In the matter of the application of John Henry, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3214.

--: I N D E X :--

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Original application of John Henry, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Isham Johnson taken at Meridian, Mississippi, January 18, 1902-----	10
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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 8, 1901.

In the matter of the application of John Henry for the identification of himself, his wife, four step children and two children as Mississippi Choctaws.

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

Examination by the Commission:

- Q What is your name? A John Henry.  
Q How old are you? A Thirty five.  
Q What is your post office address? A Wickware, Mississippi.  
Q In what county do you live? A Newton county.  
Q How long have you lived in the state of Mississippi? A All my life.  
Q Have you ever been out to the Indian Territory? A No, never been there.  
Q Is your father living? A No.  
Q What was his name? A I don't know, I was little boy when he died. Somebody say they call him Doctor John.  
Q Didst he have a Choctaw name? A That's all, call him Doctor John.  
Q You don't know what his Choctaw name was, if he had any? A No.  
Q About how old would your father be if he were living now? A About fifty years old I reckon.  
Q Did your father always live in the state of Mississippi? A Yes.  
Q How old a man was your father when he died? A Fifty.  
Q Do you think he was as old as you are when he died? A I expect mighty near.  
Q Is your mother living? A Yes, she is living.  
Q What is her name? A Sockey John.  
Q What is her Choctaw name? A Cun-e-mah-timah.  
Q Has your mother always lived in the state of Mississippi? A yes.  
Q How old do you think your mother is now? A About fifty five.  
Q Where does she live? A Jasper county, Mississippi.  
Q How much Choctaw blood do you claim to have? A Full blood.  
Q You claim your father was a full blood? A Yes.  
Q And that your mother is a full blood? A Yes.  
Q So far as you know have all of ~~th~~ your ancestors always been full blood Choctaw Indians? A Yes.  
Q And all of them always lived in the state of Mississippi? A Yes.  
Q Do you know the name of your father's father? A No.  
Q Did you ever see him? A No.  
Q Do you know the name of your father's mother? A No.  
Q Did you ever see her? A No.  
Q Do you know the name of your mother's father? A No.  
Q Did you ever see him? A No.  
Q Do you know the name of your mother's mother? A No.  
Q Did you ever see her? A No.  
Q You don't know the names of any of your ancestors farther back than your father and mother? A No.  
Q Are you married? A Yes.  
Q Is your wife living? A Yes.  
Q Are you living ~~in~~ with her? A Yes.

John Henry----2.

Q Do you want to make a claim for her too? A Yes.  
Q What is her name? A Martha.  
Q How old is Martha? A Forty.  
Q Has she always lived in the state of Mississippi? A Yes.  
Q Were you married to her according to the Choctaw custom or under license? A Choctaw custom.  
Q Is your wife's father living? A Dead long time.  
Q What was his name? A Don't know.  
Q Did you ever see him? A No, I never seen him.  
Q About how old would he be if he were living now? A About sixty.  
Q Did he always live in Mississippi? A Yes.  
Q Is your wife's mother living? A No.  
Q How long has she been dead? A I don't know, I never seen her.  
Q What was her name? A I don't know.  
Q Did she always live in Mississippi? A Yes.  
Q How much Choctaw blood do you claim your wife has? A Full blood.  
Q Does she speak and understand the Choctaw language? A Yes.  
Q So far as you know have all of your wife's ancestors always been full blood Choctaw Indians? A Yes.  
Q And have they always lived in Mississippi? A Yes.  
Q Do you know the name of your wife's father's father? A No.  
Q Or your wife's father's mother? A No.  
Q Or your wife's mother's father? A No.  
Q Or your wife's mother's mother? A No.  
Q You don't know the names of any of your wife's ancestors? A No, dead longtime; don't know them much.  
Q You don't know the names of any of them? A No.  
Q Have you any children for whom you desire to make application?  
A Yes, four step children and two children of my own.  
Q Are any of these children over twenty one years of age or married?  
A No.  
Q Give me the names of all of these children, the oldest first?  
A Maggie Lewis.  
Q How old is Maggie? A Eighteen.  
Q What is the next one? A Mary Lewis.  
Q How old is Mary? A Fifteen.  
Q Next one? A Jim Lewis.  
Q How old? A Ten.  
Q Next? A Jeffie Lewis.  
Q How old? A Nine.  
Q These four you have named are your step children? A Yes.  
Q They are your wife's children by a former husband? A Yes sir.  
Q Is one man the father of all four of these children? A No, two men, both dead.  
Q What is the name of Maggie's father? A Just called him John Lewis.  
Q Who is Mary's father? A Jim Lewis.  
Q Who is Jim's father? A Jim Lewis.  
Q Who is Jeffie's father? A Jim Lewis.  
Q Is John Lewis living? A No, he died.  
Q How much Choctaw blood did he have? A Full blood.  
Q When did he die? A I don't know, he died long time, I expect.  
Q How old would he be if he were living now? A About fifty.  
Q Did he have a Choctaw name? A Don't know.  
Q You were not very well acquainted with him? A No.  
Q Did you ever speak to him in the Choctaw language? A Yes.  
Q Did he always live in the state of Mississippi? A Yes.

John Henry-----3.

- Q De you know the name of John Lewis' father or mother? A No.  
Q De you know the names of any of his ancestors? A No.  
Q You don't know who they were at all? A No.  
Q Was Martha married to John Lewis under license or according to  
Choctaw custom? A Choctaw custom.  
Q How long did they live together as man and wife? A I don't know.  
Q Was Jim Lewis, Martha's second husband, any kin to John Lewis?  
A Yes, half brother.  
Q Jim Lewis, the father of Mary, Jim and Jeffie,--was he a full blood  
Choctaw? A Yes.  
Q You were well acquainted with him? A Yes.  
Q How old would he be if he were living now? A He would be about  
thirty nine.  
Q How long has he been dead? A Been dead about three years.  
Q He and Martha parted a long time before he died? A Yes sir.  
Q Were they married under a Choctaw custom or license? A Choctaw  
custom.  
Q How long did they live together? A I don't know.  
Q About how long? A About thirteen years.  
Q Did Jim always live in the state of Mississippi? A Yes.  
Q De you know the name of his father? A No.  
Q De you know the name of his mother? A No.  
Q De you know the name of any of his ancestors? A No.  
Q You never knew any of his people at all? A No.  
Q Give the names of your children? A Sarah Henry.  
Q How old? A Eight.  
Q Next one? A Dennis Henry.  
Q How old? A Seven.  
Q Is that all your children? A That is all.  
Q This application is for yourself, your wife four minor step-  
children and two minor children? A Yes.  
Q Are all six children living with you now? A Yes.  
Q Martha is the mother of all six of them? A Yes.  
Q And you are the father of Sarah and Dennis? A Yes.  
Q Is your name, your wife's 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.  
Q Did you ever make application to the Choctaw tribal authorities  
in Indian Territory for yourself your wife or any of these children  
to be admitted or enrolled as members of that tribe out there? A No.  
Q Did anybody else ever make such an application in your behalf or  
on behalf of any one of these children? A No sir.  
Q Did you or any one for you make application to the Commission to  
the Five Civilized Tribes in 1896 for citizenship in the Choctaw  
Nation for yourself, your wife or any of these children? A No.  
Q Have you ever made any application of any kind prior to today to  
either the Choctaw tribal authorities or the United States authori-  
ties for yourself, your wife or any of these children to be enrolled  
as members of the Choctaw Nation or has any one else ever made such  
an application for you? A Yes.  
Q When and where was that application made and by whom? A Two years  
ago at Decatur by Isham Johnston.  
Q He is the man who is interpreting for you now? A Yes.

The records of the Commission show that on February 9, 1899, Ish-  
am Johnston appeared before the Commission to the Five Civilized  
Tribes at Decatur, Mississippi, and made application for the  
identification of this applicant and his family as Mississippi  
Choctaws, his testimony before the Commission at that time being

John Henry----4.

as follows: "I want to give in for John Henry, 35 years old, and his wife Martha, 40 years old. They have the following children: Jeffie, 7; Dennis, 5; Neely, 3. Martha has the following children by a former husband: Maggie Lewis, 15; Mamie Lewis, 12; and Jim Lewis, 9 years old."\*\*\*\*These parties are all full blood Choctaws. I know each and all of them." The names of these parties appear upon Mississippi Choctaw Card, Field No. 500, also upon page 104 of the schedule of Mississippi Choctaws which accompanied the report of March 10, 1899, of the Commission to the Five Civilized Tribes to the Secretary of the Interior as to the identity of Choctaw Indians residing in Mississippi, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, being roll Nos. 1815, 1816, 1817, 1818, 1819, 1820, 1821 and 1822 respectively thereon.

Q. It appears from the records of the Commission that Isham Johnston when he gave in the names of the members of your family two years ago represented that Jeffie was the son of yourself and Martha--Is that correct? A No, Jim Lewis is father of Jeffie.

Q Did you or your wife ever have a child by name of Neely? A No.

Q Did you ever have a child by name of Mamie? A That should be Mary.

Q You claim you have a child by name of Sarah? A Yes.

Q Is that child living with you now? A Yes.

Q Where was that child living two years ago? A Living with me.

(Applicant Excused)

Isham Johnston, called as a witness, having been first duly sworn upon his oath testifies as follows:

Examination by the Commission:

Q What is your name? A Isham Johnston.

Q How old are you? A Forty four.

Q What is your post office address? A Hickory, Newton county, Mississippi.

Q You have been acting in the capacity of official interpreter for the Commission since April 1st, 1901? A Yes.

Q Did you appear before the Commission at Decatur, Mississippi, and give in the names of several families of Choctaws? A Yes.

Q Do you remember of having given in the names of this applicant John Henry and his family? A Yes.

Q The records of the Commission show that you gave in the name of Jeffie, age 7 years, as the child of this applicant and his wife Martha; also that you gave in the name of another child as Neely, and the name of another child as Mamie. The applicant testifies that Jeffie is a son of his wife, Martha, by a former husband, Jim Lewis; that he nor his wife never had in their family a child by name of Neely, nor did either of them ever have a child by name of Mamie; he states however that he has a child by name of Sarah and a step child by name of Mary. How do you account for this difference in names?

A While I was at Decatur on that date, Louis Gibson, a full blood Choctaw, asked me to give in the names of this applicant, John Henry and his family. I was not very well acquainted with him and did not know the names or ages of all of his children, but some cousins of

John Henry-----5.

his, the Gibsons, told me what the names of the children were and their ages, and I wrote them on a piece of paper, and carried the paper before the Commission when I gave in their names. I suppose the error must have occurred by my misunderstanding the names.  
(Witness Excused)

The applicant, John Henry, Re-called:

Examination by the Commission:

Q Is that application made for you two years ago by Isham Johnston the only application of any description that has ever been made for yourself, your wife or any of these children? A Yes.

Q Do you now desire to make application for identification ~~xx~~ of yourself, your wife and these six minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes.

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Don't know.

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 on the one hand and the Choctaw tribe of Indians on the other. At the time this treaty was made nearly seventy one years ago, the Choctaws occupied a great portion of the state of Mississippi, and a small part of the state of Alabama along the western line. The object of the treaty was to secure the removal of these Choctaw Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river, a part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time this treaty was made, some of the Choctaws were unwilling to remove out west to the new country, and insisted that they be permitted to remain here in Mississippi. For the benefit of those desiring to remain here, the fourteenth article was inserted into the treaty. That fourteenth article of the treaty of Dancing Rabbit Creek is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months 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 ~~xxxx~~ remove are not to be entitled to any portion of the Choctaw annuity.

John Henry-----6.

Q Do you understand that fourteenth article now? A No.

As I have stated to you, the object of that treaty was to get these Indians out west to the new country, and those who did not want to go west and wanted to stay here, were to be given the right to do so and select land here in Mississippi, under the fourteenth article of that treaty. A Choctaw head of a family, if he wanted to stay here and get land, must within six months from the time this treaty was ratified--that is, finally agreed to, as near as I can explain it to you--let the agent of the government of the United States here in Mississippi know that he wanted to stay and take land. That treaty was ratified on the 24th day of February, 1831, over seventy years ago. Within six months from that time, he must let the agent know that he wanted to stay and take land and become a citizen of the states. After he had done that, he was entitled to a reservation of one section of six hundred and forty acres of land--a piece of land a mile square but this land must be bounded by sectional lines of survey. And if that man had a child in his family over ten years of age, for that child he was entitled to an additional three hundred and twenty acres, or one half the amount allowed to him, and for a child under ten years of age he was entitled to one hundred and sixty acres. The reservations for ~~in~~ these children must adjoin the location of the parent, and the reservation must include the improvement of the parent--that is, wherever he lived and had land under cultivation and improvements made, those improvements ~~is~~ must be included in the reservation. This Choctaw head of a family must live on this land that he got reserved for him by the government for five years after the treaty was ratified, and if he did so he was entitled to a grant in fee simple for all the land. By grant in fee simple, I simply mean he was entitled to a deed or patent conveying all the interest the government had in the land to him.

Q Do you think you understand that so far? A Yes.

The last clause is that "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 a Choctaw stayed here and took land, and lived on it for five years, he would not be deprived of his rights in the Choctaw country, but if he went out there there was one thing he could not participate in, and that was the Choctaw annuity. By annuity is meant yearly payments made to the Choctaw Indians under treaty provisions by the United States government.

Q Do you think you understand that? A Yes.

Q Did any of your ancestors or any of your wife's ancestors or any of the ancestors of Jim Lewis or any of the ancestors of John Lewis ever comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Don't know.

Q Were any of your ancestors, any of your wife's ancestors, any of the ancestors of John Lewis or any of the ancestors of Jim Lewis living here in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A Don't know.

Q Were any of them recognized members of the Choctaw tribe at that time? A Don't know.

John Henry-----7.

Q Did any of them own any improvement on land here in the old Choctaw Nation in Mississippi and Alabama at that time? A Don't know.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the great portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Don't know.

Q Did any of these ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent for the Choctaws here in Mississippi their intention to remain in Mississippi and become citizens of the United States? A Don't know.

Q Did any of these ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Don't know.

Q Did any of these ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement to that treaty? A Don't know.

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 such Choctaw Indians as might desire to remain and become citizens of the states in accordance with the provisions of that article. The records of the government show that that agent failed to record the names of many Choctaw Indians who in fact signified to him their intention to remain and become citizens of the states and take land, and on this account the government at its public land sales in many instances sold land upon which Choctaws had improvements, and which land they expected they would receive from the government under the provisions of article fourteen of the treaty. This action of the government in selling these lands on which the Choctaws lived, occasioned a great deal of complaint among them, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who claimed their had complied with the provisions of article fourteen of the treaty, but 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 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 comparatively small number 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, whose duty it was 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 come down here to Mississippi in the early forties and heard a great many of these cases.

Q Did any of your ancestors, any of your wife's ancestors or any of the ancestors of Jim Lewis or John Lewis appear before either of them



John Henry-----6.

Commissions and attempt to establish their rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?  
A Don't know about that.

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 of Dancing Rabbit Creek, he could be entitled to select land elsewhere in Mississippi, or in Alabama, Louisiana or Arkansas--that is in case his land had been taken away from him--and should be given a certificate to that effect. These certificates were called scrip.

Q I want to know whether any of your ancestors, any of your wife's ancestors, any of the ancestors of Jim Lewis or any of the ancestors of John Lewis ever received any scrip from the government under that act of Congress? A Don't know.

Q Do you know any one living who would be likely be informed on these subjects? A Consheahutube.

Q You think he would know all about whether any of your ancestors or any of your wife's ancestors or any of the ancestors of John Lewis or Jim Lewis ever received any land under article fourteen of that treaty? A Yes.

Q Is he an old Choctaw? A Yes.

Q Where does this man live? A Jasper county.

Q Is he a very old man? A Yes.

Q Has he been before the Commission? A I don't know, I have not seen him for a long time.

Q Has he an English name? A Yes, William Tom.

Q Is he any kin to you? A Uncle.

Q Is he your mother's brother? A Yes.

Q About how old is this man? A About sixty, don't know much.

Q Is he a very old man? A Yes.

Q Didn't he get some land from the government when he was a boy here in Mississippi? A I don't know.

Q Do you know whether your mother got any or not? A No.

Q Do you know the names of any other of your mother's brothers and sisters besides Consheahutube? A Yes, Shenehah.

Q Is this brother or sister older than your mother or younger?  
A Younger.

Q Did she ever have a brother or sister older than her? A Don't know.

Q You cannot remember her father's name? A No.

Q Has your mother been before the Commission yet this year? A I expect her husband Billy John gave her name in.

Q Do you remember of ever having heard the name Kan-oon-tubbe? A No.

Q Did you ever hear the name Gun-e-mam-ba? A No.

Q Have you any written evidence of any kind you want to file in this case? A No.

Q Did you ever see or hear of any deed or patent issued by the government to any of your ancestors, any of your wife's ancestors or any of the ancestors of Jim or John Lewis covering land here in Mississippi? A No.

Q Have you any witnesses before the Commission this morning you want to introduce? A No.

John Henry-----9.

- Q Have you any bráthers living? A No.  
Q Did you ever jave any brothers? A Yes.  
Q How many? A Just one.  
Q How long has he been dead? A Been dead one year.  
Q Did he have any children at the time of his death? A Yes.  
Q Are they living now? A Yes.  
Q What are the names of those children? A Don't know.  
Q What is the name of their mother? A Sallie.  
Q What was your brother's name? A Doctor John.  
Q Her name then is Sallie John? A Yes.  
Q Has she been before the Commission? A I don't know. I never seen her long time.  
Q Have you any sisters living? A No.  
Q Did you ever have any sister? A He died.  
Q How many sisters did you have? A Just one.  
Q Did she have any children when she died? A No.  
Q Are any of your father's brothers or sisters living? A No, they died.  
Q Are any of the children of any of your father's brothers or sisters living? A Don't know.  
Q Are any of your mother's brothers or sisters living? A No.  
Q Are any of the children of any of your mother's brothers or sisters living? A No.  
Q Are any of your wife's brothers living? A No.  
Q Are any of the children of any of your wife's brothers living? A No.  
Q Are any of your wife's sisters living? A No.  
Q Are any of the children of any of your wife's sisters living? A No.  
Q Are any of your wife's father's brothers or sisters living? A Don't know.  
Q Are any of your wife's mother's brothers or sisters living? A Don't know.  
Q Are any of the brothers or sisters of Jim Lewis living? A No.  
Q Are any of the brothers or sisters of John Lewis living? A Don't know.  
Q Are any of the brothers or sisters of the father of Jim Lewis living? A Don't know.  
Q Are any of the sisters of the mother of Jim Lewis living, or any of her brothers? A Don't know.  
Q John Lewis and Jim Lewis had the same father? A Yes.  
Q Are any of the brothers or sisters of John Lewis's mother living? A Don't know.

This applicant has every appearance and characteristic of a full blood Indian. He speaks and understands the Choctaw language, and very little English, the examination having been conducted chiefly through a sworn Choctaw interpreter.

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.

Subscribed and sworn to before me at Meridian, Mississippi, this 16th day of August, 1901.

H. C. Risteen  
Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 7th, 1902.

In the matter of the application of John Henry for the identification of himself, his wife, Martha, and his minor children, Sarah, and Dennis Henry, and his step children, Maggie, Mary, Jim and Jeffie Lewis, as Mississippi Choctaws, H.C.R.3214.

Supplemental testimony of Big Wiley Johnson, who being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Big Wiley Johnson.  
Q How old are you? A Fifty-seven.  
Q What is your postoffice address? A Hickory, Mississippi.  
Q Are you the identical Big Wiley Johnson who appeared before the Commission at Meridian, Mississippi, on August 20, 1901, and there made application for the identification of yourself and your wife, Patsie, and your ward, Allen Gilmore, as Mississippi Choctaws?  
A Yes sir.  
Q Do you know a Choctaw Indian by the name of John Henry? A Yes sir.  
Q Where does he live? A Close to Hickory, in Newton County, Mississippi.  
Q Do you know his postoffice address? A Hickory.  
Q Do you know a place by the name of Wickware in Newton County?  
A Yes, a little place out there.  
Q Is he married? A Yes, he married now.  
Q He has been before the Commission and made application for identification as Mississippi Choctaws for himself and family, has he?  
A Yes.  
Q Was he married at the time he made his application? A Yes.  
Q What is the name of his wife? A Martha.  
Q Is Martha living? A No sir.  
Q She is dead, is she? A Yes sir.  
Q About when did she die? A Last Fall.  
Q Last year? A Yes.  
Q Has he married a second time? A Yes.  
Q What is the name of his present wife? A Louisa.  
Q Is she a full blood Choctaw? A Yes sir.  
Q What is the name of his present wife's mother? A Susie Arkansas.

Reference is made to Mississippi Choctaw case No.1931, Louisa Arkansas, et al.

- Q Do you know the names of John Henry's children? A Maggie is the oldest.
- Q Maggie what? A Maggie Lewis.
- Q She is his step child? A Yes sir, his wife's child.
- Q Next? A Mary, Jimmie, Jeff.
- Q He has some children of his own? A Yes, Dennis and one they call Sister.
- Q Is her right name Sarah? A Maybe, I don't know.
- Q Are all these children living? A Maggie and her mother died-- all the rest living.
- Q When did Maggie die? A In October last year.
- Q 1901? A Yes sir.
- Q Do you know anything about the parents, the father and mother of John Henry? A Yes.
- Q What is his father's name? A English name, call Doctor John.
- Q Did he have an Indian name? A Yes.
- Q What was that? A Kah-non-te-ka.
- Q What was the name of his mother? A I don't know English name.
- Q What is the Indian name? A Cun-e-mah-tim-ah.
- Q Is his father living? A No, he dead.
- Q Is his mother living? A Yes.
- Q Has she ever been before the Commission? A No sir.
- Q How old is she? A Pretty old.
- Q Do you know anything about her brothers and sisters? A Yes.
- Q What are their names? A Cun-che-ha-tubbee.
- Q Next one? A Che-ne-hah.
- Q What is the name of Cun-e-mah-tim-ah's father? A I don't know that.
- Q Do you know Doctor John's father's name? A No, I don't know that.
- Q Is John Henry's mother as much as 73, 74 or 75 years old? A Somewhere long there.
- Q Did you ever know an Indian by the name of Cun-e-man-ba, or Kan-oon-cubbe? A No.
- Q Did you ever know or hear of an Indian by the name of Pis-a-hotim-ah? A No, I never heard that either.
- Q Or an Indian by the name of Ish-tah-ham-me? A No.
- Q Then, you don't know John Henry's grandpa's and grandma's names, on his mother's side, do you? A I don't know whether its so or not but one man told me that John Henry's grandpa was I-yah-tubbee.
- Q Did you know a Choctaw Indian by the name of Jim Lewis, who is now dead, and who was the father of John Henry's step-children, Jim, Mary and Jeffie Lewis? A Yes.
- Q They are the children of Jim Lewis? A Yes.
- Q And Jim Lewis is dead? A Yes.
- Q Do you know his father and mother? A I don't know his mother but I know his daddy.
- Q What was his daddy's name? A Hillatubbee.
- Q How old a man was Jim Lewis when he died? A I think about twenty-five years old.
- Q Is his father living? A No.
- Q He is dead, is he? A Dead long time.
- Q How old a man was he when he died? A Pretty old--if he living now maybe so about one hundred.

John Henry, et al--3

Q Do you know Hillatubbee's father? A No sir.

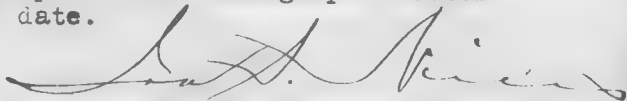
Q Is that all you know about John Henry's ancestors and the ancestors of his children? A Yes, that's all I know.

Q Has John Henry any kin folks who have been before the Commission?

A Not that I know of.

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Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, July 7th, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 11th day of July, 1902,  
at Muskogee, Indian Territory.



Notary Public.

COPY,

*Copy*

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

--0--

In the matter of the application of John Henry, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3214.

---: 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 August 8, 1901, by John Henry for himself, his wife, Martha Henry, his two minor children, Sarah and Dennis Henry, and his four minor step-children, Maggie, Mary, Jim and Jeffie Lewis, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It appears that the applicant, Martha Henry, died on the sixth day of September, 1901, and it also appears that the applicant, Maggie Lewis died on the twentieth day of October, 1901.

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

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

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

It is, therefore, the opinion of this Commission that John Henry, Sarah Henry, Dennis Henry, Mary Lewis, Jim Lewis and Jeffie Lewis should be identified as as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Dixby.*

Acting Chairman.

(SIGNED)

*T. B. Needles.*

Commissioner.

(SIGNED)

*C. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

APR 27 1903

COPY.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered April 27, 1903, identifying John Henry, his two minor children Sarah Henry and Dennis Henry and three minor step-children Mary Lewis, Jim Lewis, and Jeffie Lewis as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902 (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said John Henry his two minor children and his three minor step-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, <sup>(SIGNED).</sup>

*Tams Bixby.*

Chairman.

Registered.  
Enc 3214



M.C.R. 3214.

COPY.

Muskogee, Indian Territory, May 6, 1903.

John Henry,

*Residence, Burnwood, D. T. Dec. 5, 1903.*  
Ardmore, 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 minor children, Sarah Henry and Dennis Henry, and your minor step-children, Mary Lewis, Jim Lewis and Jeffie Lewis, as Mississippi Choctaw Indians under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before October 27, 1903, you will have six months from that date, or until April 27, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED).

*Tame Dixby.*  
Chairman.

Registered.

Enc. 3214.

Father of Maggie Lewis was  
John Lewis deceased, who  
was a full blood Choctaw.

Father of Mary, Jim and Jeffie  
Lewis was Jim Lewis (deceased)  
who was a full blood Choctaw.

(See Miss. Chic. card field  
No 500. Appearance 2/9/99)

(Martha Henry is mother  
of all six children)

Applicant never had a child  
named Neely, nor did his  
wife, but they have a  
child named Sarah whose  
name <sup>does not</sup> appear on card 500.

(This name was given in 2 yrs  
ago, by Isham Johnston who  
made a mistake in the name  
of the child.)

#1271

No.

3211

# For Identification as a Mississippi Choctaw.

Date

AUG 8 1901

Name *John Henry*

Age *35*

Blood

*full*

Post Office, *Hickman, Miss.*

Father *Doctor John*

*d*

Mother: *Sooney*

*L*

(*Cun-e-mah-tim-ah*)

Claims through *both parents.*

Wife

*Martha Henry (full) 40*

Father = *don't know.*

*d*

Mother = *"*

*"*

*d*

Claims through *both parents.*

Children:

*Maggie Lewis 18*

*Mary " 15*

*Jim " 10*

*Jeffie " 9*

(See back side of this sheet as to percentage of these 4 children.)

*Sarah Henry 8*

*Dennis " 7*

(Claims for self, wife, 4 stepchildren and 2 children of his own)

Stenographer

*H.C. Risteen*  
(over)

John Henry, et al.

DEPARTMENT OF JUSTICE  
DIVISION OF INVESTIGATION

R. 3214

DIVISION OF INVESTIGATION

COPY OF ...

~~# 3214~~

Choctaw MCR 3215

Patrick Myers

See MCR 3753, 3754, 3751

MCR 3215

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

-----;-----

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

Patrick Myers, et al.....M. C. R. 3215  
Banks Myers.....M. C. R. 3753  
Lula Larkins, et al.....M. C. R. 3754  
Lucy Myers, et al.....M. C. R. 3751.

List of papers forwarded the Secretary of the Interior  
comprising the record in the consolidated  
case of Patrick Myers, et al.

Original application of Patrick Myers, et  
al., for identification as Mississippi  
Choctaws..... 1  
Oral statement of Agnes Nixon..... 8  
Oral statement of Carrie Coleman.....10  
Original application of Banks Myers for  
identification as a Mississippi Choctaw.....13  
Original application of Lula Larkins for  
identification as Mississippi Choctaws.....20  
Oral statement of Patrick Myers.....26

(2)

Original application of Lucy Myers, et al.,  
for identification as Mississippi Choctaws,  
Oral statement of Ida Myers.....27

Decision of the Commission denying the ap-  
plications of Patrick Myers, et al., Banks  
Myers, Lula Larkins, et al., and Lucy My-  
ers, et al., for identification as Missis-  
sippi Choctaws.....33

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 8, 1901.

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

Patrick Myers, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Patrick Myers.  
Q How old are you? A Between sixty ~~xxx~~ one and sixty two.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived in the state of Mississippi? A all of my life.  
Q How long have you lived in Lauderdale county? A I have been in Lauderdale ever since the second or third year after the surrender-- five miles west of Meridian.  
Q You were a slave? A Yes sir.  
Q Where did you live prior to coming to Lauderdale county, Mississippi? A In Jasper county and went from there to Jackson, Mississippi, and stayed there one year and from there to Clarke county, and came from there to this county.  
Q Up to the time you left Jasper county, had you always lived in that county? A Yes sir.  
Q Born and raised there? A Yes.  
Q Is your father living? A I suppose so.  
Q What is his name? A Lonzo Mayers.  
Q Has he any Choctaw blood? A I couldn't tell you.  
Q What is he? A American, I reckon--I couldn't tell anything about his blood.  
Q Is your mother living? A No sir, she has been dead three years.  
Q What was her name? A Lucy Ware.  
Q Did she have any Choctaw blood? A Yes, her father was an Indian.  
Q Full blood Indian? A Full blood Indian, Choctaw Indian.  
Q What was her mother? A That I couldn't tell you about her mother, that is beyond my judgment, though I have heard her speak of her mother having Indian blood, but how much I couldn't tell you.  
Q Your grandmother was a slave? A Yes sir.  
Q And your mother was a slave? A Yes sir.  
Q Was your mother's father a slave? A No sir, he was an Indian.  
Q Has your mother always lived here in Mississippi? A Ever since I can remember; I think she was bred and born in Mississippi.  
Q How much Choctaw blood do you claim to have? A I don't hardly know; my mother was one half and that would make me a quarter, I reckon.  
Q You claim to have one quarter Choctaw blood? A Yes.  
Q How old would your mother be if she were living now? A She would be between eighty and eighty one years old. Let me see: She was sixteen years old when I was born.  
Q Do you remember of having seen your mother's father? A Yes sir.  
Q What was his name? A Tom Gibson.  
Q Did he have any Choctaw name? A Yes sir, he was regular Choctaw Indian.  
Q Did he have a Choctaw name? A I don't know particular about that  
Q When did he die? A I couldn't tell you, I don't remember the date I was quite a chap.



Patrick Myers-----2.

- Q He died before you were grown? A Yes sir.
- Q Did he look like an Indian? A Yes sir.
- Q Did he speak or understand the Choctaw language? A I suppose so.
- Q Do you know? A I have heard him talk the language but I never did know anything about the language.
- Q You know nothing about it? A No sir.
- Q Your mother did not speak it? A No sir.
- Q How old do you think Tom Gibson would be if he were living now?
- A I suppose he would be ninety years old. I think he was older than my mother's mother.
- Q Did you ever see your mother's mother? A No sir.
- Q What was her name? A I don't know.
- Q She was a black woman? A Yes sir.
- Q And a slave? A Yes sir.
- Q Was Indian Gibson married to her? A No sir, they were not married. At that age, such a thing as marrying with license was not handled as it is now. He would stay with her the same as if they were married. I can remember back that he would come there.
- Q How often did he come there. I can tell you he would come around very often and my mother said he was her pa. He was around there in the settlement.
- Q Did your mother's mother ever have any other children by this Indian besides your mother? A I don't know.
- Q Your mother does not have any full brothers and sisters? A I don't know.
- Q Can you give any idea how long this Indian lived with this slave woman, your grandmother? A I couldn't tell you. I suppose it was several years, but I couldn't say how long. I don't know where and when he died. I was a chap.
- Q In those days, the slaves had a form of marriage ceremony? A Yes sir, but for me to say they were married in that way, I couldn't say. But I know he claimed to be my mother's father, but to say how long he lived with my mother's mother I couldn't say. When I was first married, I was married by a preacher. I was a slave and the consent of my master and my wife's master was my license.
- Q Did your mother's mother ever have any other children anywhere near the age of your mother? A If she did, I don't remember it. I never remember of having seen only one sister of my mother. Her name was Delia, I can remember her name well.
- Q Is that sister older or younger than your mother? A My mother is the oldest. She was dead long before my mother.
- Q Did Delia have any Choctaw blood? A I don't know, she may have. I can't say.
- Q She probably was not the child of this man Gibson? A She may have been I couldn't say. I don't remember anything much about her. She was sold from me when I was young.
- Q Did your mother ever live in Indian Territory? A No sir, only in the state of Mississippi where she was raised.
- Q So far as you know all of your Choctaw ancestors have always lived here in Mississippi? A Yes sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q Has she any Choctaw blood? A Not a bit that I know of.
- Q You make no claim for her? A No sir.
- Q Have you any children by your present wife? A No sir.
- Q Have you any children under twenty one years of age and unmarried

Patrick Myers-----3.

by a former wife? A Yes sir, two.

Q What are their names? A Marshall.

Q How old is Marshall? A About twenty.

Q Next one? A Jerusha, her age is about eighteen years.

Q Is that all? A That is all.

Q Neither of these children are married? A No sir, I have three others over age, one of them is married.

Your children that are over age and unmarried will have to come before the Commission in person in order to make application.

Q Are these two children living with you at this time? A No, they are living in Meridian and I live five miles west.

Q Are they working for themselves, A My son works on the car line, and my daughter keeps house.

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

Q What is the names of the mother of these two children? A Laura Myers.

Q Did Laura have any Choctaw blood whatever? A If she did, I don't know it;

Q Is she living? A She is dead.

Q Was she a slave? A Yes sir.

Q Were you married to her? A Yes sir.

Q Under a license? A Married just as the slave rule was. I was married by a minister and married by the Bible like anybody else, except we did not have any license--married according to the law of the bible. My boss and her boss gave consent for us to marry.

Q That was according to the custom prevailing in slavery times for the marriage of slaves? A Yes sir.

Q How many children did you raise--you and this woman Laura?

A Raised eight.

Q Is your name or the name of either of these children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know.

Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or these children to be enrolled or admitted as members of the tribe? A No sir, never before.

Q Did you or any one for you in 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or either of these children? A No sir.

Q Have you ever made any application of any description before today? A No, never have.

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

Q Do you understand that fourteenth 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 and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived here in Mississippi and ever in the western edge of Alabama. The object of the treaty was to secure the removal of these Indians from

Patrick Myers-----8.

the country occupied by them here in Mississippi and Alabama to a country west of the Mississippi river, a portion 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 move out west to the new country, but preferred to remain here in Mississippi, while the greater portion of the tribe were willing and anxious to remove out to the new country. For the benefits of those who desired to remain here, the fourteenth article was put into the treaty. Article fourteen 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 now? A I reckon so.

For fear that you may not, I will attempt to explain it fully: As I told you, this treaty was entered into in 1830, over seventy years ago. The object was to get the Indians out of this country, but for those who insisted upon staying here, this fourteenth article was put in the treaty. It provided that a Choctaw could get land here in Mississippi and stay here upon it and own it if he would do certain things: One of those things was that within six months after the treaty was ratified, let the agent of the government know that he intended to stay and take land--that treaty was ratified on the 24th day of February, 1831, so he was required to let the agent know about this within six months from that date. After he had done that, he was entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey, a piece of land a mile square; if he had a child over ten years of age that child was entitled to three hundred and twenty acres, and if he had a child under ten years of age, that child was entitled to a reservation of one quarter section, or one hundred and sixty acres of land. The land of the children must have adjoined the parents' land, and the reservation must include the improvement the head of the family had on the twenty seventh day of September 1830/ the date the treaty was made, and if the head of the family lived on this land for five years from February 24, 1831, he was entitled to a grant in fee simple--that is the government by the treaty bound itself to give him a deed conveying all its right, title and interest in the land, and he would then have the right to dispose

Patrick Myers-----8.

of it to suit his pleasure.

Q Those are the requirements of the fourteenth article. Do you think you understand it clearly? A Yes sir.

Q Did any of your ancestors ever comply with its provisions? A I don't know.

Q Were any of your Choctaw ancestors living here in 1830 when the treaty was made? A They may have been. I can remember about the time they were carrying them away from here--I can remember back to the man that carried them away from here. His name was Nail--he was carrying them off to Arkansas.

Q Where did your mother live for ten or fifteen years before you were born? A In Jasper county.

Q She was raised there? A Yes.

Q And her father lived there? A Yes sir.

Q And her father was living after you were born? A Yes, the man they said was her father.

Q Then both your mother and her father were living at that time, and you say your ~~mother~~ mother was living in Jasper county? A Yes.

Q Do you know where her father was living at that time, say fifteen years before you were born? A No, I couldn't say.

Q But he was a full blood Choctaw, and associated with the Choctaws all the time? A Yes.

Q And your mother was continuously in slavery during that time?

A Yes sir.

Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians here in 1830 when this treaty was made? A No sir.

Q Do you know whether any of your Choctaw ancestors at the time this treaty was made owned any improvements here in the old Choctaw Nation in Mississippi and Alabama? A I don't know of any.

Q Did any of your Choctaw 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 more than those who were taken off.

Q Were they ancestors of yours? A I couldn't tell that; I don't know of any particular ones that left at that time that were kin to my mother.

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 Agent for the Choctaws here in Mississippi their intention to remain and become citizens of the states and take land? A If they did, I couldn't tell you.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I never knew them to own any land.

Q Did your mother's father get any land here shortly after you were born? A If he did, I don't know it.

Q You don't know whether he got any within a few years before you were born? A No sir.

Q Did you ever hear of his owning any land here? A No sir, he was just living around in Jasper county and working around, and as to his owning any land, I can't say.

Q Did any of your Choctaw ancestors ever receive any benefits under any other article of the treaty of Dancing Rabbit Creek than the fourteenth or under the supplement to that treaty? A If they did, I don't know it.

Patrick Myers-----6.

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 desired to remain and take advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The records of the government show that this agent failed to record and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens of the states and take land. On this account, the government at its public land sales in many instances sold land on which the Indians had improvements and on which they lived, and which they expected they would receive from the government under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. This action of the government in so selling the lands caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who alimed they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the President and came down here to Mississippi and heard some of these cases, but in the time allowed them by the acts of Congress under which they were appointed, to dispose of the cases, they were unable to dispose of but a comparatively small number, and Congress later 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 work of hearing these Choctaw cases. That second Commission came down here in the early forties and hear 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 fourteen of the treaty of 1830? A I couldn't tell whether they did or not, 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 fourteen of the treaty of Dancing Rabbit Creek, but that 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 he should receive 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 If they did, I don't know it.

Q So far as you are informed, none of your ancestors have ever received any benefits whatever as Choctaw Indians? A No sir, not to my knowledge.

Q Do you know any old person living would would know whether your mother's father received any benefits as a Choctaw Indian? A I do not.

Q Do you know any one living who would be able to support your testimony as to your ancestry, the amount of Indian blood claimed by you? A Yes sir.

Patrick Myers-----7.

- Q Are any of them here today? A They will be here.  
Q Have you any written evidence that you want to offer at this time?  
A No sir.  
Q Do you want permission to file papers later? A Yes.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application if you see fit to do so. We would like to have you submit it within thirty days if possible. If you have any witnesses that you desire to introduce, you can have them come before the Commission and we will give them a hearing in support of your application.

- Q Have you any brothers living? A One half brother.  
Q By the same mother? A Yes sir.  
Q What is his name? A Stewart Brown.  
Q Has he been before the Commission? A No sir.  
Q Where does he live? A He lives about eight miles west of Meridian, in this county.  
Q Is he married? A Yes sir.  
Q Is his wife living? A Yes sir. He has been married two or three times.  
Q Do you know whether he has been before the Commission? A I know in reason that he has not.  
Q Have you any sisters living? A Two, they live in Clarke county.  
Q What are their names? A Lizzie Jackson and Nancy Collins.  
Q Have either of them been before the Commission? A No sir; they are both married.  
Q Are they full sisters or half sisters? A Half sisters, by my mother.  
Q Are any of your mother's brothers living? A None that I know of; I never did know of it any.  
Q Did she have any sisters? A Only one that I gave you the name of---Delia.  
Q Did she have any children at the time of her death? A She did, but I don't know who they were.  
Q This Delia was a half sister of your mother? A I think she was a full sister; I couldn't say.  
Q You don't know anything about where any of her children are now?  
Q No I have not seen or heard for so long I couldn't tell you.  
Q Do you know of any other descendants of your mother's father besides her? A No sir.

This applicant has the appearance of being possessed of negro blood, through his hair is straight. He claims his father was a white man, but his color would not indicate that he was possessed of any white blood. His facial expression and features resemble closely those of an Indian as does his color.

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.

17 subscribed and sworn to before me at Meridian, Mississippi, this 18th day of August, 1901.

*H.C. Risteen*  
*[Signature]* Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, October 9, 1901.

In the matter of the application of Patrick Myers for the identification of himself and two minor children as Mississippi Choctaws, M. C. R.-3215.

Agnes Nixon, 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 Agnes Nixon.  
Q How old are you? A Last May I was forty nine.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived here? A About eighteen years.  
Q Where did you live before that? A Jasper county.  
Q Mississippi? A Yes sir.  
Q How long? A I was born and raised there.  
Q Were you ever arrested? A No sir, I aint never been arrested.  
Q Have you any Choctaw blood? A Yes sir.  
Q How much? A My grandma was half Indian.

Statement by the applicant, Patrick Myers: I want to prove by this witness who my grandfather was.

The Commission: You mean that you want to prove the name of your grandfather whom you claim to have had Indian blood.

The applicant: Yes sir.

- Q Are you acquainted with the applicant Patrick Myers? A Yes sir, we was raised up together.  
Q Are you any kin to him? A No sir.  
Q Not a bit? A Not a bit of kin--his mother and my father was all owned by Mr Brown--we was raised up three miles apart.  
Q Are you interested in any way in this case of his? A No sir.  
Q How long have you known the applicant? A We was all raised up together.  
Q Known him ever since you were a child? A Yes sir.  
Q You were both slaves were you not? A Yes sir.  
Q Has Pat any Choctaw blood? A Yes sir.  
Q How much? A His grandfather was half Indian.  
Q What kind of Indian? A Choctaw Indian down in Jasper county.  
Q Through which one of his parents did Patrick Myers get his Indian blood? A His mother.  
Q What was her name? A Lucy Brown.  
Q She was a slave? A Yes sir.  
Q Did she always live here in Mississippi? A Yes sir.  
Q How much Choctaw blood did she have? A Her daddy was an Indian.  
Q How much Indian was her daddy? A She was half Indian.  
Q Her father was a full blood Indian? A Yes sir.  
Q What is Lucy's father's name that you say was a full blood Choctaw? A John Griffin--I dont forget his name--I know it was John.  
Q How do you know John was a full blood Choctaw? A Yes he was an Indian, because he used to go into the fields and help her to work and chop cotten.  
Q Do you mean he used to help Lucy to chop cotten? A No sir, Lucy's mother.

- Q What was Lucy's mother's name? A Aunt Patsey.
- Q She had no Choctaw blood, did she? A No sir.
- Q She was a negro and a slave? A Yes sir, but her daughter was one half Choctaw.
- Q John was Lucy's father and Patsey was her mother? A Yes sir.
- Q Were they ever married? A No sir, he just stayed with her. They was not married, but they stay'd together all the time and he would go there and help her work.
- Q How old were you when you used to see this man and Patsey around there together? A Thirteen or fourteen years old--I was not grown--we was all raised up together.
- Q They had some children at that time, didn't they? A Yes sir, had two, --Lucy and Rose.
- Q How long did they live together? A Ever since I knowed them.
- Q Did he stay there with her all the time? A Yes sir, he stayed at Mr Brown's with her.
- Q John was not a slave? A No sir.
- Q Did he have any other home? A No sir, he always stayed there at Mr Brown's and worked there--and he would go o' f and come back.
- Q He didn't have ny other wife besides Patsey and no other family? A No sir.
- Q You are sure of that? A Yes sir.
- Q As long as you knew them they lived here in Mississippi? A Yes sir.
- Q Do you know whether John ever lived any place else? A No sir.
- Q How old would he be if he was living now? A He would be an old man now if he was living.
- Q How old? A I don't know.
- Q How long has he been dead? A He has been dead eight or nine years, and his head was white when he died.
- Q Where did he live then? A He lived down in Jasper.
- Q And he was a full blood Choctaw Indian? A Yes sir.
- Q Didn't he have another family? A No sir.
- Q Whom did he live with? A He lived there on Mr Brown's place.
- Q Up until nine years ago? A No sir, they lived down there close to Charley Tatum's place, and then they lived down around Stonewall until he died, with Lucy.
- Q John lived with his daughter Lucy at the time of his death? A Yes stayed with her all the time after Aunt Patsey died.
- Q Could Lucy talk the Choctaw language? A Yes sir.
- Q How old was she when she died? A I don't know how old she was--she was old--her hair was white.
- Q Do you know whether John ever owned any land here in Mississippi? A No sir.
- Q Did he have any other name than John---any Indian name? A No sir.
- Q He didn't associate with the Indians at all, did he? A No, he just stayed with the darkies.
- Q As a matter of fact didn't he have some colored blood in him? A No sir, he was a full blooded Injun.
- Q You never heard of him getting any land from the government? A No sir.
- Q And you never heard of him getting any money from the government? A No sir.
- Q Did he ever go out to the Indian Territory? A No sir.
- Q Did you ever hear of his getting any land here in Mississippi a long time ago, before you were born? A No sir, I never heard anything about that.



- Q If he ever owned any land down here you never heard of it?  
A No sir.  
Q And if he ever got any money from the government you never heard of it? A No sir.  
Q And so far as you know he was never a recognized member of the Choctaw tribe of Indians? A He was an Indian.  
Q What you mean by that is that he had Indian blood? A He was a pure Indian--he was no half Indian, he was a whole Indian.

(Witness excused)

Garrie Coleman, called as a witness in behalf of applicant, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Garrie Coleman.  
Q How old are you? A About forty six.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived here? A I have lived here off and on for eighteen years.  
Q Where did you live before that? A Jasper county.  
Q Mississippi? A Yes sir.  
Q How long did you live there? A Until I was nearly grown.  
Q Born there in Jasper county? A Yes sir.  
Q You were a slave? A Yes sir.  
Q Have you any Choctaw blood? A Yes sir.  
Q How much? A About a half--my mother is one half and my pa is kin.  
Q Are you acquainted with Patrick Myers, the applicant? A Yes sir.  
Q How long have you known him? A Ever since I have been born.  
Q Is he any kin to you? A No sir.  
Q Are you interested in any way in the result of his case? A No sir.  
Q How much Choctaw blood had Patrick? A I don't know how much blood he has got.  
Q Do you know that he has any? A His grandfather was a Choctaw.  
Q How much Choctaw blood did his grandfather have? A He was a whole Indian.  
Q How long has Patrick lived here in Mississippi? A He was born here in Mississippi.  
Q How old is he? A I don't know how old he is.  
Q Is he as old as you are? A He is older than me.  
Q How much? A I don't know how much.  
Q He was a slave was he not? A Yes sir.  
Q What was his mother's name? A Lucy Brown.  
Q Did she have any Choctaw blood? A I guess she had, her father was an Indian.  
Q Her father was a full blood? A Yes sir.  
Q Do you know the name of Pat's father? A Alonso Mayers.  
Q He was a white man? A Yes sir.  
Q Did he have any Choctaw blood? A I don't know sir whether he did or not.  
Q When did Lucy die? A I heard she died two or three years ago.  
Q How old was she when she died? A I don't know how old she was.

- Q About how old? A She must have been about sixty years old. I don't know how old she was.
- Q She was a pretty old woman when she died? A Yes sir, she was old last time I saw her.
- Q She got her Choctaw blood through her father? A Yes sir?
- Q Her mother was a slave and had no Choctaw blood? A Yes sir.
- Q What was her mother's name? A Patsey.
- Q Did you know Patsey? A I was too small to know her.
- Q What was the name of the father of Lucy? A John Gibson.
- Q Did he have any Choctaw name? A I think that was his name--Gibson.
- Q You think that was his Choctaw name? A Yes sir.
- Q How do you know Lucy was the daughter of John Gibson and Patsey?
- A Because she said so, she told me so.
- Q All you know is just what she said about it? A Yes sir.
- Q And she said her father was named John Gibson? A Yes sir.
- Q Did you know John Gibson? A Yes sir, I have seen him many a time
- Q When did he die? A I don't know when he died, they all scattered after we got free.
- Q Do you know how old he would be if he were living now? A No sir
- Q Do you know whether he lived in Mississippi all his life or not?
- A I guess he did.
- Q Do you know? A No sir, I don't know.
- Q You don't know anything about him at all? A We was all x raised up together, Pat and me.
- Q You don't know anything about John Gibson at all? A Yes, I seen him.
- Q What do you know about him? A I know he was a full blooded Indian.
- Q Do you know whether he ever owned any land down here? A No sir.
- Q Do you know whether he got any money from the government as an Indian? A No sir.
- Q Did he speak or understand the Choctaw language? A Yes sir.
- Q Can you speak or understand it? A No sir.
- Q How do you know he could? A Because he talked many a time with my mother--my mother can talk it.
- Q So far as you know was he ever a recognized member of the Choctaw tribe of Indians--- John Gibson? A Yes sir.
- Q What do you mean by a recognized member of the Choctaw tribe of Indians--what is your idea as to what that means? A He was a Choctaw.
- Q You mean that he had Choctaw blood? A Yes sir.
- Q Was he recognized by the Choctaws themselves as a Choctaw and as a member of that tribe by the officers of the Choctaw government? A Yes sir, he went with the Indians.
- Q Was John Gibson married to Patsey? A I don't think they was married--they stayed together like they married in slavery days
- Q How was that? A Just stayed together.
- Q How long did they stay together? A They was together when I come up, and they was together when I got free and I left them together.
- Q Do you know how many years they lived together? A No sir, I was parted from them after I got free.
- Q How many children did they have? A Two.
- Q What is the other one's name? A Rosie.
- Q Did Patsey ever have any other husband? A No sir.

H.C.R. --3215-----6.

- Q Did John ever have any other wife? A No sir.  
Q He didn't have any other family of children by any other woman?  
A No sir.  
Q And she didn't have any other children by any other man? 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 9th day of October, 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 this the 23rd day of October, 1901,  
at Decatur, Mississippi.

*L. B. Mosely*

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

By *J. B. Mosely*

Deputy.

*Quinn  
C. v. W.*

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

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

- Patrick Myers, et al.....M.C.R. 3216
- Banks Myers.....M.C.R. 3753
- Lula Larkins, et al.....M.C.R. 3754
- Lucy Myers, et al.....M.C.R. 3751.

--: 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 Patrick Myers, for himself and his two minor children, Marshall and Jerusha Myers; by Banks Myers, for himself; by Lula Larkins, for herself and her two minor children, Lillian and Adeline Larkins; and by Ida Myers, for her three minor children, Lucy, Albert and Laura Myers, under the following provision of the act of Congress approved June 10, 1896, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Cho-

(2).

law lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and 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 Lucy Ware (or Lucy Brown), who is alleged to have been a half-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

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

(3).

rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 160), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Patrick Myers, Marshall Myers, Jerusha Myers, Banks Myers, Lula Larkins, Lillian Larkins, Adeline Larkins, Lucy Myers, Albert Myers and Laura Myers, 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.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

*Tams Bixby.*

ACTING CHAIRMAN.

COMMISSIONER.

*C. H. McMillen.*

COMMISSIONER.

Muskogee, Indian Territory,

JUN 10 1902

COPY.

M.C.R. 3215

Muskogee, Indian Territory June 19, 1902.

Patrick Myers,

Meridian, Mississippi.

Dear Sir:-

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Patrick Myers, et al., embracing the following applications for identification as Mississippi Choctaws:

Patrick Myers, et al.,	M.C.R. 3215
Banks Myers,	M.C.R. 3753
Lula Larkins, et al.,	M.C.R. 3754
Lucy Myers, et al.,	M.C.R. 3751.

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 Patrick Myers, Marshall Myers, Jerusha Myers, Banks Myers, Lula Larkins, Lillian Larkins, Adeline Larkins, Lucy Myers, Albert Myers and Laura Myers, 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."

P. M. 98

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

Yours truly,

(SIGNED) *T. B. Needles*

Registered.

Commissioner in Charge.



COPY.

M. C. R. 3215

Muskogee, Indian Territory June 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Patrick Myers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 10, 1902.

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

Patrick Myers, et al.,	M.C.R. 3215
Banks Myers,	M.C.R. 3753
Lula Larkins, et al.,	M.C.R. 3754
Jacy Myers, et al.,	M.C.R. 3751.

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

Respectfully,

(SIGNED)

*T. B. Needles.*

Through the  
Commissioner of Indian Affairs.  
1 enclosure.

Commissioner in Charge.

Muskogee, Indian Territory June 17, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 10th day of June 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Patrick Myers, et al., embracing the following applications for identification as Mississippi Choctaws:

Patrick Myers, et al.,	M.C.R. 3215
Banks Myers,	M.C.R. 3753
Lula Larkins, et al.,	M.C.R. 3754
Lucy Myers, et al.,	M.C.R. 3751.

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 Patrick Myers, Marshall Myers, Jerusha Myers, Banks Myers, Lula Larkins, Lillian Larkins, Adeline Larkins, Lucy Myers, Albert Myers and Laura Myers, 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."

M. M. & C. #2

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

Yours truly,

SIGNED:

*T. B. Needles.*

Commissioner in Charge.

(DC-1364)

C O P Y

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DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,

Land  
36768-1902.

Washington, Au. 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from T. B. Needles, Esq., commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated June 17, 1902, forwarding for the Department's consideration the record relative to the consolidated Mississippi Choctaw case of Patrick Myers, et al.

The parties to this case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

June 10, 1902, the Commission held that the applicants were not entitled to identification.

Patrick Myers applies for the identification of himself and his two minor children Marshall and Jerusha Myers; Banks Myers applies for the identification of himself; Lula Larkins applies for the identification of herself and her two minor children Lillian and Adeline Larkins; and Ida Myers applies for the identification of her minor children Lucy, Albert and Laura Myers.

The applicants in this case attempt to trace descent from

Tom Gibson, father of Lucy Ware, or Lucy Brown, mother of principal applicant Patrick Myers. The name of the father of said Lucy Ware or Brown is also shown in the record as John Griffin and John Gibson.

The records of this office do not show that anyone by the name of Tom Gibson, John Gibson, John Griffin, Lucy Ware or Lucy Brown complied or attempted to comply with the provisions of the 14th 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.

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

Very respectfully,  
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G.A.W. (S)

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DEPARTMENT OF THE INTERIOR

Washington, August 18, 1902.

I.T.D. 4788-1902.

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

Gentlemen:

June 17, 1902, you transmitted the record in the consolidated case (M.C.R.3215), embracing the applications for identification as Mississippi Choctaws of Patrick Meyers for himself and his two minor children Marshall and Jerusha Meyers; of Banks Meyers for himself; of Lula Larkins for herself and her two minor children Lillian and Adeline Larkins; and of Ida Meyers for her three minor children Lucy, Albert and Laura Meyers, together with your decision of June 10, 1902, refusing to enroll the applicants.

The principal applicant attempts to trace his Choctaw descent through his mother, Lucy Ware, or (Brown), to his grandfather, Tom Gibson, whose name also appears both as John Gibson and John Griffin.

It appears that the said Lucy Ware was a slave and was born about 1820 in Jasper County, Mississippi, and said Gibson, or Griffin, was a fullblood Choctaw Indian who co-habited with Lucy Ware and worked as a field hand on the same plantation with her, but was not a slave.

The other applicants are the children and grandchildren of Patrick Meyers.

The whole records fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation or that the alleged ancestors above named ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1857 (5 Stat., 180), and August 23, 1848 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded your decision August 5, 1902, and recommended that the same be approved. Upon review of the whole case the Department concurs therein, and your decision is accordingly affirmed.

A copy of the letter of the Acting Commission is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.  
RMD

1 inclosure.

M.C.P. 3215.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Patrick Myers,  
Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Chootaws of the several persons included in the consolidated case of Patrick Myers, et al., of which decision you were advised by registered mail on the 17th day of June, 1902.

Yours truly,

(SIGNED)

*Tames Bixby.*

Acting Chairman.



M.C.P. 3215.

COF.

Muskogee, Indian Territory, August 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 18th day of August 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Patrick Myers, et al., of which decision you were advised by mail on the 17th day of June, 1902.

Yours truly,

SIGN.

*Tamo Dixey.*

Acting Chairman.

REFER TO M. C. R. 3215

*Patrick Myresku*

*Consolidated Case*

MOTHER'S TRIBAL ENROLLMENT  
AS  
COUNTY  
No.

MOTHER'S OWNER

REMARKS

DAVE  
ROLL No.

\* John Gibson  
 + Tom Gibson, f.  
 wife  
 \* Patsy or "Aunt"  
 Patsy negro slave  
 \* Conflic as C. ...

Rose Gibson  
 Delia Gibson  
 Lucy Ware  
 Lucy Brown, 1/2, slave  
 wife  
 Along Myers, w.  
 Conflic as C. ...

Stewart Brown  
 half brother  
 Lizzie Jackson  
 half sister  
 Nancy Collins  
 half sister  
 mel.  
 22  
 Patrick Myers, 61, 1/4  
 slave  
 mar.  
 Laura Myers, wed.  
 negro slave  
 Married ...  
 Bill Brown  
 half brother

Along Myers, wed. ?  
 mar.  
 Ida Myers, 29  
 Robert Myers, 28.  
 mel.  
 Banks Myers  
 mel.  
 Lula Larkins, 23. ?  
 mar.  
 Robert Larkins  
 mel.  
 22  
 Marshall Myers 20, 18.  
 Jernisha Myers 18, 18

Lucy Myers 7, ?  
 Albert Myers 7, ?  
 Laura Myers 4, ?  
 Lillian Larkins, 3, ?  
 Adeline Larkins, 1 1/2, ?

For Identification as a Mississippi Choctaw.

Date  
Name Patrick Myers

Age 61 Blood 1/4

Post Office, Meridian, Miss.

Father: Longo Moyers S

Mother: Lucy Ware d

Claims through mother

Children:

Marshall Myers 20

Jerusha " 18

Mother <sup>Laura</sup> ~~Ma~~ Myers S  
no choctaw blood

(Claims for self and 2 minor children)

Stenographer

A. C. Risten

Choctaw MCR 3216

Fletcher McDaniel

MCR 3216

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

-----

In the matter of the application of Fletcher McDaniel, et al., for identification as Mississippi Choctaws, M.C.R. 3216.

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

	(Page)
Original application of Fletcher McDaniel, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	1
Decision of the Commission refusing the application of Fletcher McDaniel, et al., for identification as Mississippi Choctaws.....	7

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 8, 1901.

In the matter of the application of Fletcher McDaniel for the identification of herself and three minor children as Mississippi Choctaws.

Fletcher McDaniel, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Fletcher McDaniel.  
Q What is your age? A Twenty five.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A Seven years.  
Q Where did you live before that? A I was born in Jasper county, but I was mostly raised in Georgia.  
Q And you lived there during your entire life until you came to Lauderdale county, Mississippi? A Yes sir.  
Q How much Choctaw blood do you claim to have? A My mother was one half.  
Q What is your father? A I don't know how much he had and I don't claim it because I can't get it straight. He claims some but I don't know where he got it from.  
Q You claim to be one quarter? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A Fletcher Wynn.  
Q How long has your father been dead? A He has been dead about ten years.  
Q Is your mother living? A No sir.  
Q What was her name? A Cherry Wynn.  
Q How long has she been dead? A Died in 1892.  
Q Did she have Choctaw blood? A She had one half.  
Q You get your Choctaw blood solely through your mother? A Yes, sir.  
Q Where was your mother living at the time of her death? A Cedar-town, Georgia.  
Q How long prior to your birth had she lived in Jasper County, Mississippi? A I don't know.  
Q You don't know anything about her residence before you were born? A No sir.  
Q How old would your mother be if she were living? A Forty two I think.  
Q Through which one of her parents did she derive her Choctaw blood? A Her mother.  
Q What was her mother's name? A Frances Byrd.  
Q Was Frances Byrd a slave? A I guess she was.  
Q Have not you heard whether she was a slave or not? A No sir, she has been dead so long.  
Q Did you ever see her? A Yes, I was small when she died.  
Q Did she look as if she had any Indian blood? A Yes sir.  
Q How did she look? A She looked like these Indians.  
Q Did she speak and understand their language? A Yes sir.  
Q How do you know? A I heard her.  
Q Can you tell the Choctaw language when you hear it? A Yes, I can tell it.

Fletcher McDaniel-----2.

- Q Can you speak the language? A No sir.  
Q Can you understand it? A No sir.  
Q Did your mother speak or understand the Choctaw language? A No, sir.  
Q Your mother was a slave, was she? A No sir.  
Q Was your father? A I don't think he was---he was young,-he might  
Q Your mother might have been too? A Yes, she might have been born a slave.  
Q Don't you know it to be a fact that your mother's mother was a slave? A Yes, she was compelled to be a slave.  
Q But it is your statement that your mother is a half Choctaw and your mother's mother must have been a full blood, unless your mother's father had Choctaw blood---Did he have any Indian blood? A Yes sir.  
Q What was his name? A Russell Byrd.  
Q He was a slave? A Yes sir.  
Q Where did you mother's father and mother live? A In Jasper County until they left there and went to Georgia. They both died in Georgia.  
Q How long did they live in Jasper County---were they born there?  
A I don't know sir whether they was born there or not.  
Q Do you know the names of either of their parents. A I did know my grandmother's mother I can't think of it; she was a Johnson, but I can't think of her name.  
Q Did your grandfather or grandmother on your mother's side have Indian names? A No sir.  
Q Have all of your ancestors as far as you know always lived here in Mississippi except the time your family went to Georgia? A Yes sir.  
Q How old would your grandmother be if she were living now? A About sixty I guess I don't know.  
Q How old would your grandfather be if he were living now? A About sixty five I guess; I don't know their ages.  
Q You couldn't tell us the names of any one of your great grand parents? A No sir, I did not know my great grandmother's name, but I never did see her and can't think of her name.  
Q Did any of your ancestors ever go out in the Indian Territory? A No sir.  
Q Have you ever been out there yourself? A No sir.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A Wade McDaniel.  
Q Has he any Choctaw blood? A No sir.  
Q You make no claim for him then? A No sir.  
Q Have you been married more than once? A No sir.  
Q Have you any children? A Three.  
Q What are their names and ages? A Ravaud.  
Q Is that a boy or girl? A Boy.  
Q How old? A Seven years old.  
Q Next one? A Girlie.  
Q Is that a boy or girl? A Girl.  
Q How old? A Four.  
Q Next one? A Boyd.  
Q How old is he? A Two years old.  
Q That is all, is it? A Yes sir.  
Q This application is for yourself and three minor children? A Yes sir



Fletcher McDaniel-----3.

- Q Are you the mother of these three children? A Yes sir.  
Q What is the name of their father? A Wade McDaniel.  
Q Is he the father of all of them? A Yes sir.  
Q Is your name or the name of your oldest child to be found upon 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 your 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 Is this the first application of any description that has ever been made for any of you? A This is the first.  
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 fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir, Understand part of it.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September 1830, nearly seventy one years ago, 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 on the western edge of Alabama. The object of the treaty was to secure the removal of these Indians ~~is~~ from the country occupied by them here in Mississippi and Alabama to a 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 Indians were unwilling to move out to the new country but ~~xxx~~ insisted upon being permitted to remain here, and for the benefit of those who desired to remain here, the fourteenth article was put into that treaty. This 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 part. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A Yes sir.

Fletcher McDaniel-----4.

Q Did any of your ancestors ever comply with its provisions or ever receive any benefits under that article? A No sir.

Q Were any of your Choctaw ancestors living here in Mississippi or Alabama in 1830 when the treaty was made? A I don't know.

Q Were any of them recognized members of the Choctaw tribe here at that time? A I don't know anything about any further than my grandmother.

Q Did any of your Choctaw ancestors own any improvements here in 1830 when the treaty of Dancing rabbit Creek was made? A I don't know.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation here in Mississippi and Alabama and go 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, I don't think they did.

Q Did any of them within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the United States Indian Agent for the Choctaws in Mississippi their intention to stay in Mississippi and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the government of the United States under the provisions of article fourteen of the treaty? A No sir.

Q None of them ever owned any land here? A No sir.

Q Never got any land under any other provision of that treaty do you think? A No sir.

Q As far as you know none of your ancestors have ever owned any land in Mississippi? A No sir, as far as I know of.

In accordance with the provisions of the fourteenth article 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 Choctaw Indians as 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 the names of many Indians who did in fact signify to him their intention to stay and become citizens of the states, and on this account, the government of the United States, at its public land sales, here in Mississippi, 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 3rd day of March, 1837, providing for the appointment of a Commission to come down here and hear the cases of Choctaws who claimed that they had complied with the provisions of article fourteen of that 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 cases, but in the time allowed them they were unable to dispose of but a comparatively small number of cases. Congress then 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~~ finish up these Choctaw cases. This second Commission came to Mississippi 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 fourteen of that treaty? A No sir, not that I know of.

Fletcher McDaniel-----5.

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 his land 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 Did any of your ancestors ever receive any scrip under this act of Congress? A No sir, not that I know of.
- Q As far as you know none of your ancestors have ever received any benefits whatever from the government as Choctaw Indians? A As far as I know, they have not.
- Q Do you know of any of your ancestors who were ever recognized members of the tribe? A No sir.
- Q Do you know of any one living who would be able to support your testimony as to your ancestry and the amount of Indian blood you have? A Yes, Mr Coleman and Mrs Coleman, my witnesses.
- Q Where are they? A They are down stairs.
- Q Do you want to bring them before the Commission? A No sir, I guess not.
- Q Have you any witnesses here now that you want to bring before the Commission in this case? A No sir.
- Q Have you any written evidence you want to offer? A No sir.
- Q Do you want to file some later? A Yes sir.

You will be allowed a reasonable time in which to submit proper written evidence in support of your application. We would be glad however if you would file such evidence within thirty days from this date. In case you should see fit to bring witnesses before the Commission, you can bring them before the Commission at Meridian within a reasonable time, and we will hear their testimony.

- QV Did you ever see or hear of any deed or patent issued to any one of your ancestors by the president of the United States covering land in Mississippi and given to them under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir.
- Q Have you any brothers living? A One.
- Q What is his name? A Newton Wynn.
- Q Where does he live, A Last time I heard from him he was in Rome, Georgia.
- Q Has he been before the Commission? A No sir.
- Q Have you any sister living? A Yes sir.
- Q What is her name? A Lela Wynn.
- Q Where does Lela live? A In Memphis.
- Q Is she married? A No sir.
- Q She has not been before the Commission? A No sir.
- Q Have you any brothers or sisters dead? A Yes, one brother dead.
- Q Did he have any children at the time of his death? A No sir, he was young when he died.
- Q Are any of your mother's brothers living? A No sir.
- Q Did she have any brothers? A No sir.
- Q Did she ever have any sisters? A Yes sir.
- Q Are they living? A Yes, three.
- Q Full sisters? A Yes sir.

Fletcher McDaniel-----6.

- Q Have they been before the Commission? A <sup>No,</sup> ~~Yes~~ sir.
- Q Where do they live? A One is in Memphis, one in Rome, Georgia, and one in Cedartown, Georgia.
- Q What are their names? A Charlotte Featherston, Mary Lenor and Hattie Wilson.
- Q Did your mother ever have any more sisters? A Yes, one dead.
- Q Did she have any children when she died? A Yes sir.
- Q Where are those children? A I don't know, they were with their father last time I heard in Weir City, Kansas.
- Q How many of those children are there? A Five, I believe.
- Q Do you know their names? A No sir.
- Q Have you any white blood? A Yes sir.
- Q How much? A I don't know how much, I guess a little from my father's side.

This applicant has the features and facial expression of a negro. Her hair however is black and long and comparatively straight. Her skin would indicate that she might be possessed of Indian blood.

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 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 date.

*H.C. Risteen*

Subscribed and sworn to before me at Meridian, Mississippi, this 19th day of August, 1901.

*[Signature]*

Notary Public.

H. J.  
C. W.

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

-----0-----

In the matter of the application of Fletcher McDaniel, et al., for identification as Mississippi Choctaws, M.C.R. 3216.

--: 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 Fletcher McDaniel for herself and her three minor children, Ravaud, Girlie, and Boyd McDaniel, 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 Russell Byrd and Frances Byrd, both of whom are alleged to have been Choctaw Indians (degree of blood not stated).

The principal applicant gives the name of the mother of Frances Byrd as ----- Johnson, but does not state whether she was possessed of Choctaw blood or not; however, the name of ----- Johnson will be treated as that of a Choctaw ancestor of these applicants, in order that every possible right they may possess as Mississippi Choctaws will be fully adjudicated.

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 also appears from the records in the possession of the Commission that persons bearing the surname Johnson are found in a number of schedules of names of Choctaw Indians, in Volume I of the Claimants brief and evidence in the case (No. 12,742) of the Choctaw Nation vs. the United States, before the Court of Claims, but there is nothing in the testimony herein which tends to show that the

----- Johnson through whom these applicants claim is identical with any of the persons mentioned in the above record bearing the surname Johnson.

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 ----- Johnson, or Russell Byrd, or Frances Byrd, 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 Fletcher McDaniel, Ravaud McDaniel, Girlie McDaniel and Boyd McDaniel, 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 Smith*

Acting Chairman.

*F. D. McDaniel*

Commissioner.

Muskogee, Indian Territory,

*J. D. Brothman*

Commissioner.

OCT 18 1902.

Muskogee, Indian Territory, October 18, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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

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

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

Said decision concludes as follows:

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

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



M NoM & 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,

*Samuel D. ...*  
Acting Chairman.

Muskogee, Indian Territory, October 18, 1902.

Fletcher McDaniel,  
Meridian, 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 Fletcher McDaniel, et al., applicants to the Commission for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fletcher McDaniel, Ravand McDaniel, Girlie McDaniel and Boyd McDaniel 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

F HoD-----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.

Muskogee, Indian Territory, November 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

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

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

Respectfully,

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 3216

( COPY )

Land  
67780-1902.

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

February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as a Mississippi Choctaw of Fletcher McDaniel, wherein a decision adverse to the applicant was rendered by the Commission on October 18, 1902.

It appears from the testimony taken in this case that the applicant bases her claim to identification by reason of being a descendant of -- Johnson, and Frances and Russell Byrd. The applicant is unable to state, however, whether her ancestors lived in the Choctaw Nation in Mississippi or Alabama in 1830, or not, or whether they complied with the provisions of the 14th article of the treaty of 1830, or whether they received land or scrip.

The Commission bases its decision rejecting these

parties on the ground that its records fail to show that -- Johnson, or Russell Byrd, or Frances Byrd, or any ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

An examination of the records of this office discloses the fact that there were no such persons as -- Johnson, Frances Byrd or Russell Byrd who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and it is recommended that the decision of the Commission rejecting this applicant be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

H.B.H. H'r.

( COPY )

D.C.No.5467-1903.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

EAF.

ITD.1308-1903.  
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 Fletcher McDaniel and her minor children, Ravaud, Girlie and Boyd McDaniel, including your decision of October 18, 1902, adverse to the claimants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one ..... Johnson and Russell Byrd and Frances Byrd, who are alleged to have been Choctaw Indians.

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

Reporting February 5, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

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

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

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 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 Fletcher McDaniel, et al., of which decision you were advised by mail on the 18th day of October, 1902.

Respectfully,

*James H. Smith*

Chairman.



M.C.R. 3216

COPY.

Muskogee, Indian Territory, March 5, 1903.

Fletcher McDaniel,  
Meridian, 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 Fletcher McDaniel, et al., of which decision you were advised by registered mail on the 18th day of October, 1902.

Respectfully,

RECORDED.

*Tame Bibb*  
Chairman.

#1273

No. 346

For Identification as a Mississippi Choctaw.

Date

AUG 8 1901

Name Fletcher M Daniel (female)

Age 25

Blood 1/4

Post Office, Meridian, Miss.

Father: Fletcher Wynn d

Mother: Cherry " (1/2) d

Claims through mother  
husband Wade M Daniel. L  
No claim for husband.

Children:

Ravard M Daniel (M) 7

Girliel " (F) 4

Boyd " (M) 2

(Claims for self and 3  
minor children)

Stenographer

H. R. Rosten

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

**FILED**

DEC 2 1902



ACTING CHAIRMAN



DEC 1 1902

Unclaimed

1834

Returns to *W. B. 33*  
*AT. 2*

Department of the Interior.

Commission to the Five Civilized Tribes,

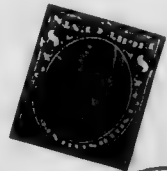
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Fletcher McDaniel,

Meridian, Mississippi.



Choctaw MCR 3217

Elizabeth Stephens

See MCR 3227

MCR 3217

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 8, 1901.

In the matter of the application of Elizabeth Stephens for identification as a Mississippi Choctaw.

Elizabeth Stephens, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Elizabeth Stephens.  
Q What is your age? A Forty.  
Q What is your post office address? A Gaston, Alabama.  
Q In what county? A Sumter county.  
Q How long have you lived in Sumter County? A Forty years.  
Q Is your father living? A No sir.  
Q What was his name? A Anderson Poteet.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary Poteet.  
Q You claim to have Choctaw blood, do you? A Yes sir.  
Q Through which one of your parents do you derive your Choctaw blood? A My mother.  
Q How much Choctaw blood did your mother have? A She had half.  
Q Are you sure about that? A Yes sir.  
Q What was the other half? A She was nigger.  
Q How much do you claim? A I claim one quarter.  
Q Were you a slave? A No sir.  
Q You were homin slavery, were you not? A Yes sir, I reckon so.  
Q Was your father a slave? A Yes sir.  
Q Was your mother a slave? A If she was, I don't know.  
Q Didn't you ever hear that your mother was a slave? A She might have been a slave, but to say I know it, I don't know it. I reckon she was.  
Q How old would your mother be if she were living now? A I just don't know her age.  
Q About how old do you think she would be if she were living now? A She would be somewhere along about sixty.  
Q How long has she been dead? A She has been dead five years.  
Q You don't know how old she was when she died? A No sir.  
Q Which one of her parents did your mother get her Choctaw blood through? A Her father.  
Q Did you ever see him? A No sir.  
Q How long has he been dead? A I don't know sir.  
Q What was his name? A Willis Therne.  
Q And your mother's mother was a slave? A Yes sir.  
Q And had no Choctaw blood? A Not as I know of.  
Q What was her name? A Bettie.  
Q Did you ever see her? A Yes sir, I have seen her.  
Q Was not Therne a slave, too? A No sir.  
Q Where did he live? A Sumter County, Alabama.  
Q According to your statements that your mother was a half breed, and your mother's mother did not have any Choctaw blood, Therne must have been a full blood Choctaw? A Yes, he was full blood.  
Q Was he married to your mother's mother? A I don't know.  
Q Did you ever hear about that matter? A No sir.

Elizabeth Stephens----2.

- Q Did your mother have any brothers or sisters about her age? A Yes sir.
- Q By this same man Thorne? A Yes sir.
- Q How many? A There were three of them.
- Q You are sure they were full brothers and sisters of your mother? A Yes sir.
- Q Do you know how long your mother's mother lived with Thorne? A No sir.
- Q Did Thorne have a Choctaw name? A I don't know, all I do know he was always said to be a Choctaw Indian; I don't understand about that Choctaw name.
- Q Don't you know that Choctaws as a usual thing have an English name and a Choctaw name? A I couldn't tell what that was.
- Q Do you know whether he spoke or understood the Choctaw language? A No sir, I don't know.
- Q Do you know whether he was during his lifetime a recognized member of the tribe? A No sir, I couldn't tell you that.
- Q About how old do you think he would be if he were living now? A I couldn't tell you anything about that.
- Q Did he die before your birth? A I guess he did, I never seen him, just heard my mother talk about him.
- Q Do you know the names of the parents of this man Thorne? A No, sir.
- Q Have any of your people ever been out to the Indian Territory? A No
- 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 Has he any Choctaw blood? A His father has; I reckon he has too.
- Q Do you make any claim for him? A No sir.
- Q Have you any children under twenty one years of age and unmarried? A No sir.
- Q This application then is for yourself only? A Yes sir, for myself only.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A I don't understand that.

The Choctaw tribal rolls are lists of people who belong to the tribe out there in the territory--lists made by the Choctaw officers themselves.

- Q Is your name on any of those rolls? A I don't know sir.
- Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled or admitted as a member of that tribe? A No sir.
- Q Did you make application to this Commission in 1896 for citizenship in the Choctaw Nation? A I am making my first trial now.
- 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 identification as a Mississippi Choctaw entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't understand.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, nearly seventy one years ago, between the United States and the Choctaw tribe of Indians. At the time that treaty was made, the Choctaws

Elizabeth Stephens-----3.

lived in Mississippi and over on the edge of Alabama along the western line. The object of the treaty was to get the Choctaws to move out west to a new country west of the Mississippi River, a part of which is now occupied by the main part of that tribe. At the time this treaty was made, some of the Choctaws were unwilling to remove out to the new country west of the Mississippi and insisted that they be permitted to remain here, and for the benefit of those desiring to remain here, the fourteenth article was put into 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 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 think you understand that now? A I don't know.

As I have heretofore stated, the fourteenth article was put into the treaty for the benefit of those who desired to stay here in Mississippi, and by that fourteenth article a Choctaw had the right to remain here and take land upon certain conditions. One thing that would be necessary before he could take land under the fourteenth article was that he must within six months from the time this treaty was ratified, which was on the 24th day of February, 1831, let the agent of the government here in Mississippi know that he intended to stay here and become a citizen of the states. He was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. And if he had an unmarried child living with him over ten years of age, that child was entitled to one half section, and if he had a child under ten years of age, that child was entitled to a quarter section, or one hundred and sixty acres of land; the land the children were to get must adjoin the location of the parent. If they lived on that land for five years from the ratification of the treaty, a grant in fee simple should issue. The government would give them a deed to the land. The reservation must include the present improvement of the head of the family, that is the improvement on September 27, 1830.

Q Do you think that you understand those requirements? A I understand it now.

Q Did any of your ancestors ever comply with the provisions of this fourteenth article? A I don't know sir.



Elizabeth Stephens-----4.

Q Were any of your ancestors living in the old Choctaw Nation 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 tribe here at that time? A I don't know sir.

Q Did any of them own any improvements here in the old Choctaw Nation at that time? A I don't know sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between the years 1833 and 1838? A I don't know.

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 of the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the states? A I don't know.

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

Q Did you ever hear of any of your ancestors getting land here in Mississippi from the government? A No sir.

Q Did any of your Choctaw ancestors ever own any land here in Mississippi? A I don't know sir, if they did, I didn't know it.

Q Did any of them ever get any land from the government 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 I don't know sir.

Q You never heard of it? A No sir.

Q Did you ever see any deed or patent issued to any of your Choctaw ancestors given to them by the President of the United States, and conveying land to them under the provisions of this treaty?

A No sir.

Q Did you ever hear of such a deed or patent? A If I did, I don't know anything about it.

Q So far as you know, have any of your ancestors ever received any benefits as Choctaw Indians from the government? A If they has, I never has heard 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 Choctaws who might desire to remain here and become citizens of the states in accordance with that article. The records of the government show that that agent failed to register and report to the government the names of many Indians who did in fact signify to him their intention to remain and become citizens. On this account, the government at its public land sales here in Mississippi in many instances sold land upon which Choctaws had improvements and upon which they lived, and which they supposed they would get from the government under the fourteenth article of the treaty. This action of the government in selling the Choctaws' lands caused a great deal of complaint among them, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi, and hear the ap-

Elizabeth Stephens-----5.

plicants or cases of Choctaws who claimed they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their lands had been sold by the government. This Commission was duly appointed by the President, and the Commissioners came down here and heard a great many of these Choctaw cases, but in the time allowed them under the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number 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 cases. This 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 these two Commissions and attempt to establish their rights under article fourteen? A I don't know, not as 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 fourteen 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 Mississippi, Alabama, Louisiana or Arkansas from vacant government land, and 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 None as ever I knowed of.

Q Do you know any one living who would be able to support your testimony as to your ancestry and the amount of Indian blood you have? A Yes, they know about my mother's father.

Q Are any of them here today? A No.

Q Where are they? A At my home in Sumter county, Alabama.

Q What are their names? A Buck McCorkle and Liza McCorkle.

Q What is their post office address? A York, Alabama.

Q Have you any written evidence of any kind you want to offer? A I have not any now but I want to offer some in the future.

You will be allowed a reasonable time in which to offer proper documentary evidence in support of this application. We would be glad to have you file it within thirty days if you can. If you see fit to bring any witnesses before the Commission within a reasonable time here at Meridian, we will take their testimony in support of your application. The personal appearance of witnesses is of course preferable to submitting their written testimony. However, this is a matter on which you must exercise your own judgment.

Q Have you any brothers living? A No sir.

Q Did you ever have any brothers? A Never but one.

Q How old was he when he died? A Six months.

Q Did you ever have any sister? A Yes sir, seven.

Q Give us their names? A Laura Marshall, Ann Hall, Rhoda Dixon, Georgia Lawson, Mandy Ward, Jennie Stephens and Clemmie Larkins.

Q Have any of them been before the Commission? A No sir.

Q Where do they live? A Down there near my home except one. One is right here in this town.

Elizabeth Stephens-----6.

- Q Are any of your mother's brothers living? A One.  
Q What is his name? A Joe Thorne.  
Q Full brother of your mother? A Yes sir.  
Q Where does he live? A Above Eutaw, Alabama.  
Q Has he ever been before the Commission? A No sir.  
Q Did your mother ever have any other brothers? A No sir.  
Q Did she have any sisters? A Yes, two sisters.  
Q What were their names? A Millie and Cornelia.  
Q Are they living now? A I don't know sir.  
Q Where were they living when you heard of them last? A One of them was in Tennessee and the other in Texas.

This applicant has the appearance of being a negro. She does not speak or understand the Choctaw language., and shows slight if any indications of being possessed of Indian blood.

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 19th day of August, 1901.

*J. W. [Signature]*

Notary Public.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Elizabeth Stephens,  
Gaston, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Clennie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

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."

Elizabeth Stephens-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 Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bennie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgie Lawson, Clemmie Larkin, Iessie Larkin, Jennie Stephens, B.C. Stephens, Hassie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward 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)

*Tamm Dickey*  
Acting Chairman.

Registered.

M.C.R. 3217

COPY

Muskogee, Indian Territory, December 23, 1902.

Elizabeth Stephens,  
Gaston, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al.; of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

Acting Chairman.

No. 3217

For Identification as a Mississippi Choctaw.

Date AUG 8 1901

Name Elizabeth Stephens

Age 40 Blood  $\frac{1}{4}$

Post Office, Gaston, Ala.

Father: Anderson Pateet. d.

Mother: Mary Pateet ( $\frac{1}{2}$ ) d.

Claims through mother

(Claims for self only.)

Children:

Stenographer

A. C. Ruteen

Choctaw MCR 3218

Harry A. Martin

MCR 3218



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 10, 1901.

3218

In the matter of the application of Harvey A. Martin for identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Harvey A. Martin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Harvey A. Martin.  
Q What is your age? A Thirty-three years old.  
Q What is your post-office address? A Latham, Moniteau County, Missouri.  
Q How long have you lived there? A About one year.  
Q How long have you lived in Missouri? A All my life.  
Q Never had a home outside of that State? A No.  
Q What is your father's name? A Jesse Martin.  
Q Is he living? A No.  
Q What is your mother's name? A Parthena Ann.  
Q Is she living? A Yes.  
Q Through which one of your parents do you get your Choctaw blood? A Through my father.  
Q How much Choctaw blood do you claim? A Well about three sixteenths.  
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.

Certified copy of marriage certificate between Jesse Martin and Parthena Ann McRoberts, offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Are you married? A Yes.  
Q What is your wife's name? A Maggie.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q She is a white woman and claims no Choctaw blood? A Yes.  
Q Have you any children for whom you wish to make application at this time? A Yes I have four.  
Q What are the names and ages of these children? A Myrtle M.  
Q How old? A She is eleven years old.  
Q Next? A Jesse W.  
Q Is this a boy? A Yes.  
Q How old? A Ten years.  
Q Next? A Johnnie A.  
Q How old? A Seven years old.  
Q Next, A Henry L.  
Q How old? A Two years old.  
Q These are all your children? A Yes.  
Q What is the name of their mother? A Maggie.  
Q When and where were you married to Maggie? A In eighty-nine.

#2

- Q Where? A In Moniteau County.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A Official.  
Q Justice of the Peace? A Yes.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes.

Certified copy of marriage license and certificate between Harevy A. Martin and Maggie Crawford, offered in evidence, marked exhibit "B" 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 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 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.  
Q What kind of an application do you want to make now? A Well I want to make application as a descendant of a Choctaw and become a citizen of the Territory.  
Q What do you claim to be? A I don't understand what you say.  
Q I mean what are you applying for now, what do you claim you are? A Why I am applying under the article or agreement made between the United States and the Choctaws in eighteen hundred and thirty, section fourteen.  
Q You are claiming as a Mississippi Choctaw under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.  
Q Do you understand the provisions of that fourteenth article of the treaty of eighteen hundred and thirty? Why I have heard it read but could not repeat it

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 move them all to the Country west of the Mississippi River, but some of them did not want to leave their homes in Mississippi and the others would not sign any treaty until some provision was made for those who wanted to stay in Mississippi, so article fourteen was made apart of the treaty for the benefit of these Choctaws who did not want to leave their homes and come west 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 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 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."

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 become citizens of the United States but when an agent was sent down by the government to locate the land for the 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 there in Mississippi whose names did not appear on the list which the Agent had made so under different acts of Congress Commissioners were appointed to go down there into Mississippi and investigate the matter and find out just who of these 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 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 issued by the government with which they could locate land on any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestor's own land in any of these States? A I could not tell you.
- Q You never heard? A No.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty at the time this treaty was made? A William Harris.
- Q Was he a recognized Choctaw Indian? A Yes.
- Q Have you any evidence to show that he was a recognized Choctaw Indian living in Mississippi in eighteen hundred and thirty? A Well I have a copy of testimony here.

Certified copy of the testimony of James Allen and John Pistole taken before the Commission at Ardmore, Indian Territory, September 21, 1898, in the matter of the application of John S. Martin et al, for identification as Mississippi Choctaws, offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

- Q What relation was this William Harris to you? A He was my great grandfather.
- Q What was your father's father's name? A Jesse Martin.
- Q What was your father's mother's name? A Mary Martin.

- Q Through which one of your father's parents did he claim his Choctaw blood? A Through my grandmother.
- Q Through Mary Martin? A Yes.
- Q What was Mary Martin's father's name? A William Harris.
- Q And what was her mother's name? A I think Mary too.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Her father and mother both.
- Q How much Choctaw blood did William Harris claim to have? A I have always been told that he was full.
- Q And how much did Mary have? A One-quarter.
- Q It is this testimony I notice it says that James Harris who appears as a son of William Harris lived in Mississippi after the Choctaws came west but there don't seem to be any statement made as to whether William Harris lived in the old Choctaw Nation in eighteen hundred and thirty and there is no statement made as to Mary Martin in this testimony as to what relation she was to William Harris or whether she was related to him at all. You claim that she was his daughter? A Yes that is what I have been taught.
- Q How old would your father be if he were living now? A He would be eighty-one years old. He has been dead two years.
- Q Your father then must have been born prior to the year eighteen hundred and thirty? A He was born in eighteen hundred and twenty-one the best I remember.
- Q Then your grandmother Mary Martin must have been a married woman and the head of a family in eighteen hundred and thirty when this treaty was made? A I don't know anything about it.
- Q Well just reason now, your father was born in eighteen hundred and twenty-one you say, your grandmother then must have been a married woman and had children in eighteen hundred and thirty? A Yes I suppose she was.
- Q Do you know anything about whether William Harris was living at that time or not? A No only what I have been told. I don't know much about it.
- Q How much Choctaw blood did Mary Martin claim to have? A You mean my grandmother Martin?
- Q Yes? A Well I don't know, she was about, I can't tell you exactly, somewhere one-half I believe.
- Q Did she have any Choctaw name? A Not that I know of.
- Q Was you any evidence to show that she was a Choctaw Indian and lived in Mississippi or in the Choctaw Nation in eighteen hundred and thirty? A No.
- Q Can you get any such evidence? A I don't know whether I could or not, I can see.
- Q You understand the importance of having evidence on these points? A Yes.
- Q Did Mary Martin or did William Harris 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 become citizens of the United States? A I could not tell you.
- Q Did either one of them own any land in Mississippi? A Not that I have ever been told.
- Q Do you think you will be able to secure any evidence to show whether your grandmother or great grandfather ever went to the Indian Agent there in Mississippi and told him that they wanted to stay there? A I do not know.
- Q You understand that is also a material point in your case? A Yes.
- Q Have you any other papers that you would like to file at this time? A No.

- Q Is there any other statement that you would like to make in support of your application? A Not that I know of. I don't suppose it will be of any use to have any of these identify me.
- Q Have you any one here who could identify you as a grandchild of Mary Martin? A Why not here but at the hotel.
- Q Well if you think they know anything we will examine them for you.

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

This applicant has brown hair, brown eyes and dark complexion but he shows no traces of Indian blood and his general characteristics 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 although he states that his grandmother lived in Mississippi in eighteen hundred and thirty.

applicant excused.

Nancy J. Walser called as a witness, duly sworn testified as follows:

- Q What is your name? A Nancy J. Walser.
- Q What is your age? A Sixty.
- Q What is your post-office address? A California, Missouri.
- Q How long have you lived there? A Nineteen years.
- Q How long have you lived in Missouri? A All my life.
- Q You are an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with Harvey A. Martin? A Yes.
- Q What relation is he to you if any? A He is about my third cousin.
- Q Do you know his father's name? A Yes.
- Q What was it? A Jesse Martin.
- Q What was his mother's name? A Perthena Martin.
- Q Through which one of his parents did he get his Choctaw blood? A His father.
- Q What was his father's father's name? A It was his father's mother that the Indian blood came through.
- Q Well what was his father's father's name? A William Harris.
- Q What was this boy's father's father's name? A Jesse Martin.
- Q And what was this boy's father's mother's name? A Mary Martin.
- Q Which one of his father's parents claimed to be Choctaw? A His father's mother, Jesse Martin's mother was Choctaw.
- Q And what was Mary Martin's father's name? A William Harris.
- Q And what was Mary Martin's mother's name? A I don't know, it always seemed to me like I heard my mother say Mary.
- Q Which one of Mary Martin's parents claimed to be Choctaw? A Her father.
- Q Then William Harris is the great grandfather of this applicant? A Yes.
- Q And Mary Martin was his grandmother? A Yes.
- Q Did you know Mary Martin? A Yes.
- Q You know that Harvey A. Martin is the son of Mary Martin's son? A Yes.
- Q (To applicant) Is this all you wish to have brought out? A Yes I think so.

Witness excused.

John G. Snodgrass called as a witness duly sworn testified as follows:

- Q What is your name? A John G. Snodgrass.  
 Q What is your age? A Fifty-eight.  
 Q What is your post office address? A Clarksburg, Missouri.  
 Q How long have you lived in Missouri? A Fifty-eight years, all my life.  
 Q You are an applicant for identification as a Mississippi Choctaw? A Yes.  
 Q Are you acquainted with the applicant Harvey A. Martin? A Yes.  
 Q What relation is he to you if any? A My third cousin.  
 Q Did you know his father and mother personally? A Yes.  
 Q Did you know his grandfather and grandmother personally? A Yes.  
 Q What is his father's name? A Jesse Martin.  
 Q What is his mother's name? A Perthena Martin.  
 Q Which one of his parents claimed to be Choctaw? A His father.  
 Q What was his father's father's name? A Jesse.  
 Q What was his father's mother's name? A Mary.  
 Q Which one of his father's parents claimed to be Choctaw? A His father.  
 Q His father? A No his mother.  
 Q Mary Martin? A Yes.  
 Q His father's mother then claimed to be Choctaw? A Yes.  
 Q What was Mary Martin's father's name? A William Harris.  
 Q What was her mother's name? A I think it was Mary, I am not positive.  
 Q You say you knew Jesse and Mary Martin, this applicants grandfather and grandmother? A Yes.  
 Q You know that he is the grandson of Jesse and Mary Martin and the son of Mary Martin? A Yes.  
 Q (To applicant) Is there anything else? A Nothin at all.

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 10, 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 14th day of October 1901.

*G. Rosenwinkel*  
*Waverly Shelby*  
 Notary Public.

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.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 2, 1901.

Harvey A. Martin,  
Latham, Missouri.

Dear Sir:

In the matter of the applications for identification as  
Mississippi Choctaws of

John Harris et al.,                      John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 10, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and four minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

H. A. M.--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,



Commissioner in Charge.

M.C.-3218



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

Miss. Choct. 3216

COPY.

Muskogee, Indian Territory, March 15, 1902.

Harvey A. Martin,

Latham, Missouri,

Dear Sir:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin. Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississipi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

(SIGNED). *T. B. Needles.*

Commissioner in Charge.

Registered.

90-1003

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., 3218.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

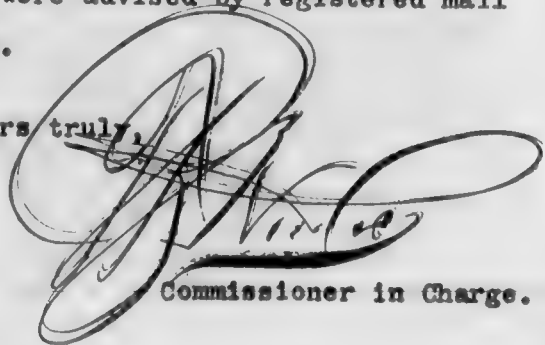
Muskogee, Indian Territory, April 24, 1902.

Harvey A. Martin,  
Latham, Missouri.

Dear Sir:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,



Commissioner in Charge.

*J.M.*

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3218.

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

Muskogee, Indian Territory, November 16, 1906.

Harvey A. Martin,  
Latham, Missouri.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.



DEPARTMENT OF  
Commissioner to the Tax C

FILED  
NOV 19 1906

*[Handwritten signature]*

Gen. ...





Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



3218

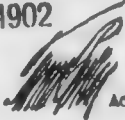
~~Harvey A. Martin,~~

~~Latham, Missouri.~~

3218

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

MAY 14 1902



ACTING CHAIRMAN



*Returned*

*Remitted*



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

5710

*Harvey, C. Martin  
Latham*

*Mt.*

CALIFORNIA  
JAN 6 1902  
MADISON

CALIFORNIA  
JAN 10 1902  
MADISON

DEPARTMENT OF AGRICULTURE  
COMMISSIONER OF THE BUREAU OF FISHERIES  
RECEIVED  
JAN 18 1902  
SACRAMENTO, CALIF.

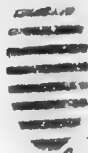
*[Handwritten Signature]*

ACTING CHAIRMAN

CALIFORNIA  
JAN 18 1902  
MADISON

CALIFORNIA  
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MADISON

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
MUSKOGEE, IND. TER.  
OFFICIAL BUSINESS.  
1901 Penalty for private use, \$300.

MUSKOGEE  
DEC 4  
330 PM

*Returned to Minter*

*George A. Minter*

*Remo*

*Missouri*

For Identification as a Mississippi Choctaw.

Date AUG 10 1901

Name *Harvey A. Martin*

Age *33* Blood *3/16*

Post Office, *Latham, Mo.*

Father: *Jesse Martin (dead)*

Mother: *Perthenia A "*

Claims through *father*

wife: *Maggie Martin*  
(no claim for her)

Children:

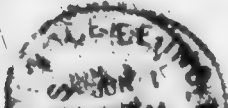
- Myrtle M. Martin* 11
- Jesse W "* 10
- Johnnie A. "* 7
- Henry L "* 2

Claims for self and 4 children

Stenographer

*G Rosenwinkel*

3218



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

FILED

JUN 2 1902

ACTING CHAIRMAN



Returned to writer



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~Harvey A. Martin~~  
Lathrop  
Mo.



Choctaw MCR 3219

George W. Sanders

See MCR 2976

MCR 3219

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 10, 1901.

3219

In the matter of the application of George W. Sanders for identification of himself and his three minor children as Mississippi Choctaws.

J. E. Arnold attorney representing applicant.

George W. Sanders being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sanders, G. W.  
Q What does that "G" stand for? A George.  
Q What is your age? A Forty-seven.  
Q What is your post-office address? A Wertham, Texas.  
Q How long have you lived there? A Three years nearly.  
Q How long have you lived in Texas? A Four years only.  
Q Where did you live before you lived in Texas? A In Tennessee.  
Q How long did you live in Tennessee? A I was born there.  
Q And lived there until you moved to Texas? A Yes.  
Q What is your father's name? A Richard Sanders.  
Q Is he living? A No.  
Q What is your mother's name? A Eveline.  
Q How do you spell that? A E-v-e-l-i-n-e., I guess I don't know whether it is spelled with an A. or E.  
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 Why my grandfather was three-fourths or full but I could not say which.  
Q How much do you claim? A I don't know how much we would have it would be about one-eighth I suppose.  
Q How much Choctaw blood do you state that your grandfather had? A Well the records of proof on the matter is three-fourths or full.  
Q Well if your grandfather was three-fourths, how much would his son be? A Why his son would be three eights.  
Q Then you would be what? A Why one half of that or three-sixteenths.  
Q Are you married? A Yes.  
Q What is your wife's name? A You mean my present wife? I have been married twice.  
Q Give the name of your present wife? A Her name is Sallie.  
Q Is she living? A Yes.  
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 under twenty-one and unmarried for whom you wish to make application? A Yes three.  
Q Give the names and ages of these children? A Elmer T.,  
Q How old is he? A He is sixteen.  
Q Next? A Willie M.

#2

- Q How old is Willie? A She is fourteen.  
Q Next? A Essie B.  
Q Essie B.? A Yes.  
Q How old? A She is ten past.  
Qc You are the father of these children? A Yes.  
Q What is the name of their mother? A Tennie.  
Q Is she living? A No.  
Q When and where were you married to Tennie Sanders? A In Tennessee.  
Q When? A In 1883.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A  
A By an ordained minister.  
Q Have you your marriage license and certificate? A No I have not.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife Tennie in support of the application you make for the identification as Mississippi Choctaws, of your minor children.

- Q A Yes I will attend to that.  
Q You have no children by your 2nd wife? A No.  
Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? No.  
Q Have you ever applied 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 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 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 do you want to make now? A A  
You mean why do I make this application?  
Q Well you may state why? A Because I contain the blood of a Choctaw.  
Q Well what kind of an application do you want to make now? A  
A Well I apply under the treaty of eighteen hundred and thirty?  
Q Do you claim under any particular part of that treaty or under the whole treaty? A No I don't know that I understand the treaty.  
Q You claim as a Mississippi Choctaw under the treaty of eighteen hundred and thirty? A Yes.  
Q But you don't know whether you claim under any particular part of it or not? A No of course I don't understand that treaty.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 20, 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."

That law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. The state of Mississippi was being filled up rapidly 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 give them land west of the Mississippi river in exchange for their land there and move them all over here but some of the Indians did not want to come and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to stay there 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 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 this special provision of the treaty of eighteen hundred and thirty? A Why Yes I think so 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 an Agent was sent down by the government to locate the land for these Indians he found that there were a great many who claimed that they had gone to the Indian Agent whose names were not found on the list which the Indian Agent had made, so Commissioners were appointed by acts of Congress to go down there and investigate and find out just who was entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on a great many cases, several hundred. Some they allowed and some they refused.

In those cases where the claims were allowed by the Commissioners if the land had not already been sold it was given to the Indians if it had been sold 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 land in any 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 Singleton.
- Q What was his given name? A Sterling Singleton.
- Q Do you know how that was spelled? A S-t-e-r-l-i-n-g I suppose.
- Q What relation was he to you? A My grandfather.
- Q Have you any evidence to show that he was a Choctaw Indian and lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty? A I don't know but I can get it.
- Q You can produce such evidence? A Yes.
- Q You understand the importance of showing where he was living at that time and whether he was a Choctaw Indian or not? A Yes.
- Q He was your mother's father? A Yes.
- Q And what was your mother's mother's name? A Louisa.
- Q Your mother got her Choctaw blood through her father alone or through both parents? A Yes.
- Q Did Sterling Singleton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay there in the State of Mississippi and become a citizen of the United States? A I could not say that he did.
- Q You think you can secure any evidence on that point? A I think so.
- Q You understand that that is a material point in your case? A Yes.
- Q How old would your mother be if she were living now? A
- Q A Well she was about thirty-six years old when she died and she died in sixty-nine.
- Q You have always been told that your grandfather lived in the state of Mississippi in eighteen hundred and thirty? A Yes.
- Q Did he come west to the present Choctaw Nation Indian Territory between eighteen hundred and thirty three and eighteen hundred and thirty-eight? A Not that I know of.
- Q Did he live all his life in Mississippi? A No.
- Q How long after eighteen hundred and thirty did he live in Mississippi? A I can't say.
- Q Where did he go to from Mississippi? A He went to Tennessee.
- Q You don't know when? A Not from my own knowledge.
- Q Have you ever heard? A I heard that he went in 1833, I could make some other statements here about what I heard. He was in a company of five hundred Indians who started to the Indian Territory and when they got into Tennessee for lack of means did not go further but expected to come later on but he liked it there and never came west. That was in eighteen hundred and thirty-three.
- Q Your understanding then is that he never came to the Indian Territory? A Yes.
- Q Are there any other statements that you would like to make at this time in support of your application? A Not now.
- Q (To attorney) Mr. Arnold do you wish to examine the applicant?  
A No that is alright.
- Q You understand Mr. Sanders the importance of filing with the Commission evidence to support your statement that you have made and fill in what you did not know? A Yes.

- Q 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 I understand 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 Can you bring your witnesses in person before the Commission?  
A I suppose not.
- Q You understand that it is better for your case to bring them before the Commission in person? A Yes I understand that.

The applicant in this case has grayish brown hair and mustache and blueish gray eyes. His features and general appearance are those of a white man and he shows no traces of Indian 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, although it appears from his testimony that his grandfather 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 10, 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 26th day of October 1901.

*J. A. Adams*  
Notary Public.

Muskogee, Indian Territory, November 18, 1901.

J. R. Arnold,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 11, inclosing certified copy of the record of marriage between G. W. Sanders and Tennis Hoover, taken from Record of Marriages No. 7, page 84, Rutherford County, Tennessee, which you offer for filing in support of the application for identification as Mississippi Choctaws of George W. Sanders and his minor children. The same has been made a part of the record in this case.

Yours truly,

Acting Chairman.

MC 5819

COPY.

Muskogee, Indian Territory, May 5, 1903.

George W. Sanders,  
Wortham, Texas.

Dear Sir:

You are hereby advised that on the 5th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah J. (or Jane) Sims, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah J. (or Jane) Sims, et al.,	M C R 2976
Mattie Drennon, et al.,	M C R 2977
John R. Sims, et al.,	M C R 2978
William L. Singleton, et al.,	M C R 2975
William H. Singleton, et al.,	M C R 2979
George W. Sanders, et al.,	M C R 3219
William A. Sanders, et al.,	M C R 3184
Lafayette Sanders, et al.,	M C R 3185
Dora Reynolds,	M C R 2706

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 Sarah J. (or Jane) Sims, Lucy Sims, Dollie Sims, Hattie Drennon, Ewell Vaughter, Homer D. Drennon, Rosie Lee Drennon, John R. Sims, Azalee Sims, Abbie Sims, William L. Singleton, Anna Singleton, Sally Bettie Singleton, William H. Singleton, Alice Singleton, Susie Singleton, William Harvey Singleton, Anna Lee Singleton, Mary Jennie Singleton, Sallie May Singleton, Virgil Singleton, George W. Sanders, Elmer T. Sanders, Willie M. Sanders, Essie B. Sanders, William A. Sanders, Willie B. Sanders, Lafayette Sanders, Stanley Sanders, Esther Sanders, Bessie Sanders, Allie Sanders, Allen Sanders, Hardy Sanders, Dora Reynolds and Willie Reynolds, 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,

THIS DAY

*Tame Birby.*

Chairman.

Register.

H.C.R. 3219.

COPY..

Muskogee, Indian Territory, December 29, 1903.

George W. Sanders,

Wortham, Texas.

Dear Sir:

You are hereby notified that on the 17th day of December, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah J. ( or Jane ) Sims, et al., of which decision you were advised by registered mail on the 5th day of May, 1903.

Respectfully,

*James Dixby.*  
Chairman.

## For Identification as a Mississippi Choctaw.

Date **AUG 10 1901**Name *George W. Sanders*Age *47* Blood *3/16*Post Office, *Wortham Texas*Father: *Richard Sanders (dead)*Mother: *Eveline Sanders (dead)*Claims through *mother**wife: Dallis Sanders  
(no claim for him)*

## Children:

*Elmer T. Sanders 16**Willie M " 14**Essie S " 10*Mother: *Tennie Sanders (dead)**Claims for self and  
3 children*

Stenographer

*G. R. ...*

Choctaw MCR 3220

Mary R. Wiser

See MCR D. I.

MCR 3220

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka I.T. August 10, 1901.

3220

In the matter of the application of Mary R. Wiser for identification of herself and her four minor children as Mississippi Choctaws.

Applicant represented by attorney L. P. Hudson.

Mary R. Wiser being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary R. Wiser.  
Q How do you spell that last name? A W-i-s-e-r.  
Q What is your age? A Thirty-four.  
Q What is your post-office address? A Ardmore, Indian Territory.  
Q How long have you lived there? A I came there this week.  
Q Where did you live before you lived there? A In Missouri, Moniteau County, Olean is our post-office.  
Q How long have you lived in Missouri? A All my life.  
Q You have moved to Ardmore for the purpose of making that your home? A Yes.  
Q What is your father's name? A James M. Sen.  
Q Is he living? A Yes.  
Q What is your mother's name? A Eliza J. Sen.  
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 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 She has been before the Commission here.  
Q When? A Not long ago, about one month.  
Q This year? A Yes.  
Q You mean that she applied for identification as a Mississippi Choctaw just as you are doing? A Yes.  
Q Are you married? A Yes.  
Q What is your husband's name? A John H. Wiser.  
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 make application at this time? A I have four.  
Q Give the names and ages of these children? A Roy S., seven years old. Mary A., five years old.  
Q Next? Ernest Ray, three years. John E., he is one year old.  
Q These are all your children? A Yes.  
Q What is the name of their father? A John H. Wiser.  
Q When and where were you married to him? A In Missouri, in Moniteau County.  
Q When? A In ninety-three.  
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 applied to the Choctaw tribal authorities to be enrolled or to have your children enrolled as members of the Choctaw Nation in the Indian Territory? 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 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 by 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 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 do you want to make now? A Under Article fourteen of the treaty of eighteen hundred and thirty.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
- Q Well just state what you understand by it? A I can't say that but I have heard you say it so often since I have been here that I think I know it.
- Q Well what is it? A I understood that they were allowed a section of land if over ten years and if under a quarter section, something like that.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all over here but some of the Indians did not want to leave their homes and go to the New Country and the other Indians would not sign any treaty until some thing was done 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 these Indians who did not want to leave 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."

That means that these Choctaw Indians who did not want to come west could go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to take land there, and they would get land 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 this they would not lose the privilege of a Choctaw citizen but if they ever removed they would not get any part of the Choctaw yearly payments of money.

- Q This is 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 and told him that they wanted to take land there but when a locating Agent was sent down by the government it was found that there were a great many who claimed that they had gone to the Indian Agent whose names did not appear on the list made by the Indian Agent, so under different acts of Congress Commissioners were appointed to investigate the matter and find out which of the Indians were entitled to land under the fourteenth article. These Commissioners passed on several hundred cases, 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 it had been sold they were given scrip with which they could purchase 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 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 William Harris.  
Q Have you any evidence to show that William Harris lived in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A I think they evidence has been given here.  
Q You understand the importance of securing evidence on that point? A Yes.  
Q What relation was William Harris to you? A He is my great grandfather.  
Q What was your mother's father's name? A Thomas Harris.  
Q What was your mother's mother's name? A Nancy Harris.  
Q Which one of your mother's parents claimed to be Choctaw? A Her father.  
Q Thomas Harris? A Yes Thomas Harris.  
Q Have you any evidence of the marriage of Thomas Harris to your grandmother? A No.  
Q Will you be able to secure such evidence? A Yes.

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

- Q What was Thomas Harris's father's name? A William Harris.  
Q And what was his mother's name? A I don't know that I have heard that.  
Q Through which one of Thomas Harris's parents did he claim his Choctaw blood? A Through William Harris his father.

#4

- Q How much Choctaw blood did William Harris claim to have? A I have been told that he was a full blood.
- Q How old is your mother now? A She is sixty-nine.
- Q Your mother then must have been born just a little while after the year eighteen hundred and thirty? A Yes.
- Q Is her father living? A No.
- Q You know how long he has been dead? A No I don't.
- Q Do you know about how long? A No I never heard them say.
- Q Was your mother the eldest one of her mother's children? A No there were several older.
- Q Then it is reasonable to suppose that your grandfather was a married man and the head of a family when this treaty of eighteen hundred and thirty was made? A Yes.
- Q Do you know whether your grandfather Thomas Harris lived in Mississippi in eighteen hundred and thirty? A No I do not.
- Q Where, have you always heard that he lived at this time? A I don't remember.
- Q Well was William Harris living in eighteen hundred and thirty? A I don't know.
- Q Was he living? A I don't know if he was.
- Q Have you any evidence to show where William Harris and Thomas Harris were living in eighteen hundred and thirty? A No I have not.
- Q Do you think you will be able to secure any such evidence? A I don't know.
- Q Do you understand that it is a matter of extreme importance to your case to get some evidence to show that they were living in Mississippi at that time and were Choctaw Indians? A Yes.
- Q Do you know if William Harris or Thomas Harris 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 think you will be able to get any evidence on that point? A I don't know.
- Q Do you understand that that is also a matter of importance to your case? A Yes.
- Q Do you understand that in a case where valuable property rights are concerned even the sworn statement of a party in interest will carry very little weight unless supported by outside evidence? A Yes.
- Q Do you expect that you can bring in witnesses before the Commission to testify in this case? A It might be that my mother would know more about it.
- Q Do you understand that the oral testimony of witnesses carries more weight than depositions or affidavits if you can get it? A Yes.
- Q Are there any other statements that you would like to make at this time? A No.
- Q (To attorney) Do you wish to ask applicant any questions? A Attorney) No I think not.
- 9  
Q  
Q  
Q

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.



This applicant has straight brown hair and brown eyes and dark complexion. Her cheek bones are quite prominent and from her appearance she might possess the amount of Indian blood claimed by her, one-eighth. She 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.

- Q You say that you never have been taught <sup>where</sup> your grandfather Thomas Harris and your great grandfather William Harris lived in eighteen hundred and thirty? A I have been taught that both my grandfather and my great grandfather lived in Mississippi.
- Q When in eighteen hundred and thirty? 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 August 10, 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 14th day of October 1901.

*R. W. Shelby*  
Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Mary R. Wiser,

Ardmore, Indian Territory.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al.,                      John L. Jones,  
Margaret E. Rodgers et al.,          James W. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 10, 1901, you made personal application to this Commission for the identification of yourself and four minor children as Mississippi Choctaws, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

M. R. W.--2.

January 13, 1908, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3220

Commissioner in Charge.

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.

COPY.

REFER IN REPLY TO THE FOLLOWING

Miss. Choct. 3820

Muskogee, Indian Territory, March 15, 1902.

Mary R. Wisor,

Ardmore, Indian Territory,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

✓

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin. Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

\*\*In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

SIGNED, *T. B. Needles.*

Commissioner in Charge.

Registered.



M.C.R., 3220.

Muskogee, Indian Territory, April 24, 1902.

Mary R. Wiser,

Ardmore, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 3220.

COPY

Muskogee, Indian Territory, November 16, 1906.

Mary A. Wiser,

Roberta, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*James Pixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 10 1901

Name Mary R. Wiser

Age 34 Blood 1/8

Post Office, Ardmore, S T.

Father: James M. Surr ✓

Mother: Eliza J. Surr ✓

Claims through mother

Husband: John H. Wiser ✓  
(no claim for him)

Children:

- Roy S. Wiser 7
- Mary A " 5
- Ernest Ray " 3
- John E. " 1

Claims for self and 4 children

Stenographer

G. Rosenventel

Choctaw MCR 3221

Nancy I. Stark

See MCR D.1

MCR 3221

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 19, 1901.

3281

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

Applicant represented by Attorney L. P. Hudson.

Nancy I. Stark being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nancy I. Stark.  
Q S-t-a-r-k? A Yes.  
Q What is your age? A Forty-three.  
Q What is your post-office address? A Now it is Ardmore, Indian Territory.  
Q How long have you lived there? A About oneweek.  
Q Where did you live before you lived there? A In Missouri.  
Q How long did you live in Missouri? A All my life.  
Q You were born there? A Yes.  
Q You moved to Ardmore for the purpose of making your home there? A Yes near there.  
Q What is your father's name? A James M. Son.  
Q Is he living? A Yes.  
Q What is your mother's name? A M Eliza J. Son.  
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 Well she has been here before the Commission.  
Q When? A About one month ago.  
Q You mean that she applied for identification as a Mississippi Choctaw? A Yes.  
Q Are you married? A Yes.  
Q What is your husband's name? A Isaac S. Stark.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No.  
Q He is a white man and claims no 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 William E., nineteen.  
Q Next? A Perlis E. eighteen.  
Q Is that a boy or girl? A Girl,; Bertie F. sixteen. Elmer R., fourteen.  
Q Next? A Clarence E. twelve.  
Q Next? A John.  
Q How old is John? A He will be ---John F., I left out the middle. He is two years old.  
Q Is Bertie F. a boy or girl? A She is a girl.  
Q These are all your children? A Yes.  
Q What is the name of their father? A Isaac S. Stark.

#2

- Q When and where were you married to him? A I was married in Missouri in Morgan County.
- Q When? In eighteen hundred and eighty.
- 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 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 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 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 be admitted to the Choctaw Nation I guess.
- Q Well what makes you think you have a right to be admitted? A Well my great grandfather was a Choctaw Indian.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A Under the fourteenth treaty; the treaty of eighteen hundred and thirty.
- Q You claim under the treaty of eighteen hundred and thirty? A Yes.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A Under the fourteenth article.
- Q The fourteenth article? A Yes.
- Q Do you understand the provisions of that article of the treaty? A I don't know that I can repeat it. I have heard it.

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 moving them to a Country west of the Mississippi River and give them land there in exchange for their land in these States but some of the Indians did not want to leave their homes and the others would not sign any treaty until some thing was done for those who wanted to remain there in Mississippi so article fourteen was made a part of the treaty for the benefit of these Indians 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 Is that the provision under which you are claiming? A Yes.

Within six months after this 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 a locating agent came down to locate the lands for them it was found that there were a great many who claimed they had gone to the Indian Agent and told him that they wanted to stay in Mississippi whose names did not appear on the roll made by the Indian Agent so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of the Indians were really entitled to land under the fourteenth article of the treaty. These Commissioners passed on several hundred 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 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 land in any of these States? A No 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 William Harris.

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

Q Have you any evidence to show that he was a Choctaw Indian? A No I have not.

Q Have you any evidence to show that he was living in Mississippi in eighteen hundred and thirty? A No.

Q Do you expect to be able to get evidence on these points? A Well it might be that I could.

Q Do you understand that these are very important matters? A Yes.

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

Q What was your mother's father's name? A Thomas Harris.

Q What was your mother's mother's name? A Nancy Harris.

Q Which one of your mother's parents claimed to be Choctaw? A Her father.

Q Have you any evidence of the marriage between Thomas and Nancy Harris? A No.

Q Will you be able to secure such evidence? A No, I don't know about that.

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 What was Thomas Harris's father's name? A William Harris.

Q What was Thomas Harris's mother's name? A I don't know that I ever heard it.

Q Which one of Thomas Harris's parents claimed to be Choctaw? A His father.

Q How old is your mother? A She is sixty-nine.

Q Was she the oldest one of your grandfather's children? A No there were several older.

- Q Then your grandfather 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 Was he living in Mississippi in eighteen hundred and thirty? A I have been told that he was.
- Q You expect to be able to get any evidence to show that he was? A I don't know.

(Attorney states such evidence will be furnished)

- Q Well you expect to get such evidence do you? A Yes.
- Q Do you know if Thomas Harris or William Harris came west to the present Choctaw Nation with the other Choctaws between 1833 and 1838? A I don't know.
- Q Did you ever heard whether they did or not? A No.
- Q Did Thomas Harris or William Harris go to the Indian Agent there in Mississippi within six months after this treaty was ratified and tell him that they wanted to stay there and take land and become citizens of the United States? A I don't know.
- Q Do you think that you will be able to get any evidence on that point? A Perhaps we will.
- Q Do you understand that is also a very material point in your case? A Yes.
- Q You say that you don't know whether William Harris or Thomas Harris owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't know.
- Q You never heard? A No.
- Q Is there any other statement that you would like to make at this time in support of your application? A No I believe not.
- Q Have you any papers that you want to file at this time? A No.
- Q (to attorney) Mr. Hudson is there anything that you wish to say now? A

"I ask leave to file written evidence in support of this claim in the near future."

- Q Permission is granted.

Examination by Attorney Hudson.

- Q Mrs. Stark you are a daughter of James M. Sen and Eliza Sen are you not? A Yes.
- Q And several of your brother's and sisters and also your mother have appeared before the Commission prior to this time? A Yes.
- Q Are you depending upon the evidence which they have looked up to be used in your case? A Yes.
- Q Personally you have not investigated this matter? A No sir.
- Q You wholly relying on the evidence that has been looked up by other members of the family? A Yes.
- Q You are the sister of Mary R. Wiser who appeared just before you, full sister? A Yes.

By the Commission.

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 your case.



This applicant has straight brown hair, brown eyes and dark complexion but she shows no traces of Indian blood. She 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 although it appears from her testimony that the ancestor through whom she claims lived in Mississippi is eighteen hundred and thirty.

*A. Rosewein*

Subscribed and sworn to before me this 14th day of October 1901

*Wm. Shelby*  
Notary Public.

JOHN COOPER LEWIS & CO. ATTORNEYS AT LAW

ARND BRAMM FRIEDRIC

Muskogee, Indian Territory, December 2, 1901.

Nancy I. Stark,

Ardmore, Indian Territory.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al.,                      John L. Jones,  
Margaret M. Rodgers et al., James M. Jones et al.,  
Nannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Ateka, Indian Territory, on August 10, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and ~~the~~ minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

N. I. S.--2.

January 13, 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.G.-3981

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,  
TAMM 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

Miss. Choct. 3221

COPY.

Muskogee, Indian Territory, March 15, 1902.

Nancy I. Stark,

Ardmore, Indian Territory,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kertoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
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Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
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Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Lucinda Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai

McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin. Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wiser, Roy S. Wiser, Mary A. Wiser, Ernest Ray Wiser, John E. Wiser, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelie Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

“In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississispi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

(SIGNED), *T. B. Needles.*

Commissioner in Charge.

Registered.



M.C.R., 3221.

Muskegee, Indian Territory, April 24, 1902.

Nancy I. Stark,

Armore, Indian Territory.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

*nm*

REFER IN REPLY TO THE FOLLOWING:  
M.C.R. 3221.

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

Muskogee, Indian Territory, November 16, 1906.

Nancy I. Stark,  
Ardmore, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,



Commissioner.

No. 3221

For Identification as a Mississippi Choctaw.

Date **AUG 10 1901**

Name *Nancy L. Stark*

Age *43* Blood *1/8*

Post Office, *Ardmore L T.*

Father: *James M. Don* ✓

Mother: *Eliza J. Don* ✓

Claims through *mother*

*husband Isaac J Stark*  
*(no claim for him)*

Children:

*William E. Stark* 14

*Bertie E* " F 18

*Bertie F* " F 16

*Elmer R* " 14

*Clarence E* " 12

*John F* " 10

*Claims for self and 6 children*

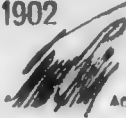
Stenographer

*G. Rosenwinkel*

3321

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

MAY 9 1902

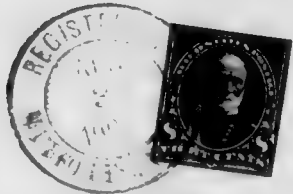
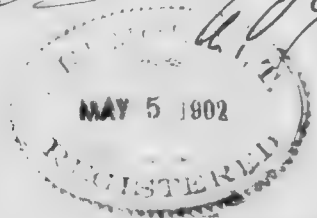


ACTING CHAIRMAN



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Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

5606

Fancy C. Smith  
~~James C. Smith~~

~~James C. Smith~~

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



3221

Nancy I. Stark,

~~Admore, Indian Territory.~~

Choctaw MCR 3222

Anna E. McGinnis

See MCR D.1

MCR 3222

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 10, 1901.

3232

In the matter of the application of Anna E. McGinnis for identification for herself and her minor child, as Mississippi Choctaws.

Applicant represented by Attorney L. P. Hudson.

Anna E. McGinnis being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Anna E. McGinnis.  
Q M-c-G-i-n-n-i-s? A Yes.  
Q What is your age? A Twenty-nine.  
Q What is your post-office address? A Enon, Missouri.  
Q Enon, E-n-o-n? A Yes.  
Q How long have you lived there? A I have lived in Missouri all my life.  
Q What is your father's name? A James M. Son.  
Q Is he living? A Yes.  
Q What is your mother's name? A Eliza J. Seb.  
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 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 She has been enrolled as a Mississippi Choctaw.  
Q You mean she has applied as a Mississippi Choctaw? A Yes.  
Q Are you married? A Yes.  
Q What is your husband's name? A John M. McGinnis.  
Q Is he living? A Yes.  
Q You make any claim 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 make application at this time? A I have one child.  
Q Give the name and age of that child? A Oscar L., nine years old.  
Q This is your child? A Yes.  
Q What is the name of its father? A John M. McGinnis.  
Q When and where were you married to him? A In Moniteau County, Missouri in ninety-one.  
Q Is your name or is the name of your child 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 have yourself or your child enrolled as members of that tribe? A No.  
Q Did you or did any one for you or your child 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 or your child been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A No.  
Q Have you or your child 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 child 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 Under the treaty of eighteen hundred and thirty.
- Q Under the whole treaty? A No under the fourteenth article.
- Q Do you understand the provisions of that article of that treaty? A Well I heard you repeat them several times. I could not repeat them but I think I understand them.
- Q Well just make a statement what you understand by that article of the treaty? A I don't know that I could do that. I have heard you repeat them but I can't repeat them.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama and remove them to lands 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 come to the New Country 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 of the treaty was made a part of it for the benefit of these Indians who wanted to remain in Mississippi. 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 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 That is the provision under which you are claiming at this time? 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 William Harris.
- Q What relation was he to you? A My great grandfather.
- Q What was your mother's father's name? A Thomas Harris.
- Q What was her mother's name? A Nancy Harris.
- Q Through which one of her parents did your mother claim her Choctaw blood? A Her father.
- Q Have you any evidence of the marriage of Thomas and Nancy Harris? A Why it can be proven I suppose.
- Q You think you can secure evidence? A Yes.

#3

It will be necessary for the Commission to be supplied with evidence of the marriage of your grandfather and grandmother, Thomas and Nancy Harris in support of the application you name to be identified as a Mississippi Choctaw.

- Q What was Thomas Harris's father's name? A William Harris.  
Q What was his mother's name? A I don't know.  
Q You never heard? A No.  
Q Which one of Thomas Harris's parents claimed to be Choctaw? A His father.  
Q How much Choctaw blood did he claim to have? A I have heard that he was a full blood.  
Q Did he live in Mississippi in eighteen hundred and thirty? A I suppose he did.  
Q How old is your mother? A Sixty-nine years old.  
Q Was your mother the eldest one of your grandfather's children? A No.  
Q Then your grandfather Thomas Harris was a married man and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes.  
Do you know whether Thomas Harris lived in the old Choctaw Nation in eighteen hundred and thirty? A No I don't know.  
Q Have you ever heard where he lived at that time? A Where Thomas Harris lived at that time?  
Q Yes? A I have heard that he lived in Mississippi.  
Q Do you think you will be able to get any evidence to show where he lived at that time and where William Harris was living at that time? A Yes.  
Q You expect to try to secure that evidence? A Yes.  
Q Did Thomas Harris or William Harris go with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A I don't know, I suppose he did.  
Q Did you ever hear that he came to this present Choctaw Nation? A No I have never heard that he came to the Choctaw Nation.  
Q Well that was what I asked you did either one of them come to the present Choctaw Nation in the Indian Territory between 1833 and 1838? A No not that I know of.  
Q Did either one 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 there and take land? A I don't know.  
Q You never have heard whether they did or not? A I never have.  
Q You think you will be able to get evidence to show whether they did or not? A I suppose so.  
Q You understand that these are material points in your case to show whether your grandfather or great grandfather were living in Mississippi in eighteen hundred and thirty and were recognized Choctaw Indians 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? A Yes.  
Q Did any of your ancestors own any land in Mississippi? A I don't know.  
Q You never heard? A No.  
Q Did any of your ancestors own land in Arkansas, Louisiana or Alabama? A No not that I know of.  
Q You never heard whether they did or not? A No.  
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.  
Q You want to file that evidence that you speak of? A Yes.

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

By Attorney.

- Q Mrs. McGinnis you are a full sister of Mrs. Weiser who just preceded you? A Yes.
- Q Same father and same mother? A Yes.
- Q You are a daughter of James M. Sen and Eli za J. Sen? A Yes.
- Q And your brother's and sisters and also your mother have appeared before the Commission prior to this time? A Yes.
- Q Mrs. McGinnis have you investigated this matter or are you depending upon the investigation made by older members of the family? A Yes I am depending upon them.
- Q You have not made a personal examination of this matter? A No.
- Q And for the evidence in your case you are relying entirely upon the evidence procured by them? A Yes.

By the Commission.

This applicant has straight brown hair, dark eyes and dark complexion. Her cheek bones are somewhat prominent and from her appearance she might be possessed of the amount of Choctaw blood claimed by her. She 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 although it appears from her testimony that 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 10, 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 5th day of October 1901.

*David Shelby*  
Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Anna E. McGinnis,  
Moen, Missouri.

Dear Madam:

In the matter of the applications for identification  
as Mississippi Choctaws of

John Harris et al.,                      John L. Jones,  
Margaret E. Rodgers et al., James M. Jones et al.,  
Hannie A. Lawson et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on August 10, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and six minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday,

A. E. McG--2.

January 13, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C.-3222

Commissioner in Charge.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Miss. Choc. 3222

COPY.

Muskogee, Indian Territory, March 15, 1902.

Anna F. McGinnis,

Enon, Missouri,

Dear Madam:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John S. Martin, et al., embracing the following applications for identification as Mississippi Choctaws:

John S. Martin, et al.,	M.C.D.	1
Margaret Emeline Rodgers, et al.,	M.C.R.	13
Lemuel Harris, et al.,	M.C.R.	10
John Harris, et al.,	M.C.R.	11
James M. Jones, et al.,	M.C.R.	12
Robert Columbus Jones,	M.C.R.	14
John Lewis Jones,	M.C.R.	15
Celestia T. Hurst, et al.,	M.C.R.	721
James Madison Harris,	M.C.R.	724
Thomas Jefferson Harris, et al.,	M.C.R.	725
William T. Harris, et al.,	M.C.R.	915
Grant Harris, et al.,	M.C.R.	917
Cordelia Rogers, et al.,	M.C.R.	919
Mattie Findley, et al.,	M.C.R.	920
Birdie Richards, et al.,	M.C.R.	997
Ota White, et al.,	M.C.R.	1001
Rhoda A. Rowland, et al.,	M.C.R.	1005
James M. Martin, et al.,	M.C.R.	1004
Dollie Ralls,	M.C.R.	1007
Sara E. Rowles, et al.,	M.C.R.	1006
Dora Lee Caldwell, et al.,	M.C.R.	1008
Mattie J. Denning, et al.,	M.C.R.	1009

Nannie May Gilvin, et al.,	M.C.R.	1010
Izzie Lee Wood, et al.,	M.C.R.	1011
Carl Clark,	M.C.R.	1012
Estella Trice, et al.,	M.C.R.	1013
Susan Lucinda Glover, et al.,	M.C.R.	1441
Mary J. Smith, et al.,	M.C.R.	1442
Sarah N. Johnson et al.,	M.C.R.	1543
Mary J. McDaniel, et. al.,	M.C.R.	3208
Martha J. Odneal, et al.,	M.C.R.	3209
Matilda Sullins, et al.,	M.C.R.	3212
Lucinda Francis Duncan, et al.,	M.C.R.	3288
William Alfred Duncan,	M.C.R.	3289
Fannie Adcock, et al.,	M.C.R.	3290
Luenettie Carpenter,	M.C.R.	3291
James Franklin Carpenter, et al.,	M.C.R.	3292
Susan Dale, et al.,	M.C.R.	2818
Fannie A. Lawson, et al.,	M.C.R.	16
Viola J. Oakman, et al.,	M.C.R.	716
Eliza J. Martin, et al.,	M.C.R.	717
Willis W. Martin,	M.C.R.	719
Aubrie Lawson, et al.,	M.C.R.	722
Charles C. McAdoo,	M.C.R.	723
Eva Chandler, et al.,	M.C.R.	1042
Roberta J. McAdoo,	M.C.R.	1043
Ellen Chambers,	M.C.R.	2595
Francis M. Martin, et al.,	M.C.R.	2819
Mary C. Martin,	M.C.R.	3200
Margie A. Miller, et al.,	M.C.R.	3210
Harvey A. Martin, et al.,	M.C.R.	3218
Mary Leona Swarner, et al.,	M.C.R.	3287
George A. Chambers, et al.,	M.C.R.	3440
Susan Coffelt, et al.,	M.C.R.	2698
Nancy J. Walser, et al.,	M.C.R.	3204
John G. Snodgrass, et al.,	M.C.R.	3207
William Harris, et al.,	M.C.R.	3211
Sarah E. Snyder, et al.,	M.C.R.	3769
Charles C. Snyder, et. al.,	M.C.R.	3770
William L. Snyder, et al.,	M.C.R.	3484
Annie L. Kerfoot, et al.,	M.C.R.	3849
John T. Snyder,	M.C.R.	3850
Edmond P. Snyder, et al.,	M.C.R.	3851
Sallie T. Bristow, et al.,	M.C.R.	4225
William Stanton Mundell,	M.C.R.	1014
Daniel W. Son, et al.,	M.C.R.	1386
John W. Son, et al.,	M.C.R.	1385
James F. Son, et al.,	M.C.R.	1387
George W. Son, et al.,	M.C.R.	2594
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2597

Irene E. Son,	M.C.R. 2598
Jennie Karstetter, et al.,	M.C.R. 2599
Eliza J. Son,	M.C.R. 2600
Thomas A. Son, et al.,	M.C.R. 3039
Joseph H. Son, et al.,	M.C.R. 3040
Mary R. Wiser, et al.,	M.C.R. 3220
Nancy I. Stark, et al.,	M.C.R. 3221
Anna E. McGinnis, et al.,	M.C.R. 3222
Alice M. Holstein, et al.,	M.C.R. 3660
Frances Mabrey, et al.,	M.C.R. 4511
John S. Harris, et al.,	M.C.R. 4508
Sadie Chambers, et al.	M.C.R. 4509

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

“The authority vested in the commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows :

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

“It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ida May Clark (deceased), Louisa May Martin (deceased), Margaret Emeline Rodgers, Jesse Francis Rodgers, Myrtie Irene Rodgers, Minnie Ola Rodgers, James Alfred Rodgers, Lemuel Harris, Mollie Belle Harris, Nancy Ann Harris, William Thomas Harris, Mary (or Laura) Agnes Harris, Stella Theresa Harris, John Harris, Little John Harris, James M. Jones, Robert Columbus Jones, John Lewis Jones, Celestia T. Hurst, Lallia Pearl Hurst, Henry Jefferson Hurst, Mary Gertrude Hurst, Floyd Raymond Hurst, James Madison Harris, Thomas Jefferson Harris, George Henry Harris, Lola May Harris, William T. Harris, Nannie Bell Harris, Grant Harris, Loyce Jefferson Harris, Euyal Harris, Cordelia Rogers, Willie May Rogers, Roy Rogers, Mattie Findley, Annie Ethel Findley, Thomas Payne Findley, Ira Hershall Findley, Birdie Richards, Lillie Richards, Lonie Richards, Loys Richards, Ota White, John L. White, Rhoda A. Rowland, Lela Rowland, Jimmie Rowland, James M. Martin, Dollie Lee Martin, Jimmie C. Martin, Violet Martin, Vivian Martin, Dollie Ralls, Sarah E. Rowles, John Stephen Rowles, Willie Rowles, Dora Lee Caldwell, Frankie May Caldwell, John Willis Caldwell, Cory Nell Caldwell, Mattie J. Denning, John Roy Denning, Nannie May Gilvin, Benjamin Franklin Gilvin, Izzie Lee Wood, Jesse Lee Wood, Carl Clark, Estella Trice, Eddie Leon Trice, Archie Leroy Trice, Susan Luciada Glover, William H. Glover, Matarlee Glover, Mary J. Smith, Otto McDonald, James J. McDonald, Sarah N. Johnson, Maggie L. Johnson, Eva May Johnson, John R. Johnson, James W. Johnson, Mary J. McDaniel, Mordecai



McDaniel, Martha J. Odneal, Flara Odneal, Thomas Odneal, Matilda Sullins, Harvey E. Sullins, Mary H. Sullins, Lucinda Francis Duncan, Emma Belle Duncan, Josie Duncan, Bertha Agnes Duncan, William Alfred Duncan, Fannie Adcock, Beulah Laurine Adcock, Ola Marie Adcock, Luenettie Carpenter, James Franklin Carpenter, Gabriel William Carpenter, Katherine L. Carpenter, Susan Dale, Cora Dale, Maggie Dale, Mattie Dale, Fannie A. Lawson, Laurie I. Ora Lawson, Grover Cleveland Lawson, Estelle Lawson, Valentine Lawson, Viola J. Oakman, Maggie Cecil Oakman, William Norris Oakman, Norman Estill Oakman, Eliza J. Martin, Willis W. Martin, Aubrie Lawson, Charles C. McAdoo, Eva Chandler, Martin Chandler, Merrill Chandler, Willie Winfrey Chandler, Roberta J. McAdoo, Ellen Chambers, Francis M. Martin, Minnie Martin, Sallie Martin, Mary C. Martin, Margie A. Miller, Charley A. Miller, Bertha E. Miller, Jessie F. Miller, Lillie A. Miller, Harvey A. Martin, Myrtle M. Martin, Jesse W. Martin, Johnnie A. Martin, Henry L. Martin, Mary Leona Swarner, Lloyd Paul Swarner, George A. Chambers, Orene L. Chambers, Herbert Chambers, Susan Coffelt, Sarah E. Coffelt, Charles E. Coffelt, Lucy I. Coffelt, Nannie M. Coffelt, Nancy J. Walser, Nellie Gray Walser, John G. Snodgrass, Mary P. Snodgrass, Charlie S. Snodgrass, Lucy H. Snodgrass, William Harris, Tilman G. Harris, Sterling Harris, Nettie S. Harris, John W. Harris, Albert G. Harris, Martin M. Harris, Grover Cleveland Harris, Sam S. Harris, Grace M. Harris, Bertha T. Harris, Sarah E. Snyder, Leoda Snyder, Charles C. Snyder, Glenn E. Snyder, Roy L. Snyder, William L. Snyder, Ernest Snyder, Maudie Snyder, Clarence Snyder, Annie L. Kerfoot, Claude Wallace Kerfoot, John T. Snyder, Edmond P. Snyder, Sallie T. Bristow, Abram W. Bristow, William Stanton Mundell, Nellie May Mundell, Mary V. Mundell, John Whitefield Mundell, Millie Francis Mundell, Margaret D. Mundell, William Reed Mundell, Odre Leroy Mundell, Daniel W. Son, Alma J. Son, Ruth Son, Daniel R. Son, Ireta Son, Macolm Son, James A. Son, John W. Son, Albert E. Son, Minnie M. Son, James E. Son, Henry Son, John H. Son, Mary E. Son, Gertrude Son, Ruth L. Son, Rubie Son, ——— Son (male, unnamed), James F. Son, Edgar E. Son, Landon F. Son, Madge Son, Marie Son, George W. Son, James B. Son, Thomas O. Son, Finis M. Son, Maggie Bradford, Lena Bradford, Lois Bradford, Irene E. Son, Jennie Karstetter, Ethel Karstetter, Wilbur Karstetter, Edith Karstetter, George Karstetter, Eliza J. Son, Thomas A. Son, Alvin D. Son, John E. Son, Blanche E. Son, James B. Son, Goldie M. Son, Elva Maud Son, Della Son, Joseph H. Son, Elsie M. Son, Nellie G. Son, Henry L. Son, Ethel B. Son, Ruth Son, Mary R. Wisner, Roy S. Wisner, Mary A. Wisner, Ernest Ray Wisner, John E. Wisner, Nancy I. Stark, William E. Stark, Pearl E. Stark, Bertie F. Stark, Elmer R. Stark, Clarence E. Stark, John F. Stark, Anna E. McGinnis, Oscar L. McGinnis, Alice M. Holstein, Charles W. Holstein, Clyde E. Holstein, Jean J. Holstein, Frederick A. Holstein, Mark M. Holstein, Paul Holstein, Lorena E. Holstein, Frances Mabrey, Seabern Mabrey, Myrtle Mabrey, John S. Harris, Cornelia Harris, John W. Harris, Nancy E. Harris, Thomas Harris, Lacy Harris, Lee Roy Harris, Porter Harris, Sadie Chambers, Clarence R. Chambers, Mabel M. Chambers, Vera G. Chambers, and Travis Chambers, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the application made by John S. Martin for the identification of himself, the application of Lemuel Harris for the identification of his wife, Eliza Harris, the application of John Harris for the identification of his wife, Flora Harris, the application of James M. Jones for the identification of his wife, Nancy Ellen Jones, the application of Fannie A. Lawson for the identification of her husband, Sylvanus Lawson, the application of Viola Oakman for the identification of her husband William N. Oakman, the application of Eliza J. Martin for the identification

of her husband, Jefferson C. Martin, the application of Celestia T. Hurst for the identification of her husband, James Munroe Hurst, the application of Aubrie J. Lawson for the identification of his wife, Bertha Lawson, and the application made by Thomas Jefferson Harris for the identification of his wife, Elizabeth Harris, as intermarried Mississippi Choctaws, and that upon said motion said applications were dismissed by the Commission, no further consideration of their cases is necessary."

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

Yours truly,

(SIGNED) *T. B. Needles.*

Commissioner in Charge.

Registered.

M.C.R., 3222.

Muskogee, Indian Territory, April 24, 1902.

Anna E. McGinnis,  
Eben, Missouri.

Dear Madame:

You are hereby advised that on the 14th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John S. Martin, et al., of which decision you were advised by registered mail on the 15th day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 3222.

COPY

Muskogee, Indian Territory, November 16, 1906.

Anna E. McGinnis,  
Enon, Missouri.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 7, 1906, denied the petition filed with this office by J. O. Pool, attorney at law, South McAlester, Indian Territory, on June 26, 1906, for the readjudication of the consolidated Mississippi Choctaw case of John S. Martin, et al.

Respectfully,

SIGNED

*Tams Bixby.*  
Commissioner.

For Identification as a Mississippi Choctaw.

Date AUG 10 1901

Name Anna E. McGinnis

Age 29 Blood 1/8

Post Office, Eron, Mo.

Father: James M. Don ✓

Mother: Eliza J. Don ✓

Claims through mother

husband John M. McGinnis  
(no claims for him)

Children:

Oscar L. 9

Claims for self and child

Stenographer

G. Rosenwinkel

Choctaw MCR 3223

Sterling P. Tutton

MCR 3223

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

In the matter of the application of Sterling P. Tutton, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3223.

List of papers forwarded to the Secretary of the Interior  
comprising the record in the case of Sterling P. Tutton, et al.

	(Page)
Original application of Sterling P. Tutton, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication of Sterling P. Tutton, et al., for identification as Mississippi Choctaws-----	7

-----0-----

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 10, 1901.

3223

In the matter of the application of Sterling P. Tutton for the identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Sterling P. Tutton being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sterling P. Tutton.  
Q What is your age? A Thirty-nine.  
Q What is your post-office address? A Sherman, Texas.  
Q Have you a street number? A No my house is not numbered, I live on Harrison Avenue.  
Q How long have you lived there? A It will be eleven years next fall.  
Q Where did you live before you lived there? A Well for several years before that I was not located. I traveled around.  
Q You had no home anywhere? A My home was in Trinidad Colorado, where my mother lived.  
Q Well how many years did you travel around without being located. A Well I left home in '84 and located in Sherman in '91.  
Q How long did you live in Colorado? A We crossed the plains in sixty-seven and came back to Ft Collins, Colorado in sixty-nine.  
Q Where did you cross the plains from? A From Linn County, Missouri.  
Q Were you born in Missouri? A Yes in Clay County, Missouri.  
Q How long did you live in Missouri? A We left Missouri in sixty-seven, I was born in sixty-two.  
Q And how long did you say you lived in Wyoming? A I went there in sixty-seven and went to Colorado in sixty-nine.  
Q How long did you live in Colorado that time? A Well I went to Cheyenne in seventy-one and went to school there that season and went back to Colorado the next Spring after school was out.  
Q And how long did you live in Colorado that time? A Until seventy-three, we went down into West Kansas.  
Q And how long did you live in Kansas? A Until, I believe we went back up in Colorado again in seventy-five to LaJunta.  
Q And how long did you live in Colorado that time? A Until I came to Texas in eighty-four.  
Q That includes all the time you spent in traveling? A Yes.  
Q What is your father's name? A James Tutton.  
Q What is your mother's name? A Mary Marshall.  
Q Mary Tutton or is she married now? A Mary Tutton.  
Q Is she living? A No.  
Q Is your father living? A No he died the same year I was born in sixty-two.  
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 can't say for certain that will have to be shown by affidavits.



#2

- Q Don't you know how much you have always been taught you had?  
A No I don't, I did not know my ancestors at all. That will have to be shown by people who knew them.
- 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 Not that I know of.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mary R.
- Q Is she living? A Yes.
- 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 whom you wish to make application at this time? A Four.
- Q Give the names and ages of these children? A Mary A., born September 30, 1895. Elizabeth M. Tutten, June 19 '97, four years old. James F. Tutten, November 17, 1898, three years old. Cassie L. Tutten, October 8, 1900, nine months.
- Q Ten months is it not? A Yes that is right ten months.
- Q These are all your children? A Yes.
- Q What is the name of their mother? A Mary R. Tutten.
- Q When and where were you married to Mary R. Tutten? A February 7, 1894, Sherman.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or official? A Ordained minister.
- Q Have you your marriage license and certificate and wish to offer same in evidence? A I will offer same in evidence but have not got it with me.
- Q You understand that it will be necessary for the Commission to have that evidence in support of the application you make for these minor children of yours? 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 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 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act 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 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 Is this the first application of any kind you have ever made? A Yes.
- Q You never before this time applied to either the United authorities or the Choctaw tribal authorities to have yourself or your children enrolled as members of the Choctaw tribe of Indians? A No.
- Q What kind of an application do you want to make now? A Well I wish to make application for citizenship and for a right, belonging to the Choctaw tribe under the treaty of eighteen hundred and thirty.
- Q You claim under the treaty of eighteen hundred and thirty? A Yes.
- Q Do you claim under the whole treaty or under some particular part of it? A I claim all the rights and privileges belonging to the Choctaw Nation.

- Q Under the whole treaty or do you base your claim under some particular part of the treaty? A No I don't base under any particular part of the treaty.

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

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 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 filled up with white settlers rapidly and the government found it hard to protect the Indians in their tribal government and it was thought best to remove them to the Country west of the Mississippi River where there would be no white people to disturb them but some of the Indians did not want to come west and the others would not sign any treaty until some provisions 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 Indians who wanted to stay there in Mississippi. After that 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."

That means that these Choctaws who did not want to come west could 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 and they would get land for themselves and their children and if they lived on that land for five years after the ratification of this treaty they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not get any part of the Choctaw yearly payments of money.

- Q Do you claim anything under the provisions of this article of the treaty? A No.
- Q You don't claim then under the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q You understand the provisions of that article? A I think I do.
- Q Well on what do you base your claim then? A Well I base my claim as a member of the Choctaw tribe to the land and money due the Choctaws from the government. That's about as clear as I can make it.
- Q Well what provision of law do you think gives you a right to make such a claim at this time? A Well as a Choctaw, being a member of the Choctaws it seems to me that I would have some right to my portion of land and money due me as the Indians if I can establish that fact.
- Q Well the time in which the Commission had authority to hear original applications for citizenship in the Choctaw Nation expired within ninety days from the passage of the act of June 10, 1896. Within that time the Commission had power to hear all original applications for citizenship in any of the Five Civilized Nations which were presented to them; but, after the expiration of that time there was no law to vest it with authority to hear such applications. The law under which the Commission is acting at this time is found in the Curtis act which I have told you about a little while ago? A Well do I have to claim under the fourteenth article?
- Q I am trying to find out what kind of a claim you do make? A Just as a Mississippi Choctaw; the rights and privileges that they have.
- Q But you do not make it under any of the provisions of the fourteenth article? A No no special provisions. I only claim all the privileges and rights. Is that correct?
- Q Well you can make your claim that way. 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 Well I don't know just how old my grandfather and grandmother was, but they were married in Mississippi and my great grandfather and great grandmother lived in Mississippi.
- Q How was the name of your mother's father? A Her father was William Duffield.
- Q What was the name of your mother's mother? A Well it was Mary Marshall Duffield.
- Q Which one of her parents claimed to be Choctaw? A Her mother.
- Q Well what was Mary Marshall Duffield's father's name? A Do you mean my mother or grandmother?
- Q I mean Mary Marshall Duffield what was her father's name? A Edmond Triplet.
- Q And what was Mary Marshall Duffield's mother's name? A Mary Triplet.
- Q Which one of your grandmother's parents claimed to be Choctaw? Her mother.
- Q How old would your mother be if she were living now? A I can't tell exactly, our family record and everything we had was destroyed during the war and I can't tell exactly how old my mother would be now. She was in the neighborhood of sixty when she died.
- Q When did she die? A In 1888.
- Q Then your mother would be about seventy-three years old if she were living now? A Yes.
- Q Then your mother must have been born somewhere about the year eighteen hundred and thirty? A I don't know just when.

- Q Well about that time? A Yes about that time.
- Q Was your mother the oldest one of her mother's children? A No she had a sister Bettie that was elder than her and I think they had several boys that were elder than her.
- Q Then your grandmother Mary Marshall Duffield must have been a married woman and the head of a family in eighteen hundred and thirty when this treaty was made? A Yes I presume she was.
- Q Did Mary Marshall Duffield or did Mary Triplet 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 No according to my mother's statement they went from Mississippi into Tennessee and from there into Virginia and from there to Kansas and from Kansas just before the War into Missouri. My people traveled around a great deal.
- Q Do you know what time your grandparents left Mississippi? A No I do not.
- Q Have you always been taught that they lived in Mississippi in eighteen hundred and thirty? A Yes that is what my mother said. That is all that I know and the evidence will have to be by affidavit.
- Q Did you ever hear your mother say that she was born in Mississippi? A No I never heard her say but she lived there when she was a child, and I took it for granted that she was born there.
- Q Did either Mary Marshall Duffield or Mary Triplet go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi and take land there? A I could not tell you.
- Q Will you be able to get any evidence on that point? A I think so.
- Q You understand that is a very material matter in your case to have evidence to show whether your grandmother and great grandmother were living in the old Choctaw Nation in eighteen hundred and thirty and whether they were recognized Choctaw Indians and whether they went to the Indian Agent there and told him that they wanted to stay in Mississippi? A Yes.
- Q Do you expect to try to secure evidence along that line? A Yes.
- Q Did any of your ancestors own land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know but they were farmers and were all raised on the farm, whether they were renters or owned land I don't know.
- Q You never heard whether they owned land in one of these States? A No I did not.
- Q Or whether they ever owned any land? A Well my mother owned a farm in Missouri. She sold it when she lived there.
- Q Do you know how she got that farm? A No I do not. I have written to some of my kin folks, all that I can find, for their affidavits and I ought to have them in a few days.
- Q Well can you bring any of these persons before the Commission in person to testify? A Well I might I don't know I can try. I will endeavor to bring them before the Commission.
- Q You understand that the oral testimony of witnesses before the Commission carries more weight with it than their depositions or affidavits? A Yes.
- Q You understand that if you have depositions or affidavits the Commission will accept them and make them a part of the record but it is better if you can have your witnesses here for examination? A Yes.

Q 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.

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- Q How much Choctaw blood did your grandmother claim to have? A  
A Well I think my grandmother claimed to be one-half.  
Q How much Choctaw blood did your great grandmother claim to have?  
A I could not say. If my grandmother was a half my great  
grandmother must have been full.  
Q Did your grandmother or great grandmother have any Choctaw  
names? A My mother's maiden name was McClanahan.  
Q What I mean was whether your great grandmother or grandmother  
had any Choctaw names, that is a name in the Choctaw language?  
I could not tell you.  
Q Did you know any of them except your father and mother? A I  
can just remember my grandmother.  
Q Do you know whether she spoke Choctaw? A No I don't.  
Q Did your mother? A No my mother did not.  
Q Do you speak Choctaw? A No. My mother showed the Indian  
features in the shape of her head. She had black straight hair  
and high cheek bones, she was tolerably fair that is not really  
dark skinned.

This applicant has grayish brown hair, and brown eyes and complexion. His cheek bones are a trifle prominent and he may possibly have some slight proportion of Indian blood although this is very difficult to tell. 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 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 10, 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 26th day of October 1901.

*J. H. Addison*  
Notary Public.

*MM*  
*C.W.*

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

In the matter of the application of Sterling F. Tutton, et al.,  
for identification as Mississippi Choctaws, H.C.R. 3223.

--- 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 Sterling P. Tutton for himself and his four minor children, Mary A., Elizabeth M., James F. and Cassie L. Tutton, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

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

Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 331).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Triplet, 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 Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 190) 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 Sterling P. Tutton, Mary A. Tutton, Elisabeth M. Tutton, James F. Tutton and Cassie L. Tutton as Choctaw Indians entitled to rights

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

*James Bixby.*

*Acting Chairman.*

(SIGNED)

*T. B. Needles.*

*Commissioner.*

(SIGNED)

*C. R. Breckinridge.*

*Commissioner.*

Mustoge, Indian Territory,

NOV 1 1907



COPY.

Muskogee, Indian Territory, November 1st, 1902.

Sterling P. Tutton,  
Shorman, Texas.

Dear Sir:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sterling P. Tutton, 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 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 Sterling P. Tutton, Mary A. Tutton, Elizabeth M. Tutton, James F. Tutton and Cassie L. Tutton 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."

Sterling P. Tutton, ---2.

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

Respectfully,

(SIGNED)

*James D. ...*

Acting Chairman.

Registered.

**COPY:**

Muskogee, Indian Territory, November 1st, 1902

Honorable, Henry W. Cornish,

Attorney for the Choctaw and Chickasaw Nations,

Squibb, Choctaw, Indian Territory.

Gentlemen:-

You are hereby advised that on the 1st day of November, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Sterling P. Tutton, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 405) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians as claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and 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 Sterling P. Tutton, Mary A. Tutton, Elizabeth H. Tutton, James P. Tutton and Cassie L. Tutton 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."

Manafield, McMurray & Cornish, ---2,

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

Respectfully,

(SIGNED) *Tamc Dixby.*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Sterling P. Tutton, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1st, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and the 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 Murray*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
Enc. H.C.R. 5225.

Land.  
69823-1902

--:-- COPY --:--

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Dec. 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November, 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Sterling P. Tutton, for the identification of himself and his four minor children, Mary A., Elizabeth M., James F. and Cassie L. Tutton, as Mississippi Choctaws claiming rights under the 14th Article of the Choctaw treaty of 1830.

November 1, 1902, the Commission held that the applicants were not entitled to identification. Descent is claimed from Mary Triplet, through Mary Marshall Duffields (nee Tutton) her grand-daughter, it being claimed that Mary Triplet was a member of the Choctaw tribe of Indians in Mississippi in 1830, and who complied or attempted to comply with the provisions of Article 14 of the treaty.

The applicants are not full blood Choctaw Indians, A careful search of the records of this office fails to show that Mary Triplet received a patent for land under the provisions of Article 14

of the treaty of 1830, or complied or attempted to comply with the provisions thereof; neither does it appear that she applied to the Commission appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights if she had any, as a Choctaw Indian.

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

Very respectfully,

W. A. Jones,

Commissioner.

S.T.C.

L.

D.C. 578

-- COPY --

EAV.

ITD.7852-1902.

DEPARTMENT OF THE INTERIOR.

L.R.S.

WASHINGTON.

January 3, 1903.

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Sterling P. Tutton and his minor children, Mary A., Elizabeth M., James F. and Cassie L. Tutton.

The applicants endeavor to trace their descent from one Mary Triplet, alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Mary Triplet, or a less remote ancestor, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

Forwarding the record December 17, 1902, the Commission of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department had thoroughly reviewed the case and hereby affirms the decision therein.

Respectfully,

1 inclosure.

Wm. Ryan,  
Acting Secretary



M.C.R. 3225.

Muskogee, Indian Territory, January 16, 1903.

Sterling P. Tutton,  
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sterling P. Tutton, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

Commissioner in charge.

Muskogee, Indian Territory, January 16, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3d day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sterling P. Tutton, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

(SIGNED)

*D. D. Wallace*  
Commissioner in charge.

For Identification as a Mississippi Choctaw.

Date **AUG 10 1901**

Name *Sterling P. Tutton*

Age *39* Blood

Post Office, *Sherman, Tex*

Father: *James Tutton (dead)*

Mother: *Mary M. Tutton (dead)*

Claims through *mother*  
*wife: Mary P. Tutton*  
*(no claim for her)*

Children:

- Mary A. Tutton*                      *6*
- Elizabeth M. "*                      *4*
- James F. "*                              *3*
- Cassie L. "*                              *10 mos.*

*Claims for self and 4 children*

Choctaw MCR 3224

Benton Underwood

MCR 3224

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

In the matter of the application of Benton Underwood, et al.,  
for identification as Mississippi Choctaws, M C R 3224.

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

	Page.
Original application of Benton Underwood, et al., before the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the application of Benton Underwood, et al., for identification as Mississippi Choctaws-----	7

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 10, 1901.

3234

In the matter of the application of Benton Underwood for the identification of himself and his eight minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Benton Underwood being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Benton Underwood.  
Q What is your age? A Forty-one.  
Q What is your post-office address? A Sherman, Texas.  
Q Have you a street number? A No.  
Q How long have you lived there? A Why I lived there for eight years with the exception of one year that I lived at Chickasaw.  
Q In the Chickasaw Nation? A Yes.  
Q Where did you live before you lived in Texas? A I lived in Georgia seven years.  
Q Where did you live before you lived in Georgia? A In Tennessee one year.  
Q Where did you live before you lived in Tennessee? A In Alabama  
Q How long did you live in Alabama? A Well I don't know exactly I was born in Georgia and went to Alabama when I was a child of fourteen or fifteen years old and stayed there nine or ten years then I went back to Georgia.  
Q Is that the time you lived in Georgia seven years? A Yes the last time. Last time I was a child and don't remember what age I was when I lived there.  
Q How many times did you live in Georgia? A Two times.  
Q That leaves about three years unaccounted for? A Well the time I was in Alabama I don't know the exact number of years I never made a record and don't remember.  
Q These are all the places that you have lived at? A Yes.  
Q You never lived in Mississippi? A No.  
Q What is your father's name? A Walker Underwood.  
Q Is he living? A No.  
Q What is your mother's name? A Minerva Underwood.  
Q M-i-n-e-r-v-a? A Yes.  
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 sixteenth or one-eighth.  
Q you think about one-eighth? A Something like that. One sixth I suppose my grandmother was three-quarters.  
Q If your grandmother was three quarters how much would your father be? A Well I don't know that I know that exactly.  
Q Well that is one-half of three-quarters? A One-half of three quarters would be one-third would it not?  
Q No one half of three-quarters would be three-eighths? A Yes I guess so  
Q Well what is one-half of three-eighths? A Well I don't know that I could get that exactly, of course I never studied any thing about that.

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- Q That would be about three-sixteenths would it not? A I think so.
- 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 not that I know of.
- Q Have you any evidence of your father's and mother's marriage? A Not present I have not.
- Q You will secure that? A I can 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 wife's name? A Caldona.
- Q C-a-l-d-o-n-a? A Yes.
- Q Is she living? A Yes.
- 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 under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.
- Q How many? A Eight.
- Q Give the names and ages of these children? A If I give the names and ages I will have to get a book that I have here in my coat; The oldest tho' is Rufus, he is twenty. John, nineteen. Dora, seventeen. Thomas, thirteen. Annie, eight. Charley, five.
- Q C-h-a-r-l-i-e is that the way you spell it? A It is a "y" instead of an "E".
- Q How old is Charley? A Five.
- Q Next? A May, three. Mamie is the next, one.
- Q Is that all? A That is all.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Caldona.
- Q When and where were you married to her? A I was married in 1879 I reckon.
- Q Where? A No answer.
- Q Where? A In Alabama.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A Ordained minister.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Not with me.

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 Indian Territory? A No.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children admitted 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 10, 1896? A We did not.
- 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 citizens of the Choctaw Nation? A I have not.
- 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 don't know exactly what kind, I don't know that I exactly understand.
- Q Well what do you want to make application for? A No answer.
- Q Don't you know what you came here for? A Why I thought I did but then after I came I don't know so much about it.
- Q Well can you tell what you want to apply for? A Why for the rights of recognized Choctaws I reckon is my understanding.
- Q What makes you think you have a right to be recognized as a Choctaw? A Well under the treaty of eighteen hundred and thirty and then--why the Choctaws that was left back in Mississippi and came under the laws of the United States. There is a provision made under the law to give them a right. I reckon I don't understand exactly what you mean when you ask the question.
- Q Well you claim then under the treaty of eighteen hundred and thirty? A Under the treaty of eighteen hundred and thirty.
- Q Do you make any claim under any particular part of the treaty? A No.
- Q You just claim under the whole treaty? A Yes.

The law under which the Commission is acting at this time in hearing these applications such as yours, is found in section twenty-one of the act of Congress of June 28, 1898, commonly 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 of eighteen hundred and thirty and 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 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 United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. 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 best to move them to a Country west of the Mississippi river and give them land there in exchange for their lands in the States of Mississippi and Alabama, but some of the Indians did not want to leave their homes there and come to the new Country and the others 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 of those Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:



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."

That means that those Choctaws who wanted to could go to the Indian Agent within six months after the treaty was ratified and tell him that they wanted to stay there 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. In doing this they would not lose the right of a Choctaw citizen but if they ever removed they would not be entitled to any part of the yearly payments of Choctaw money.

Q

D Do you claim anything under the provisions of this article of the treaty? A I don't claim anything separately under a special 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 there 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 there were a great many of them who claimed that they had gone to the Indian Agent and told him that they wanted to stay where whose names were not on the rolls which the Indian Agent had made, so under different acts of Congress Commissioners were appointed and sent down 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 a large number of claims, several hundred in fact, 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 it had been sold they were given scrip 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 any one of these States?

A I don't know.

Q Do you know what is meant by the word ancestor? A Yes.

Q You never heard whether any of them ever owned any land in one of these states? A No they must have though because they remained in that land several years after the treaty was made.

- Q Where did they remain? A In Mississippi.
- Q Well a great many people have remained in Mississippi all their lives and don't own any land? Well when they left Mississippi and went to Georgia they was able to buy land and a good deal of it.
- Q They bought land in Georgia? 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 Well my grandfather's name was Underwood and my great grandfather on my grandmother's side was named Gardner.
- Q What was your father's father's name? A John.
- Q John Underwood? A Yes.
- Q What was your father's mother's name? A Nancy.
- Q Which one of your father's parents claimed to Choctaw? A My father's mother.
- Q What was your grandmother's father's name? A Well I won't be positive but I think it was John Gardner, that is my recollection.
- Q What was your grandmother's mother's name? A I don't know.
- Q Which one of your grandmother's parents claimed to be Choctaw? A My grandmother's parents? ---Why both I reckon.
- Q Well do you know? A That is what I have always been taught of course that is as far as I know.
- Q Which one of these lived in Mississippi in eighteen hundred and thirty? A Why my grandfather, grandmother, great grandfather and great grandmother, they all lived in Mississippi when the treaty was made.
- Q Were they all Choctaws? A On the Underwood side they was not at that time and on the Gardner side they was.
- Q I did not ask you about the ones that were not Choctaw Indians, I am asking you about the ones who were Choctaw Indians? A I guess I don't exactly understand it.
- Q How old would your father be if he were living now? A My father let me see, he would be about sixty-one I reckon, between sixty and seventy some where. I have not got the record with me I have it at home.
- Q How long has he been dead? A Forty years.
- Q About how old a man was he when he died? A I don't remember exactly, He was I suppose about thirty, of course I could have had the records, I could have had it alright, I never thought of it before I left home.
- Q Was your father the eldest one of his mother's children? A I don't know which was the oldest.
- Q Well your father must have been born somewhere close to the year eighteen hundred and thirty, if he was something like seventy-one years old? A He was born in eighteen hundred and thirty one, either father or mother was born in eighteen hundred and thirty-one. I think it was my father.
- Q Well do you think it probable that your grandmother's name was Nancy Gardner or Nancy Underwood in eighteen hundred and thirty when this treaty was made? A I think it probable that it was.
- Q Which? A Nancy Underwood.
- Q Did Nancy Underwood or John Gardner live in Mississippi in the old Choctaw Nation in eighteen hundred and thirty? A They did.
- Q Have you any evidence to show that they did? A Not at present but I can get it.
- Q Were they Choctaw Indians? A Why I suppose so.
- Q Have you any evidence of that? A I think I can furnish sufficient evidence on that.
- Q How much Choctaw blood did your grandmother claim to have? A Three-fourths or about three-fourths.

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- Q And how much did your great grandfather and mother claim to have? A I don't know.
- Q Did Nancy Underwood or John Gardner 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.
- Q Will you be able to get any evidence on that point? A I think so.
- Q You understand that it is a very material matter in your case to have evidence to show whether your grandmother or great grandfather and mother were living in the old Choctaw Nation in eighteen hundred and thirty and whether they were recognized Choctaw Indians 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 there in Mississippi. Do you understand that these are all important points in your case? A Yes.
- Q And you think you will be able to secure evidence along these lines? A I think so.
- Q Do you think you will be able to bring witnesses before the Commission in person to testify? A I think so, either that or by affidavit.
- Q Do you understand that the oral testimony of witnesses carries more weight than their depositions or affidavits, if you can possibly get your witnesses here? A Yes I understand that.
- Q You understand that in making application for valuable property rights even the sworn statement of the party in interest will carry very little weight unless supported by outside evidence? A I am aware of that fact.
- Q So you see the urgency of securing evidence to back up your statement and fill in where you did not know? A Yes.

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.

This applicant has brown hair and mustache, and eyes and dark complexion. His features and general appearance are those of a white man and he shows no traces of Indian 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, although it appears from his testimony that the ancestor through whom he claims lived in Mississippi in eighteen hundred and thirty.

- Q Have you any papers that you want to file now? A Not at present.

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 10, 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 26th day of October 1901.

*G. Rosenwinkel*  
*J. S. Adams*  
Notary Public.

*Mmm  
C. W.*

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

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In the matter of the application of Benton Underwood, et al., for identification as Mississippi Choctaws, M.C.R. 3224.

--: 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 Benton Underwood for himself and his eight minor children, Rufus, John, Dora, Thomas, Annie, Charley, May and Mamie Underwood, 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 John Gardner, who is alleged to have been possessed of Choctaw blood (degree thereof not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name of one John Gardner appears on page 39 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Natchachee's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on

the part of the persons therein named with the provisions of the fourteenth article of the treaty of "Dancing Rabbit Creek", neither is it shown by the evidence offered by the several applicants herein that the John Gardner through whom they claim is the identical John Gardner whose name appears in the record above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Gardner, 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 Benton Underwood, Rufus Underwood, John Underwood, Dora Underwood, Thomas Underwood, Annie Underwood, Charley Underwood, May Underwood and Manie Underwood as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED:

James Dixby.

Acting Chairman.

SIGNED:

I. B. Needles

Commissioner.

SIGNED:

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

NOV 1 1902

COF  
Muskogee, Indian Territory November 1, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 1st day of November 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Benton Underwood, et al., applicants for identification as Mississippi Choctaws.

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Benton Underwood, Rufus Underwood, John Underwood, Dora Underwood, Thomas Underwood, Annie Underwood, Charley Underwood, May Underwood and Mamie Underwood as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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



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Commissioner of Indian Affairs.

Respectfully,

EMBED:

*James Birby*

Acting Chairman.

COPY.

Muskogee, Indian Territory November 1, 1902.

Benton Underwood,  
Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 1st day of November 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Benton Underwood, 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., 490) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make 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 Benton Underwood, Rufus Underwood, John Underwood, Dora Underwood, Thomas Underwood, Annie Underwood, Charley Underwood, May Underwood and Mamie Underwood as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the 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

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

Respectfully,

SIGNED

*Wm. D. Doby.*

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the case of Benton Underwood, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 1, 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 of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

*Tame Dixby.*

Acting Chairman

Through the Commissioner  
of Indian Affairs.  
Enc. M C R 3224.

--:-- COPY --:--

Land.  
69875-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Benton Underwood for the identification of himself and his eight minor children, Rufus, John, Dora, Thomas, Annie, Charley, May and Mamie Underwood, as Mississippi Choctaws, claiming rights under the 14th Article of the Choctaw treaty of 1830.

November 1, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from John Underwood through Walker Underwood, his son, it being claimed that John Underwood, was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with the provisions of Article 14 of the treaty. The applicants are not full-blood Choctaw Indians.

A careful search of the records of this office fails to show that John Underwood received a patent for land under the

provisions of Article 14 of the treaty of 1830, or complied or attempted to comply with the provisions thereof; Neither does it appear that he applied to the Commissions appointed under Acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights, if he had any, as a Choctaw Indian.

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

Very respectfully,

W. A. Jones,  
Commissioner.

C. T. C.

L.

D.C. 2088

ITD.8017-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

COPY

EAF.

January 20, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Benton Underwood and his minor children, Rufus, John, Dora, Thomas, Annie, Charley, May and Mamie Underwood.

The applicants endeavor to trace their descent from one John Gardner, alleged to have been a Choctaw Indian residing in Mississippi in 1850.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said John Gardner or a less remote ancestor complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application November 1, 1902.

Forwarding the papers December 22, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department has carefully reviewed the entire record and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Fenton Underwood, et al., of which decision you were advised by mail, on the 1st day of November, 1902.

Respectfully,

*[Signature]*  
Acting Chairman.



Muskogee, Indian Territory, January 31, 1903.

Benton Underwood,  
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 30th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Benton Underwood, et al., of which decision you were advised by registered mail on the 1st day of November, 1902.

Respectfully,

18515

*Tams Dixie.*  
Acting Chairman.

No. 3224

For Identification as a Mississippi Choctaw.

Date **AUG 11 1901**

Name *Benton Underwood*

Age *41* Blood *3/16*

Post Office, *Sherman, Texas*

Father: *Walker Underwood (deceased)*

Mother: *Minerva* "

Claims through *father*  
*wife: Caldora Underwood* -  
*(no claim for her)*

Children

- Ruffus Underwood 20*
- John " 19*
- Dora " 17*
- Thomas " 13*
- Arnie " 8*
- Charles " 5*
- May " 3*
- Minnie " 1*

Claims for self and 8 children

Stenographer

*G. Rosenwinkel*

Ms. R. 3224.  
Name of child

evidence: Rufus

slip Rufus

Choctaw MCR 3225

James W. Griffin

MCR 3225

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 9, 1901.

In the matter of the application of James W. Griffin for the identification of him self and six minor children as Mississippi Choctaws.

James W. Griffin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James W. Griffin.  
Q How old are you? A Forty one.  
Q What is your post office address? A Hinton, Alabama.  
Q What county? A Choctaw.  
Q How long have you lived in Choctaw county, Alabama? A I expect thirty five years, I don't remember just when I was so small when we moved into that county.  
Q Where did you live before that? A Clarke County, Mississippi.  
Q Born there? A Yes sir.  
Q Is your father living? A No sir.  
Q What was his name? A John Griffin.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Nancy E. Griffin.  
Q Through which one of your parents do you derive your Choctaw blood?  
A Father.  
Q How much Choctaw blood do you claim to have? A One sixteenth I believe.  
Q How long has your father been dead? A He has been dead--he got killed in 1863 I believe; in 1864 was when he was killed.  
Q You were just a child then? A Yes.  
Q Was that before you moved to Choctaw county, Alabama? A Yes sir, we lived in Mississippi when he was killed, I was so small I just do remember my father.  
Q How long did he live in Clarke County, Mississippi? A I can't tell you that. I expect my aunt can tell you but I don't know. I think he was born and raised in Clarke county, Mississippi.  
Q How old would your father be if he were living now? A Seventy four years old.  
Q Were your father and mother lawfully married, under a license?  
A Yes sir.  
Q Where were they married, do you know? A In Mississippi.  
Q What county? A Clarke county.  
Q How many children did they have? A Three.  
Q They were married under a license? A Yes sir.  
Q Did you ever see the license? A No sir.  
Q Through which one of his parents did your father get his Choctaw blood. A I can't answer that question; through his father, I reckon  
Q Do you know the name of his father? A John Griffin.  
Q What was his mother's name? A I declare I couldn't tell you now  
Q You never saw either of them? A Not to my knowledge; I was small and can't remember.  
Q Did any of your ancestors go out to the Indian Territory? A No, sir.  
Q You never have been out there? A No sir.

James W. Griffin-----2.

- Q Are you married? A I have been married, my wife is dead.  
Q What was her name? A Susan M. Griffin.  
Q Did she have any Choctaw blood? A No sir, not that I know of.  
Q Have you any children for whom you desire to make application?  
A Six.  
Q What are their names and ages? A Lillia.  
Q How old is Lillia? A Seventeen years old.  
Q Girl? A Yes sir.  
Q Next? A Next two are twins--a boy and a girl.  
Q What are their names? A Eddie and Edna.  
Q How old are they? A Fifteen years old.  
Q Next one? A John Wilson.  
Q How old is John Wilson? A Ten years old.  
Q Next one? A James C., eight years old.  
Q Next one? A Susie L/  
Q How old? A Six years old.  
Q Is that all your children? A Yes sir.  
Q Are these children all living with you now? A Yes sir.  
Q None of them are married? A No sir.  
Q This application is for yourself and six minor children? A Yes sir.  
Q Are you the father of these six children? A Yes sir.  
Q What is the names of their mother? A Susan M.  
Q Were you married to Susan M. Griffin under a license? A Yes sir  
Q When were you married to her? A In eighty three.  
Q Where were you married to her? A Choctaw county, Alabama.  
Q Where did you get your license? A At Butler.  
Q Who married you? A Allen Buckalew.  
Q What official position did he hold? A Justice of the Peace.  
Q Have you your license and certificate with you now? A No sir.  
Q You haven't got it? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Susan M. Griffin. You may present it within a reasonable time, and we will file it with your case. We would like for you to furnish it with thirty days if possible.

- Q Is your name or the name of any of these children to be found upon any of the tribal rolls in Indian Territory? A No sir  
Q Did you ever make application to the Choctaw tribal authorities out 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 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 under the act of Congress of June 10, 1896? A No sir.  
Q Is this the first application of any description you have ever made or that has ever been made for you? A Yes sir.  
Q Do you now desire to make application for identification of yourself and six minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know sir as I do.

James W. Griffin-----3.

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 were living here in Mississippi and on the edge of Alabama. The object of the treaty was to secure their removal from this country occupied by them here to a new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw tribe. At that time, some of the Indians were unwilling to move from this country out west to the new country west of the Mississippi river, and insisted that provision be made in the treaty whereby they might remain here, and for the benefit of those desiring to remain here, the fourteenth article was put into 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 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 fourteenth article of the treaty of Dancing Rabbit Creek---Do you think you understand that now? A Yes sir.
- Q You have heard it explained two or three times during the examination of other applicants here this morning? A Yes sir?
- Q Did any of your ancestors ever comply with the provisions of the fourteen article of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi an Alabama in 1830 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 Not as I know of.
- Q Did any of them own any improvements here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know sir, I don't think they did.
- Q Did any of your Choctaw 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 Choctaw ancestors signify to the United States agent for the Choctaws here in Mississippi within six months from the ratification of the treaty of Dancing Rabbit Creek their intention to remain here and become citizens of the states? A No sir, not that I knew of.

James W. Griffin-----4.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi under the provisions of article fourteen 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 the fourteenth article or under the supplement of that treaty? A No sir.

Q You never heard of any of your ancestors getting any land from the government? A No sir.

Q You don't know that any of your ancestors were ever recognized members of the Choctaw tribe, do you? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent here in Mississippi to register the names of Indians who might desire to remain here in Mississippi and take advantage of the provisions of that article. The records of the government show that this agent of the government failed to record and report to the government the names 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, in many instances sold land upon which Choctaws lived and had improvements and which they expected to receive from the government under the provisions of this fourteenth 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 on the 3rd day of March, 1837, providing for the appointment of a Commission, whose duty it was to come down to Mississippi and hear the cases of Choctaw Indians who claimed that they had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their lands 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 for their work the Commissioners were unable to dispose of but a comparatively small number of cases. Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission to come down here to Mississippi and hear the remainder of these Choctaw cases. That second commission was duly appointed by the President and the Commissioners came down here in Mississippi in the early forties 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 fourteen of that treaty? A No sir, not that I know anything about.

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 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 in Alabama, Louisiana or Arkansas, and should be given a certificate to that effect. These certificates were called scrip.



James W. Griffin-----5.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A No sir, not that I knew anything about.

Q So far as you know have any of your Choctaw ancestors ever received any benefits whatever from the government of the United States as Choctaw Indians? A No sir.

Q Have you any witnesses here this morning before the Commission?

A My aunt, Nancy Buckalew is all the witness I have here this morning.

Q Do you know of any other witnesses who would be able to support your testimony as to your ancestry and the amount of Indian blood possessed by you and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I don't know any but her and Tom Griffin.

Q Is he living? A Yes sir.

Q Where does he live? A Lauderdale county, Mississippi.

Q Has he been before the Commission? A I suppose he has.

Q He is a brother of Nancy Buckalew? A Yes sir.

Q And your uncle? A Yes sir.

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

Q Did you ever see or hear of any deed or patent issued to any one of your ancestors by the government covering land given to your ancestors under article fourteen of the treaty of Dancing Rabbit Creek?

A No sir.

Q Do you want permission to offer written evidence later? A I don't know sir--if I get up any.

It is important that your testimony be supported by that of others and the Commission will allow you a reasonable time to submit written evidence. I would be better for you to bring witnesses before the Commission, and if you can get any witnesses to come here before the Commission, you may bring them or send them to Meridian and we will take their testimony in support of your case.

Q Have you any brothers living? A One.

Q What is his name? A Martin Griffin.

Q How old is he? A Forty five

Q Has he been before the Commission? A No sir.

Q Where does he live? A Choctaw county, Alabama.

Q Did you ever have any other brothers? A No sir.

Q Have you any sisters living? A No sir.

Q Did you ever have any sisters? A One.

Q How long has she been dead? A Five years.

Q Did she have any children at the time of her death? A Yes sir.

Q Are these children living? A Yes sir.

Q How many are there? A Five.

Q Where do they live? A Quitman, Clarke County, Mississippi.

Q What are their names? A Colie Nichols, Abigail Nichols, Ida Nichols, Jede Nichols and Rob Nichols.

Q About how old is the eldest? A Fourteen or fifteen years old.

This applicant has the appearance of being a white man, and shows no indications of being possessed of Indian blood. He does not speak nor understand the Choctaw language.

James W. Griffin-----6.

Nancy Buckalew, 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 Nancy Buckalew.  
Q How old are you? A Seventy two.  
Q What is your post office address? A Bergamot, Choctaw county, Alabama.  
Q Are you acquainted with the applicant who has just testified before the Commission? A Yes sir.  
Q What is his name? A James W. Griffin.  
Q Is he any relation to you? A He is my nephew.  
Q What was his father's name? A John W. Griffin.  
Q How long has he been dead? A He was killed in the war.  
Q His father was a full brother of yours? A Yes, he was a brother of mine.  
Q Are you the Nancy Buckalew who testified before the Commission in the James B. Griffin case? A Yes sir.  
Q Is the mother of James W. Griffin, this applicants living?  
A Yes sir.  
Q What is her name? A Nancy Elizabeth.  
Q Where does she live? A Clarke County, Mississippi.  
Q She is a white woman? A Yes sir.  
Q Has no Choctaw blood? A No sir.  
Q Do you know whether John W. Griffin was lawfully married to her or not? A Yes sir.  
Q Were you present at their marriage? A Yes sir.  
Q Where were they married? A They were married at her father's home in Clarke County, Mississippi.  
Q Who performed the marriage ceremony? A I can't tell that. I don't know the justice of the peace's name.  
Q Did you see the license? A I don't know that I seen them, they had them there the night they were married.  
Q Who else was there that you remember of at the wedding? A All of her connections and Thomas B. Griffin, my brother, and uncle to this boy were there.  
Q When was that wedding? A In 1858.  
Q How long did they live together? A They didn't live together more than ten years. He was married in 1858 and the war broke out in 1861, and he was killed during the war. They lived together until he went away to the war and she was the mother of three children by him.

(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 9th 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 21st day of August, 1901.

*[Signature]*

Notary Public

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

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M. C. R. 3225

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

James W. Griffin,  
Hinton, Alabama.

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

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

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, Siddle 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, Siddle 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,

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)

Registered.

M C R 3225

Muskogee, Indian Territory, December 5, 1902.

James W. Griffin,  
Hinton, Alabama.

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,

SIGNATURE

Acting Chairman.

James W. Griffin et al

OFF

DECISION RENDERED. NOV 21 1902

R 3225

NOV 21 1902

2337



#1275

No. 3225

# For Identification as a Mississippi Choctaw.

Date AUG 9 1901

Name James W. Griffin

Age 41 Blood 1/6

Post Office, Hinton, Ala.

Father: John Griffin d

Mother: Nancy E. " L

wife <sup>Claims through father</sup> Susan M. Griffin d  
(no choctaw blood)

Children:

Lillia Griffin	(F)	17
Eddie	"	15
Edna	"	15
John Wilson	"	10
James C.	"	8
Sissie L.	"	6

(6 claims for self and 6 minor children)

Stenographer

H.C. Aiteen

Choctaw MCR 3226

Ransom B. Buckalew

See MCR 2337

MCR 3226

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 9, 1901.

In the matter of the application of Ransom B. Buckalew for the identification of himself and five minor children as Mississippi Choctaws.

Ransom M. Buckalew, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Ransom B. Buckalew.  
Q How old are you? A Thirty nine years old.  
Q What is your post office address? A Bergamot, Choctaw county, Alabama.  
Q How long have you lived in Choctaw county, Alabama? A Nearly all my life. I was born in Mississippi, but my father moved to Alabama when I was small, I can just remember.  
Q What county in Mississippi were you born in? A Clarke County.  
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.  
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 About one sixteenth I reckon.  
Q Where does your mother live? A Her home is in Choctaw County, Alabama.  
Q How long has she lived there? A Ever since I can remember.  
Q Where did she live before she lived there? A Clarke County, Mississippi.  
Q How long did she live there? A She was born there.  
Q How old is your mother? A She is about seventy one or seventy two years old.  
Q Through which one of her parents did she derive her Choctaw blood? A Through her mother.  
Q What was her name? A Harriet Connors.  
Q How much Choctaw blood did Harriet have? A I don't know sir.  
Q Did you ever see her? A Yes sir, but I don't remember.  
Q How long has she been dead? A She has been dead a long time.  
Q Do you know where she lived during her lifetime? A She lived at the time of her death in Mississippi.  
Q Where did she live up until that time, do you know? A I think she came from Georgia.  
Q Do you know when she came to this country? A No sir.  
Q Through which one of her parents did she derive her Choctaw blood? A I don't know sir.  
Q Do you know anything about your ancestors farther back than your grandmother? A No sir.  
Q Has your mother ever been out to the Indian Territory? A No sir.  
Q Have you ever been there? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife living? A Yes sir.  
Q Has she any Choctaw blood? A I think not.

Ransom B. Buckalew----2.

- Q You make no claim for her? A No sir.  
Q What is her name? A Bettie.  
Q Have you any children? A Yes sir, five.  
Q What are their names and ages? A Abbie.  
Q How old is she? A Twelve years old.  
Q Next one? A Jettie.  
Q How old is Jettie? A Eight years old.  
Q Next? A Maud.  
Q How old is Maud? A Five years old.  
Q Next one? A Alman, a boy.  
Q How old? A He is three.  
Q Next one? A Claud.  
Q Boy? A Yes sir.  
Q How old? A Not quite a year old; he will be a year old 15th of September.  
Q Are these children all living with you? A Yes sir.  
Q You are the father of all of them? A Yes sir.  
Q What is the name of their mother? A Bettie.  
Q This application then is for yourself and five minor children?  
A Yes sir.  
Q When were you married to Bettie Buckalew? A In 1885.  
Q Were you married under a license? A Yes sir.  
Q Where were you married to her? A Choctaw county, Alabama.  
Q Who performed the ceremony? A My father.  
Q What official position did he hold? A Justice of the peace.  
Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish evidence of your marriage to your wife Bettie in connection with the application you make for your children. You will be allowed a reasonable time in which to submit such evidence. We would be glad to have you submit it within thirty days if you can.

- 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 that I know of.  
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 the Choctaw tribe? A No sir.  
Q Did you make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children in the year 1896? A No sir, I did not.  
Q Is this the first application of any description that has ever been made for you or any of these children? A Yes sir.  
Q Do you now desire to make application for identification of yourself and five minor children as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, don't believe I do.

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 that time, the Choctaws lived here in Mississippi and over on the western edge of Alabama. The object of this treaty was to put these

Ransom B. Buckalew---3,

Indians to move from this country to a new country west of the Mississippi river. Some of the Indians at that time were unwilling to move out west of the river, but preferred to remain here and for the benefit of those who preferred to remain here, the fourteenth article was put into the treaty. The 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 he 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 land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the fourteenth article of the treaty of Dancing Rabbit Creek---Do you understand that now clearly? A Yes sir, I reckon I do.

You understand that this treaty was made over seventy years ago, and this fourteenth article is a requirement from the Indians here at that time. In case a Choctaw wanted to stay here and have land set aside to him, he was required by that article to signify to the agent of the Government here in Mississippi within six months from the time this treaty was ratified, which was on February 24, 1831, that he intended to stay in Mississippi and take land and become a citizen of the states. When he had done that he was entitled to a reservation of one section of six hundred and forty 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 three hundred and twenty acres, and if he had a child under ten years of age, that child was entitled to one hundred and sixty acres. The reservations of these children must adjoin the location of the parent, and the reservation must include the present improvement of the head of the family, that is the improvement on the 27th day of September, 1830, the day the treaty was made. By the fourteenth article, they were required to live on that land five years from the date the treaty was ratified, in other words they must live on it until the 24th day of February, 1836, and if they did that, they were entitled to a grant in fee simple or a deed or patent from the government conveying the land to them. Those are the requirements of that fourteenth article of the treaty of Dancing Rabbit Creek.

Q Do you think you understand that clearly? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of this fourteenth article that you know of? A I don't know sir.

Ransom B. Buckalew-----4.

Q Were any of them living here in Mississippi or Alabama in 1830 when this treaty was made? A I couldn't tell that.

Q Did any of them own any improvements here at that time? A I do not 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 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 1833 and 1838? A I don't know sir.

Q Did any of your ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the agent of the government here in Mississippi their intention to remain 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 fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Did any of them ever receive or claim any land under the provisions of any other article of that treaty than the fourteenth or under the supplement of that treaty? A I don't know 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 here and become citizens of the states, and take land. The records of the government show that this agent failed to record and report to the government the names of many Indians who did in fact signify to him their intention to remain, and on this account the government at its public land sales in many instances sold land upon which Choctaws had improvements and which they supposed they would receive under the provisions of the fourteenth article. 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 whose duty it was to come down here in Mississippi and hear cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their lands 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 by the acts of Congress under which they were appointed, these Commissioners were unable to dispose of but a comparatively small number of these Choctaw cases. And Congress passed another act, which was approved on the 23rd day of August, 1842, providing for the appointment of a second Commission to come down here and finish up this work of hearing Choctaw cases. This second Commission was duly appointed by the President and the Commissioners came down here in Mississippi in the early forties 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 fourteen of that treaty? A Not that I knew of.

Ransom B. Buckalew----5.

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 fourteen 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 in Alabama, Louisiana or Arkansas from vacant government land, 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 Not that I know of.

Q So far as you know have any of your ancestors ever received any benefits whatever from the government of the United States as Choctaw Indians? A Not that I know of.

Q None of them have ever been recognized members of the Choctaw tribe of Indians that you know of? A No sir.

Q Are there any further statements you desire to make in support of this application? A No sir.

Q Have you any written evidence of any kind to submit? A No sir.

Q Do you want permission to file written evidence later? A I don't know sir, my mother can tell a heap more about it than I can.

You will be allowed a reasonable time to submit proper written evidence in support of this application. We would be glad if you would file the same within thirty days if possible.

Q Have you any witnesses before the Commission? A My mother is here

Q Have you any other witnesses who can testify as to the amount of Indian blood you have, and as to whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A I could give the names of one of my uncles. --Tom Griffin

Q Where does he live? A Not very far from here.

Q He has been before the Commission? A Yes sir.

Q What is his full name? A Thomas B. Griffin.

Q Is that all you know? A Yes sir, that is all I know of right now.

If you see fit to bring any other witnesses before the Commission or send them before the Commission with a reasonable time, we will take their testimony in support of your application. Of course, you will get the benefit of the testimony of the other members of your family in this application.

This applicant has the 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.

Q Have you any brothers living? A One.

Q What is his name? A Allen Griffin Buckalew--he has been before the Commission.

Q Did you ever have any other brothers? A No sir.

Q Have you any sisters living? A I have three sisters, Harriet Bearfield, Emma Boney and Lucy Allen.

Q Have any of these sisters been before the Commission? A Two of them have.

Ransom B. Buckalew-----6.

- Q Where is the other sister? A She is here now to go before the  
Commission.  
Q Have you any sisters dead? A No sir.

Nancy Buckalew, 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 Nancy Buckalew  
Q How old are you? A Seventy two years old.  
Q What is your post office address? A Bergamot, Choctaw county,  
Alabama.  
Q How long have you lived in Choctaw county, Alabama? A Thirty four  
years.  
Q Where did you live before that? A Clarke County, Mississippi.  
Q Born there? A Yes, I was born in Green County and raised in  
Clarke County.  
Q You claim to have Choctaw blood? A Yes sir.  
Q Are you acquainted with the applicant who was just on the stand?  
A Yes sir.  
Q What is his name? A Ransom B. Buckalew.  
Q Is he any relation to you? A He is my son.  
Q You are the Nancy Buckalew who testified here on the 29th day of  
July in the James B. Griffin case? A Yes sir.  
Q You were examined at that time fully as to your knowledge  
with reference to your ancestors having complied with article four-  
teen of the treaty of Dancing Rabbit Creek? A Yes sir.  
(Witness Excused)

M.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 9th 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.

*M.C. Risteen*

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

*[Signature]*  
Notary Public.



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. 3226

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Ransom B. Buckalew,  
Berganot, Alabama.

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

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

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, 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,

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

*T. E. Loper*

Registered.

COR

M COR 3226

Muskogee, Indian Territory, December 5, 1902.

Ransom B. Buckelew,  
Bergamot, Alabama.

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,

IGNED

Acting Chairman.

#1276

No. 3226

For Identification as a Mississippi Choctaw.

Date AUG 1901

Name Ransom D. Buckalew

Age 39. Blood 1/16

Post Office, Bergamot, Ala.

Father: Allen Buckalew. d

Mother: Nancy Buckalew L.

Claims through mother  
wife Bettie Buckalew L.  
(no claim for wife)

Children:

Abbie Buckalew	(F)	12
Jettie	"	8
Maud	"	5
Alman	"	(M) 3
Claud	"	(M) 10m

Claims for self and 5 minor children.

Stenographer

H. Christen

Choctaw MCR 3227

Laura Marshall

See MCR 3217, 3230, 3309, 3308  
3307, 3311, 3312

MCR 3227

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

In the matter of the application of Laura Marshall,  
et al., for identification as Mississippi Cheetaws, consolidating  
the applications of

Laura Marshall, et al.....	M.C.R.	3227
Elizabeth Stephens.....	M.C.R.	3217
Annie Hall.....	M.C.R.	3230
Rhoda Dixon, et al.....	M.C.R.	3309
Georgia Lawson.....	M.C.R.	3308
Clemmie Larkin, et al.....	M.C.R.	3307
Jennie Stephens, et al.....	M.C.R.	3311
Mandie Ward, et al.....	M.C.R.	3312.

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

Original application of Laura Marshall, et al., to the Dawes Commission for iden- tification as Mississippi Cheetaws.....	1
Affidavit of Eliza McCorkle.....	6
Affidavit of Buck McCorkle.....	7
Original application of Elizabeth Stephens to the Dawes Commission for identification as a Mississippi Cheetaw.....	8
Affidavit of Buck McCorkle.....	14
Affidavit of Eliza McCorkle.....	18



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Original application of Annie Hall to the Dawes Commission for identification as a Mississippi Choctaw.....	16
Affidavit of Eliza McCorkle.....	23
Affidavit of Buck McCorkle.....	24
Original application of Rheda Dixen, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	25
Affidavit of Eliza McCorkle.....	32
Affidavit of Buck McCorkle.....	33
Original application of Georgia Lawson to the Dawes Commission for identification as a Mississippi Choctaw.....	34
Affidavit of Buck McCorkle.....	41
Affidavit of Eliza McCorkle.....	42
Original application of Clemmie Larkin, et al., to the Dawes Commission for identification as a Mississippi Choctaw.....	43
Affidavit of Eliza McCorkle.....	48
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Original application of Jennie Stephens, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	50
Affidavit of Eliza McCorkle.....	57
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Original application of Mandie Ward, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	59
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Affidavit of Eliza McGorkle.....66  
Decision of the Commission denying the  
applications for identification as Mis-  
sissippi Cheetaws in the consolidated  
case of Laura Marshall, et al.....67.

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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 9, 1901.

In the matter of the application of Laura Marshall for the identification of herself and four minor children as Mississippi Choctaws.

Laura Marshall, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Laura Marshall.  
Q How old are you? A About forty six.  
Q What is your post office address? A Gaston, Sumter County, Alabama.  
Q How long have you lived in Sumter county? A Always been living there.  
Q Is your father living? A No sir, my father is dead.  
Q What was his name? A Anderson Poteet.  
Q Is your mother living? A No sir, my mother is dead too.  
Q What was her name? A Mary Poteet  
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 My mother's father was a whole Indian.  
Q And what would that make you? A One quarter.  
Q Did your mother always live in Sumter county, Alabama? A Yes sir  
Q How old would your mother be if she were living now? A I don't know sir, fifty some odd I guess. I couldn't tell you exactly how much but she was up in fifty when she died.  
Q How long has she been dead? A About six years.  
Q She would be something over sixty if she were living? A Yes sir  
Q Was your mother a slave? A Yes sir, I guess she was.  
Q Were not you a slave too? A I was a slave.  
Q Was your father a slave? A Yes sir.  
Q Did your mother ever go out into the Indian Territory? A No sir  
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 From her father.  
Q What was his name? A I couldn't tell you, I never did see him.  
Q Do you know who he was? A No sir.  
Q How do you know your mother gets her Choctaw blood through her father? A That is what she said.  
Q Whom did she say was her father? A Scott--Indian named Scott she said.  
Q What other name did he have? A I don't know sir.  
Q He must have been a full blood Choctaw according to your statement? A Yes, she said he was a full blood Choctaw.  
Q Did your mother speak or understand the Choctaw language? A I don't know sir, if I heard her speak it, I wouldn't know it.  
Q How long has your mother's father been dead? A I don't know sir he may be living now for all I know. I never heard no talk about him being dead.  
Q Where did he live during his lifetime? A Away down about Butler, Choctaw county, Alabama

Laura Marshall----2.

- Q Did you ever see any one that had seen Him besides your mother?  
A No sir, not as I know of--my grandmother seen him.  
Q Did she tell you he was a full blood Choctaw? A Yes sir.  
Q Was that your mother's mother? A Yes sir.  
Q Is she living? A Yes sir.  
Q Was she married to this Choctaw Indian? A I don't know sir.  
Q You have heard her say about that haven't you? A No sir.  
Q You don't know whether she was married to him or not? A No sir.  
Q Did she ever have any other children by this man besides your mother?  
A Yes, she got a whole brother to my mother.  
Q Where does your grandmother live now? A Away over in Green County, Alabama, my uncle carried her over there with him two or three years ago.  
Q Are you married? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q Has he any Choctaw blood? A No sir, not as I know of.  
Q What was his name? A Carter Marshall  
Q What is he? A I don't know sir, he is kind of mixed blood.  
Q What kind of mixed blood? A White and negro.  
Q You make no claim for him? A No sir.  
Q Have you any children under twenty one years of age and unmarried  
A Yes sir, four.  
Q What are the names and ages of these children? A City Marshall.  
Q How old is City? A She is nineteen.  
Q Is that a girl? A Yes sir.  
Q What is the next? A Dock.  
Q How old is he? A Ten.  
Q What is the next one? A Jennie.  
Q How old? A Eight.  
Q Next one? A Bennie, five years old.  
Q Is that all? A Yes sir.  
Q Are these children all living with you? 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 Carter Marshall.  
Q This application is for yourself and four minor children? A Yes sir.  
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 No sir  
Q You never made application to the Choctaw tribal authorities in Indian Territory to have your name or the names of your children put on the rolls or admitted to citizenship? A No sir.  
Q This is the first application of any kind you ever made, is it?  
A Yes sir.  
Q Do you now desire to make application for identification of yourself and four minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand that 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. At the time this treaty was made, the Choctaws lived here in Mississippi and on the western edge of Alabama? The object of the treaty was to get these Indians to move from this country here in Mississippi and

Laura Marshall---3.

Alabama to a new 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, west of the Mississippi, but preferred to remain here, and for the benefit of those desiring to remain here, the fourteenth article was put into the treaty. The 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 part. 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 fourteenth article of the treaty of Dancing Rabbit Creek---Do you think you understand that now? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw nation in Mississippi and Alabama in 1830 when the treaty was made? A No sir, not as I know of.
- 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 any improvement on land in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know sir.
- Q Did any of your Choctaw 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 Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the United States Agent for the Choctaws in Mississippi their intention to remain in Mississippi and become citizens of the states? A No sir not as I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A No sir, not as I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under 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 of the United

Laura Marshall----4.

States directed an agent here in Mississippi to register the names 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 and take land. 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 expected to receive from the government under this fourteenth 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 on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here in Mississippi and hear the applications of Choctaws who claimed they had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but their land had been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here in Mississippi and heard some of these Choctaw cases, but in the time allowed them by the acts of Congress under which they were appointed, they were able to dispose of but a comparatively small number of these cases, and Congress passed another act, which was approved on the 23rd day of August, 1842, providing for another Commission whose duty it was to come down here and finish up hearing these Choctaw cases. This second Commission was duly appointed by the president, and came down here and hear 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 fourteen of the treaty of dancing Rabbit Creek? A No sir, not as 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 fourteenth 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 Mississippi, or in Alabama, Louisiana or Arkansas, and 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 as I know of.

Q Do you know any one living who would likely be informed as to whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No, sir.

Q Do you think your grandmother would know? A Yes sir, I reckon she would know.

Q She would be an important witness if she knows those things, and you should have some testimony to support yours as to your ancestry and being possessed of Indian blood. A She is so old, I don't know whether I could get her here or not. She is about a hundred years old.

Laura Marshall----5.

- Q Did you ever hear of any one of your ancestors ever getting any land here in Mississippi from the government? A No sir.
- Q Did you ever hear of or see any deed or patent issued to any of them covering land in Mississippi or Alabama? A No sir.
- Q Have you any written evidence of any kind you want to offer at this time? A No sir.
- Q Do you want permission to file written evidence later? A Yes sir.

You will be allowed a reasonable time in which to file proper written evidence in support of this application. We would be glad to have you file this evidence within a period of thirty days from this date. If you should see fit to introduce any witnesses for the purpose of testifying in your case, you can bring them to Meridian within a reasonable time and the Commission will examine them in support of your application.

- Q Have you any full sisters living? A Yes, seven full sisters--Lizzie Stephens,--Her right name is Elizabeth.
- Q Was she before the Commission? A Yes sir.
- Q What are the others? A Ann Hall, Rhoda Dixon, Cleo Larkins Jennie Stephens, Georgia Lawson and Mandy Ward.
- Q Have you any brothers living? A No sir, didn't have but one brother.
- Q Did he have any children at the time of his death? A No sir, he died a little baby.
- Q Have any of these sisters except Elizabeth Stephens been before the Commission? A No sir.
- Q Are any of your mother's brothers living? A She has one brother Joe Thorne.
- Q Where does he live? A I think he lives over in Eutaw, Alabama.
- Q Did she ever have any other brothers? A Not as I know of.
- Q Did she ever have any sister? A One sister.
- Q What is her name? A Cornelia Thorne.
- Q Is she married? A Yes sir.
- Q What is her husband's name? A Alex Vann.
- Q Is this a full sister or half sister? A Full sister.

This applicant has the appearance and facial expression of a negro. Her hair is kinky although it would appear that it was not the hair of a a full blood negro. Her color is brown.

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 9th 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 20th day of August, 1901.

*[Signature]*

Notary Public.

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

C.M.T.  
C.v.W.

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

Laura Marshall, et al.....	M.C.R. 3227
Elizabeth Stephens.....	M.C.R. 3217
Annie Hall.....	M.C.R. 3230
Rhoda Dixon, et al.....	M.C.R. 3309
Georgia Lawson.....	M.C.R. 3308
Clemmie Larkin, et al.....	M.C.R. 3307
Jennie Stephens, et al.....	M.C.R. 3311
Mandie Ward, et al.....	M.C.R. 3312.

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

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this Commis-  
sion by Laura Marshall, for herself and her four minor children, City,  
Deck, Jennie and Bessie Marshall; by Elizabeth Stephens for herself;  
by Annie Hall for herself; by Rhoda Dixon for herself and her six  
minor children, Clemmie, Jehunie, Clarissa, Alma, Minnie and Anderson  
Dixon; by Georgia Lawson for herself; by Clemmie Larkin for herself  
and her minor child, Innie Larkin; by Jennie Stephens for herself



(2).

and her two minor children, E. C. and Hattie Stephens; and by Mandie Ward for herself and her four minor children, Henry, Ada, Cleveland, and Joanna Ward, under the following provisions of the act of Congress approved June 28, 1898, (30 Stats., 495):

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

It also appears that 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 Willis (or William) Thern (or Therne), (or \_\_\_\_\_ Scott) who is alleged to have been a fullblood Choctaw Indian.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian

(3).

Territory, under the provisions of the act of Congress approved June 20, 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 Wallis (or William) Thorn (or Thorne), (or \_\_\_\_\_ Scott), or ancestors less remote of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to 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. 515).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Beck Marshall, Jennie Marshall, Nennie Marshall, Elisabeth Stephens, Annie Hall, Rhoda Dixon, Glennie Dixon, Jehnnie Dixon, Clarissa Dixon, Alma Dixon, Mirmie Dixon, Andersen Dixon, Georgia Lawson, Glennie Larkin, Iessie Larkin, Jennie Stephens, E. C. Stephens, Massie Stephens, Mandie Ward, Henry Ward, Ada Ward,

(4).

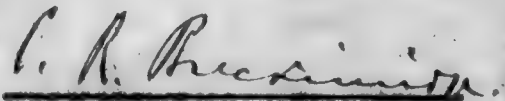
Cleveland Ward and Jeanne Ward as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



Acting Chairman.

Commissioner.



C. R. Puckett

Commissioner.

Muskogee, Indian Territory.

SEP 4 1902

COPY.

Muskogee, Indian Territory, September 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi

Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Clemmie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

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 Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bessie Marshall, Elizabeth Stephens, Annie Hall, Rheda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Izzie Larkin, Jennie Stephens, B.C. Stephens, Hattie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joshua Ward 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,

*Tama Dixie*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Laura Marshall,  
Gaston, Alabama.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Glossie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Maudie Ward, et al.,	" 3312

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

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

Laura Marshall-6

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bennie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alna Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Izzie Larkin, Jennie Stephens, B.C. Stephens, Hassie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward 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,

*Tamm Dixey*  
Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, September 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Laura Marshall, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of September 4th, 1902.

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

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Larsen,	" 3308
Glemmie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Maudie Ward, et al.,	" 3312

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



Secretary-2

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

Respectfully,

*Tame Dixby.*  
Acting Chairman.

Through the  
Commissioner of Indian Affairs.

1 enclosure.

(Copy)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Land  
55814-1902.

Washington, November 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties, wherein a decision adverse to their claims was rendered by the Commission on September 4, 1902:

Laura Marshall for herself and her four children, City, Deck, Jennie and Bennie Marshall; Elizabeth Stephens for herself; Annie Hall for herself; Rhoda Dixon for herself and her six children, Clemmie, Johnnie, Clarissa, Alma, Minnie and Andersen Dixon; Georgia Lawson for herself; Clemmie Larkin for herself and minor child, Izzie Larkin; Jennie Stephens for herself and her two children, B.C. and Hassie Stephens; Mandie Ward for herself and her four children, Henry, Ada, Cleveland, and Johanna Ward.

It appears from the testimony in this case that the applicants base their claims to identification as

Mississippi Choctaws on their descent from one Willis or William Thorn, or \_\_\_\_\_ Scott, who is alleged to have been a full blood Choctaw Indian.

The Commission bases its decision rejecting these parties for the reason that its records fail to show that Willis or William Thorn or \_\_\_\_\_ Scott, or any ancestor less remote, or any of the applicants ever complied or attempted to comply with the provisions of article 14 of the Choctaw Treaty of 1830.

An examination of the records of this Office discloses the fact that the name of Willis or William Thorn or \_\_\_\_\_ Scott is not among the names of these Choctaw Indians who complied with or attempted to comply with the provisions of the 14th article of the treaty of 1830, and neither are there so found the names of any of his descendants, and the office recommends that the finding of the Commission rejecting the parties be approved.

Very respectfully,

W. A. Jones,

Commissioner.

E.B.H. H'r.

(C-O-P-Y)

DC 24471.

DEPARTMENT OF THE INTERIOR.

J.W.H.  
CMR.

ITD 7380-1902.

Washington, December 9, 1902.

L.R.S.

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

Gentlemen:

September 4, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Laura Marshall for herself and her four minor Children, City, Dock, Jennie, and Bennie Marshall; of Elizabeth Stephens for herself; of Annie Hall for herself; of Rhoda Dixen for herself and her six minor Children, Clemmie, Johnnie, Clarissa, Alma, Minnie, and Anderson Dixon; of Georgia Lawson for herself; of Clemmie Larkin for herself and her minor child, Izzie Larkin; of Jennie Stephens for herself and her two minor children, B. C. and Hassie Stephens; and of Mandie Ward for herself and her four minor children, Henry, Ada, Cleveland and Joanna Ward, ---together with your decision of same date, refusing to enroll the applicants.

These applicants attempt to trace their descent through their mother, Mary Potest, who was a slave and of African

descent, to their grandfather Willis, or William Thorn, alias----  
Scott, an alleged full-blood Choctaw Indian.

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

The Commissioner of Indian Affairs forwarded the record on November 29, 1902, recommending that your decision be approved. The Department having carefully reviewed the whole record, concurs in said recommendation and your decision is hereby affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

(Signed) Thos. Ryan,  
Acting Secretary.

1 inclosure.

Muskogee, Indian Territory, December 22, 1902.

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

Gentlemen:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by mail on the 4th day of September, 1902.

Respectfully,

*James H. ...*  
Acting Chairman.

copy

Muskogee, Indian Territory, December 23, 1902.

Laura Marshall,

Caston, Alabama.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

*Frank B. ...*

Acting Chairman.

Card No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE SEX

REFER TO M. C. R. 9227

Laura Marshall

et al

Consolidated Case



Nellis Thorne  
 or  
 William Thorne  
 wife  
 full

Mary Thorne '12  
 mar  
 negri slave  
 Anderson Potteet  
 slave.

\* Contact in test. of med  
 3227 as to name of ancestor

<p>           Mar 3 27            Laura Potteet 46 1/4            mar slave.            Carter Marshall,            white negro         </p>	<p>           Mar 27            City Marshall 19            Dock Marshall 10            Jennie Marshall 8            Bennie Marshall 5         </p>
<p>           Mar 3 17            Elizabeth Potteet 40 1/4            mar            Stephens         </p>	
<p>           Mar 2 22            Annie Potteet 38 1/4            mar            Mark Hall         </p>	<p>           Eddie Hoace 21         </p>
<p>           Mar 3 24            Rhoda Potteet 36 1/4            mar            H. B. A. Dixon, negro         </p>	<p>           Mar 3 04            Jennie Dixon 11            Johnnie Dixon 12            Clarissa Dixon 10            Alva Dixon 8            Minnie Dixon 6            Anderson Dixon 4         </p>
<p>           Mar 3 03            Georgia Potteet 33 1/4            mar            Lawson         </p>	
<p>           Mar 3 01            Clemmie Potteet 30 1/4            mar            Bob Karkin         </p>	<p>           Mar 3 05            Izzie Karkin 9         </p>
<p>           Mar 3 01            Jennie Potteet 28 1/4            mar            Dock Stephens negro         </p>	<p>           Mar 3 11            R. C. Stephens 8            Hassie Stephens 6         </p>
<p>           Mar 3 01            Maudie Potteet 28 1/4            mar            John Humph. Ward         </p>	<p>           Mar 3 01            Humph. Ward 7            Ada Ward 5            Cleveland Ward 3            Joanna Ward 8 mo         </p>

#1227

No. 3227

# For Identification as a Mississippi Choctaw.

Date AUG

Name Laura Marshall

Age 46

Blood 1/4

Post Office,

Gator, Ala

Father: Anderson Potest

d

Mother: Mary

"

d

Claims through mother

husband

Carter Marshall

(no claim for husband)

5

Children:

~~James Marshall~~

City Marshall (F) 19

Doc " (M) 10

Jennie " 8

Bennie " 5

(Claims for self and 4 minor children.)

Stenographer

A. B. Bisten

Choctaw MCR 3228

Joseph Logan

MCR 3228

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

\*\*\*\*\*

In the matter of the application of Joseph Logan, et al.,  
for identification as Mississippi Choctaws, M C R 3228.

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

Original application of Joseph Logan, et al., for identification as Mississippi Choctaws.	Page. 1
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Final decision of the Commission in the case of Joseph Logan, et al., applicants for identifi- cation as Mississippi Choctaws, refusing said application.	7
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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 9, 1901.

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

Joseph Logan, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Joseph Logan.
- Q How old are you? A About thirty four years old.
- Q What is your post office address? A Raleigh, Mississippi---in Smith county.
- Q How long have you lived in Smith County. A I was born and raised there.
- Q And have lived there all your life? A Yes.
- Q Is your father living? A Yes sir.
- Q What is his name? A Samuel Logan.
- Q Is your mother living? A I suppose she is, I don't know for certain whether she is or not.
- Q How long since you have seen her? A It has been a good long while.
- Q What is her name? A She was named Elizabeth Mathorn.
- 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 quarter--she was a half.
- Q How old is your mother now? A I suppose she is about forty five years old. She may be older than that. She was quite young when I was born.
- Q Do you know where she is living? A No sir, last account I had of her she was living here in this town.
- Q Has she spent all of her life in the state of Mississippi as far as you know? A As far as I knew she did.
- Q You claim your mother was a half blood Choctaw? A Yes sir.
- Q Was she a slave in slavery times? A Yes sir.
- Q And your father was too? A Yes sir.
- Q Through which one of her parents did your mother get her Choctaw blood? A From her mother.
- Q Did you ever see her mother? A No sir.
- Q What was her name? A I couldn't answer that question, I don't know.
- Q How do you know your mother got her Choctaw blood through her mother and that your mother is a half blood? A I just only know what she told me.
- Q Do you know any one living that did know her? A No sir.
- Q According to your statement your mother's mother was a full blood Choctaw? A Yes sir.
- Q Do you know where she lived? A In Alabama, I think.
- Q How long has she been dead? A I couldn't answer that.
- Q What part of Alabama did she live in? A I don't know sir.

Joseph Logan-----2.

- Q You absolutely know nothing of her then? A No sir.
- Q Yes she is the full blood through whom you claim your Choctaw blood? A Yes sir.
- Q Do you know any one living that ever saw or knew her? A No sir.
- Q You have no idea where your mother is? A No sir, if she aint in this place. Some say she is here yet, I aint found her yet.
- Q Has she ever been out to the Indian Territory that you know of? A Not as I knows of.
- Q Are you married? A Yes sir, I am married.
- Q Is your wife living? A Yes sir.
- Q Are you living with her? A Yes sir.
- Q Has she any Choctaw blood? A Yes sir, claims a quarter.
- Q Do you want to make any application for her? A I just make application for myself and three children.
- Q What is your wife's name? A Mary.
- Q You don't care to make application for her? A No sir.
- Q Why is it you don't want to make application for her? A I don't know how her blood comes in.
- Q You don't think as a matter of fact that she is a quarter Choctaw? A She has got some in her, I don't know how much.
- Q She has colored blood--she is a colored woman? A Yes sir.
- Q Do you know anything about her ancestry at all? A I know her father.
- Q Does he claim to have Choctaw blood, A I don't think he does, she claims hers through her mother.
- Q Did you ever know her mother? A Yes sir.
- Q Is she living? A No sir, she is not living.
- Q She claims she was a half blood, does she? A Yes sir.
- Q Do you think she was a half blood? A She might have been, she had right smart appearance.

As you do not care to make application for your wife, we will just hear your application for yourself and three children.

- Q Were you married to Mary under a license? A Yes sir.
- Q Where did you get that license? A At the county seat of Smith county.
- Q What is that? A Raleigh.
- Q When were you married to her? A In 1890.
- Q Who married you? A Preacher by name of Blackburn.
- Q You have not your license and certificate with you today, have you? A No sir.

It will be necessary to furnish proper evidence of your marriage for use in the matter of the application you make for your minor children. You will be allowed a reasonable time in which to submit this evidence of your marriage. We would be glad if you would submit it within a period of thirty days if possible.

- Q How many children have you? A Three.
- Q What are their names and ages? A First one is a boy named Ethel.
- Q How old is Ethel? A Six years old.
- Q Next? A Lather, a boy.

Joseph Logan-----3.

- Q How old is Luther? A Four years old.  
Q Next one? A Laura, a girl.  
Q How old? A One year old.  
Q Is that all your children? A Yes sir.  
Q Are you the father of these three 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 Is your name or the name of your oldest child on any of the Choctaw tribal rolls in Indian Territory? A Yes sir.  
Q What makes you think they are--do you know what I mean by tribal rolls? A Not exactly.  
Q The tribal rolls are lists of persons who belong to the Choctaw tribe prepared by the Choctaw tribal authorities in Indian Territory? A No sir, I don't know as they is.  
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory for yourself or this child to be enrolled or admitted 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 for yourself and this child? A No sir.  
Q Is this the first application of any description you have ever made? A Yes sir.  
Q Do you now desire to make application for identification of yourself and your minor children as Mississippi Choctaws entitled to rights in the Choctaw lands in Indian Territory under the provisions of Article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.  
Q Do you understand the fourteenth 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 and the Choctaw tribe of Indians. At that time the Choctaws lived here in Mississippi and over on the edge of Alabama. The object of the treaty was to get the Choctaws to move out to a new country west of the Mississippi river. At the time the treaty was made, some of the Indians were unwilling to move out west to the new country, but preferred to stay here and become citizens of the states. For the benefit of those desiring to remain here, article fourteen was put into the treaty. Article fourteen is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Joseph Logan-----4.

Q That is the fourteenth article of the treaty of Dancing Rabbit Creek---Do you think you understand that now? A No sir.

As I have explained to you that had reference to the Choctaws who lived here in 1830, nearly seventy one years ago. It was inserted into the treaty for the benefit of Indians who desired to stay in Mississippi, and those desiring to stay were to be given the right to select land upon certain conditions. The first thing they must do was to within six months after the treaty was ratified, which was on the 24th day of February, 1831, signify to the agent of the government here in Mississippi their intention to remain here and become citizens of the states. The head of a family after having done this was entitled to a reservation of one section of six hundred and forty acres of land, and if he had a child over ten years of age, that child was entitled to a half section or three hundred and twenty acres and if he had a child under ten years of age, that child was entitled to one hundred and sixty acres. The reservation for the children must adjoin the location of the parent, and the reservation must include the improvement of the parent as it existed on the 27th day of September, 1830, the day that treaty was made. If they lived on that land for five years from February 24, 1831, they were entitled to a deed for it from the government, and they would then have the privilege of disposing of the land to suit their convenience or pleasure.

Q Do you think you understand that now? A Yes sir.

Q Those are the requirements of the fourteenth article of the treaty of Dancing Rabbit Creek---Did any of your ancestors ever comply with the provisions of that fourteenth article? A No sir, not as I know of.

Q Were any of your Choctaw ancestors living here at that time? A I don't know sir, whether they were or not.

Q Were any of your ancestors recognized members of the tribe here at that time? A No sir, not as I know of.

Q Did any of your Choctaw ancestors own any improvements in the old Choctaw nation in Mississippi and Alabama at that time? A I don't know sir whether they did or not.

Q Did any of your Choctaw 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 1833 and 1838? A I don't know sir whether they did or not.

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 Choctaw ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A None as I know of.

Q Did any of your Choctaw ancestors ever receive any land here in Mississippi 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 I don't know sir.



Joseph Logan-----5.

- Q Did you ever hear of any of them getting any land here? A No sir  
Q Did any of your ancestors ever own any land here in Mississippi?  
A I don't know anything about it.  
Q You never saw any deed or patent issued to any of your ancestors covering land in Mississippi? A No sir.  
Q You never heard of such a thing, did you? 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 Choctaw Indians desiring to remain here and become citizens and take land in accordance with the fourteenth article of that treaty. 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 and become citizens and take land. On this account the government at its public land sales in many instances sold land on which the Choctaws lived and had improvements and which they had expected to receive from the government under the provisions of this fourteenth article. This action of the government in disposing of their land 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 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws, who claimed they had complied with all the provisions of the fourteenth article but 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 by the acts of Congress under which they were appointed, the Commissioners were unable to dispose of but a comparatively small number 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 work of hearing these Choctaw cases. This second Commission was duly appointed by the President and the Commissioners came down here to Mississippi in the early forties 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 fourteen of the treaty of Dancing Rabbit Creek? A Not as 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 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 Alabama, Louisiana or Arkansas and should be given a certificate to that effect. These certificates were called scrips.

- Q Did any of your Choctaw ancestors ever receive any scrip from the government under this act of Congress? A Not as I know of.

Joseph Logan-----6.

- Q As far as you know have any of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A Not as I know of.
- Q Have you any witnesses before the Commission now that you want to introduce? A No sir.
- Q Do you know of any one who could support your testimony as to your ancestry and the amount of Choctaw blood you have? A Yes sir, I think so, at home.
- Q Have you any written evidence 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 allowed a reasonable time in which to file or submit proper written evidence in support of this application. We would like for you to submit that evidence within thirty days from this date if possible. If you see fit to do so, you may bring or send any witnesses before the Commission to testify in your behalf, and the Commission will examine them whenever presented. The oral testimony of witnesses is of course preferable to their affidavits or statements.

- Q Have you any further statements you want to make? A No sir.
- Q Have you any brothers living? A No sir.
- Q Have you any sisters living? A I don't know sir whether they are living or not, I have two with my mother wherever they are.
- Q What are their names? A Maggie and I don't know what the other one's name is.
- Q Are either of them married? A I don't know, I have not seen them since we were children.
- Q Did you ever have any brothers? A I had one older than me, but I don't know anything about him.
- Q What was his name? A Lonzo, I believe.
- Q Lonzo Logan? A I don't know.
- Q Same father as you? A No sir.
- Q You don't know whether he is living or not? A No sir, he left here and went to Louisiana.
- Q Are any of your mother's brothers living? A I don't know sir, I don't know whether she has got any brothers or not.
- Q Did she ever have any sister? A One.
- Q Is she living? A I don't know.
- Q What was her name? A Annie.
- Q Annie what? A I couldn't tell you; she is married.

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

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 9th 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.

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

*H.C. Risteen*  
John J. Public

*C.W.*

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

-----

In the matter of the application of Joseph Logan, et al., for identification as Mississippi Choctaws, N.C.R. 3223.

---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 Joseph Logan for himself and his three minor children, Ethel, Luther and Laura Logan, under the following provision of the act of Congress approved June 28, 1908 (35 Stat., 495):

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

From the evidence submitted in support of said application and the records in the possession of the Commission, it does not appear that any of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or

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

The record herein shows that the applicants are too young to have been living in eighteen hundred and thirty, and fails to show the name of a more remote Chectaw ancestor through whom they claim, than the mother of the principal applicant, who, according to the testimony, was about forty-five years of age in 1901 and could not therefore have been living in eighteen hundred and thirty. The record shows that the principal applicant is ignorant of the names of any of his ancestors other than his mother. Although he has had more than a year in which to secure evidence tending to show who said ancestors were, he has not offered to submit such additional proof.

The evidence being insufficient to determine the identity of Joseph Logan, Ethel Logan, Luther Logan and Laura Logan as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Muskogee, Indian Territory.

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

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

COPY.

Muskogee, Indian Territory, December 6, 1902.

Joseph Logan,  
Raleigh, Mississippi.

Dear Sir:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph Logan, et al., applicants for identification as Mississippi Choctaws.

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

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

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Joseph Logan, Ethel Logan, Luther Logan and Laura Logan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this of-

J.L.---2.

file, 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.

Register.

Muskogee, Indian Territory, December 6, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Joseph Logan, et al., applicants for identification as Mississippi Choctaws.

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

Said decision concludes as follows:

"The evidence being insufficient to determine the identity of Joseph Logan, Ethel Logan, Luther Logan and Laura Logan as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, it is the opinion of this Commission that the application for their identification as such should be refused, and it is so ordered."

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

Acting Chairman.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Joseph Logan, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 6, 1902.

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

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 3228.

*Walter C. ...*  
Acting Chairman.



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

Land  
76245-1902.

March 27, 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 Joseph Logan for himself and his three minor children, Ethel, Luther and Laura Logan, for identification as Mississippi Choctaws, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification on their descent from Elizabeth Mathorn, the principal applicant's mother, it being claimed she was a Choctaw Indian, but who it is not claimed was a resident in the Choctaw Nation in Mississippi in 1830, the evidence showing that she was only 45 years of age in 1901.

The Commission rejected the applicants December 6, 1902, because, according to the testimony, the ancestor through whom they claim was about 45 years of age in 1901 and could not have been living in 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

As the applicants are unable to give the name of an ancestor more remote than this Elizabeth Mathorn, who could not have been living in 1830, being only 45 years of age in 1901, the office has been unable to make an examination of its records as to whether they had an ancestor living in Mississippi or Alabama at the date of said treaty.

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

Very respectfully,

A. C. Tonner,

Acting Commissioner.

C.T.G.(S)

COPY.  
DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

THE

I.T.D. 3328-1903.  
D.C. 10456  
L R S

April 11, 1903.

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

Gentlemen:

December 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Joseph Logan (M.C.R. 3228), for himself and his three minor children, Ethel, Luther and Laura Logan, including your decision of December 6, 1902, denying said application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Elizabeth Mathorn, the mother of the principal applicant, who is alleged to be a Choctaw Indian of the half blood.

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.

}

-2-

Reporting in the matter March 27, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(signed)

THOS RYAN.

1 inclosure.

Acting Secretary.

M.O.R. 3228.

COPY

Muskogee, Indian Territory, April 24, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph Logan, et al., of which decision you were advised by mail on the 6th day of December, 1902.

Respectfully,

(SIGNED)

*H. A. ...*

Chairman.

M.C.R. 3228.

COPY.

Muskogee, Indian Territory, April 24, 1903.

Joseph Logan,

Raleigh, Mississippi.

Dear Sir:

You are hereby notified that on the 11th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Joseph Logan, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

*J. B. ...*  
Chairman.

#1279

No. 2228

# For Identification as a Mississippi Choctaw.

Date AUG 9 1901

Name Joseph Logan

Age 34 Blood 1/4

Post Office, Raleigh, Miss.

Father: Samuel Logan L

Mother: Elizabeth Matheson L

Claims through mother  
wife Mary Logan L  
no claim for wife

Children:

Ethel Logan 6

Luther " 4

Laura " 1

(Claims for self and  
3 minor children)

Stenographer

H. C. Risteen

Choctaw - MCR 3229

Margaret Emma Boney

See MCR 2337

MCR 3229



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 9, 1901.

In the matter of the application of Margaret Emma Boney for the identification of herself and four minor children as Mississippi Choctaws.

Margaret Emma Boney, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Margaret Emma Boney.  
Q How old are you? A Thirty five.  
Q What is your post office address? A Lusk, Alabama.  
Q Choctaw county? A Yes sir.  
Q How long have you lived in Choctaw county? A All my life.  
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's side.  
Q How much Choctaw blood do you claim to have? A One sixteenth  
Q How old is your mother? A Seventy two.  
Q Has your mother always lived in Choctaw county, Alabama? A All my life she has.  
Q Do you know where she lived before that? A I expect she lived in Clarke County, Mississippi. She moved to Choctaw county before I was born or right about then.  
Q Did she live all her life in Clarke County up until the time she moved to Choctaw county, Alabama? A Yes sir.  
Q Through which one of her parents did she derive her Choctaw blood? A Her mother's side.  
Q What was her name? A Harriet Connor.  
Q Did you ever see her? A I don't remember of having seen her.  
Q How much Choctaw blood did Harriet Connor have? A One quarter I reckon it was.  
Q Did she always live in Clarke County, Mississippi? A I don't know where she lived.  
Q Do you know anything about her? A No, sir, she lived in Clarke county, Mississippi, when she died. I have heard mother speak about it.  
Q Has your mother ever been 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 What is your husband's name? A Albert Boney.  
Q Is he living? A Yes sir.  
Q Are you living with him? A Yes sir.  
Q Has he any Choctaw blood? A No sir.  
Q You make no application for him then? A No sir.  
Q Have you any children? A Four.  
Q What are their names and ages? A Eva Boney.  
Q How old? A Fourteen years.  
Q Next one? A Rufus.  
Q How old? A Eight years.  
Q Next? A Clarence.  
Q How old? A Three years.

Margaret Bama Boney-----2.

Q Next? A Wilmer.

Q How old? A Seven months.

Q Are these all the children you have? A Yes sir

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

Q What is the name of their father? A Albert Boney.

Q This application is for yourself and four 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 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 make application to this Commission in 1896 for citizenship in the Choctaw Nation for yourself or any of these children? A No, sir.

Q Is this the first application of any description that has ever been made for you or any of these children? A Yes sir.

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

Q Do you understand that fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know whether I do or not.

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. The object of that treaty was to secure the removal of these Indians from the country occupied by them here in Mississippi and Alabama to a new country west of the Mississippi river. At the time this treaty was made, some of the Choctaws were unwilling to leave this country and move out west but preferred to remain here and for the benefit of the Choctaws who preferred to remain here the fourteenth article was put into 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 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 fourteenth article of the treaty of Dancing Rabbit Creek---Do you think you understand that now? A Yes sir.

Q Did any of your ancestors ever comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not.

Margaret Emma Boney-----3.

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 don't know.

Q Did any of them own any improvements here at that time? A I don't know.

Q Were any of them recognized members of the Choctaw tribe of Indians at that time? A I don't know that either.

Q Do you know the names of any of your ancestors who were ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Did any of your Choctaw ancestors remove from the country occupied by the Choctaws here in Mississippi and Alabama to the new country west of the Mississippi river 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 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 Choctaw ancestors ever claim or receive any land here in Mississippi under article fourteen of the treaty of Dancing Rabbit Creek. A I don't reckon they did. I don't know whether they did or not.

Q Did any of your Choctaw ancestors ever receive or claim any land here in Mississippi from the government of the United States as beneficiaries 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.

Q You never heard then 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 fourteen of the treaty of Dancing Rabbit Creek, the government directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain in Mississippi 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 make report to the government of 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 on which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of that treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission, whose duty it was to come to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but their land has been sold by the government. This Commission was duly appointed by the President and the Commissioners came down here and heard a few of these Choctaw cases. But in the time allowed them in which to hear the cases by the acts of Congress under which they were appointed, they were unable to dispose of but a comparatively small number of cases, and Gen-

Margaret Emma Beney-----4.

gress passed another act which was approved on August 23rd 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 the Commissioners came down here and heard a great many more Choctaw cases.

Q Did any of your ancestors appear before either of these two Commissions and attempt to establish their rights under article fourteen of the treaty of 1830? 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 fourteen of the treaty and his land had been sold by the government, he should be given a certificate entitling him to select land elsewhere in Mississippi, or in Alabama, Louisiana and Arkansas from vacant governmentland. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under that act of Congress? A No sir.

Q Are you sure of that? A Well, not that I know of.

Q So far as you know did any of your ancestors ever received any benefits as Choctaw Indians? A No sir.

Q Have you any witnesses before the Commission at this time that you want to introduce in this case? A My mother?

Q Any one else besides your mother? A No sir.

Q Do you know any one living who would be able to testify as to your ancestry and the amount of Choctaw blood possessed by you, and as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Did you ever see or hear of any deed or patent issued to any one of your ancestors by the government covering land here in Mississippi given to them under the provisions of the treaty of Dancing Rabbit Creek? A No sir.

Q Have you any written evidence you want to offer in support of this application? A No sir.

Q Do you want permission to file some later? A Yes sir?

You will be allowed a reasonable time in which to submit proper written evidence in support of your application. The Commission would be glad however to have you file this evidence within thirty days if possible. If you should see fit in the meantime to bring or send before the Commission any witnesses, we will examine them in support of your application.

Q Have you any brothers living? A Two.

Q What are their names? A Ransom B. Buckalew, and Allen Griffin Nuckalew.

Q They have both appeared before the Commission? A Yes sir.

Q Have you any sisters? A Two.

Q What are their names? A Harriet Gannon Bearfield and Lucy Hammond Allen.

Q They have both been before the Commission? A Yes.

Q Have you any sisters or brothers dead? A No sir.

This applicant has the appearance of being a white woman, and shows no indications of being possessed of Indian blood. She

Margaret Emma Honey-----5.

doesnot speak nor understand the Choctaw language.

Nancy Buckalew, having been called as a witness on behalf of applicant, being first duly sworn, upon her oath testifies 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 post office address? A Merigat, Choctaw county, Alabama.

Q How long have you lived in Choctaw county, Alabama? A Thirty five years.

Q You have here tofore appeared before the Commission and made application for identification as a Mississippi Choctaw? A Yes sir.

Q You have been in the court room during the examination of this applicant? A Yes sir.


Q What is her name? A Margaret Emma Honey.

Q Is she any relation to you? A She is my daughter.


Q Are you the Nancy Buckalew who appeared before the Commission on the 29th day of July last and testified in the matter of the application of James B. Griffen, et al, for identification as Mississippi Choctaws? A Yes sir.

(Witness excused)

H.C. Pisten, 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 9th 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.



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



Notary Public.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337  
M.C.R. 3229

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

**Margaret Emma Boney,**  
**Lusk, Alabama.**

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

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

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, 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,



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,

*A. D. Justice*

Registered.

M C R 3229

Muskogee, Indian Territory, December 5, 1902.

Margaret Emma Honey,  
Lusk, 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,

Acting Chairman.

#1279

No. 3229

For Identification as a Mississippi Choctaw.

Date AUG 9 1901

Name Margaret Emma Boney

Age 35 Blood 1/16

Post Office, Lusk, Ala.

Father: Joseph Allen Buckalew d

Mother: Nancy Buckalew L

Claims through mother

husband Albert Boney L  
(No claim for husband)

Children:

Eva Boney 14

Rufus " 8

Clarence " 3

Wilmer " 7 mo

(Claims for self and 4  
minor children)

Stenographer

A. A. Risteen

Choctaw MCR 3230

Annie Hall

See MCR 3227

MCR 3230

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 9, 1901.

In the matter of the application of Annie Hall for  
identification as a Mississippi Choctaw.

Annie Hall, having been first duly sworn, upon her oath  
testified as follows:

Examination by the Commission.

- Q What is your name? A Annie Hall.  
Q How old are you? A I am thirty eight.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A About four years.  
Q Where did you live before that? A In Lauderdale.  
Q How long did you live there? A I lived there seven years.  
Q Where did you live before that? A In Sumter County, Alabama.  
Q How long did you live in Sumter County, Alabama? A I don't know,  
sir, I lived there all my life until then.  
Q Is your father living? A No sir.  
Q What was his name? A Anderson. Poteet.  
Q Is your mother living? A No sir.  
Q What was her name? A Mary Poteet.  
Q Through which one of your parents do you derive your Choctaw  
blood? A Mother.  
Q How much Choctaw blood do you claim to have? 1/4.  
Q How long ago was it your mother died? A I 'll just tell you the  
truth, I don't know exactly how many years.  
Q About how many years? A She's been dead about five or six years;  
I can't tell exactly. I'll just tell you the truth; I can't tell  
exactly.  
Q How old a woman was she when she died? A I don't know exactly,  
that - she was something about fifty years old. I don't know  
exactly.  
Q You claim she was a half blood Choctaw? A Yes sir.  
Q Where did she live? A Lived in Alabama.  
Q Sumter County, Alabama? A Yes sir.  
Q Born and raised there, was she? A She wasn't born there.  
Q Where was she born? A In Tennessee, I believe; I don't know  
where she was born; she came from there when she was young, and I  
was born in Alabama myself.  
Q Your mother was a slave, wasn't she? A Well, I don't know, sir.  
Q How, don't you know she was? A Yes, I reckon she was a slave.  
Q Your father was a slave? A Yes sir.  
Q You were born in slavery were you not? A Yes sir.  
Q Through which one of her parents did your mother get her Choctaw  
blood? A She got it through her father..  
Q What was her father's name? A Willis Thorne.  
Q According to your statement, Willis Thorne, must have been a full  
blood Choctaw Indian? A Yes sir, must have been.  
Q Did you ever see him? A No sir, I never saw him.  
Q How old would he be if he was living now? A Well, I don't know  
sir; I can judge that no more than you about how old he would be if he  
was living, for I don't know how old he was when he died.

Annie Hall, 2.

Q You don't know anything about him, do you? A No sir, no more than through mother, and the other side - people that did know him.

Q Well, who is it that knew him during his life time? A Buck McCer-  
kle and his wife.

Q Where do they live? A In York settlement.

Q Do you think you could get them to come down and testify in your case? A Yes sir.

They might prove to be very important witnesses in your case if they knew your mother's father.

Q Your mother's mother was a slave was she not? A Yes sir.

Q Was her father a slave; now this man Thorne? A No sir, he wasn't no slave.

Q Was your mother's mother married to this man Thorne? A No sir, not that I knows of. I don't know that. I can't tell that no more than you now; if these witnesses can tell that, --

Q How many children did they have? A She had four.

Q Were they all by Thorne? A Yes sir.

Q What were their names? A One named Joe, and Mary, and Cornelia and Willie.

Q You don't know how long they lived together? A No sir, I can't tell that

Q Nor as to whether they lived together as man and wife; do you know about that? A No sir, I don't know.

Q Do you know anything about where Thorne lived during his life time? A He lived -- no sir, I don't know.

Q Are you married? A Yes sir.

Q Is your husband living? A Yes sir.

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? A No sir.

Q What is his ~~blawdiz~~ name? A Mark Hall.

Q Have you any children? A Me?

Q Yes? A Got one.

Q What is its name? A Eddie.

Q A boy? A Yes sir.

Q How old is Eddie? A Twenty one.

If he is twenty one, he will have to make application for himself.

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 enrolled as a member of that tribe? A No sir.

Q Did you make application to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation, by the Choctaw tribal authorities or the United States authorities? A No sir.

Q Have you ever made any application of any description before to-day? 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

Annie Hall, 3.

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? A No sir, I don't really understand it, hardly, I think I do.

Q You have heard it quoted several times this morning in the court room, and heard it explained? A Yes sir.

Well, I will read it to you one more time, to be sure that you understand it. As you heard it stated this morning, this treaty was made here in 1830 between the United States Government and the Choctaw Indians. The object of the treaty was to secure the removal of the Choctaws who lived here out west of the Mississippi to the new country, and some of the Indians were unwilling to move out there, and wanted to stay here, and the 14th article was put in the treaty for 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 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 Choctaw was entitled to stay here and become a citizen of the States and take land, but in order for him to do so, he must, within six months after the ratification of this treaty, which was on the 24th day of February, 1831, over seventy years ago, let the agent of the Government know that he wanted to stay; he would then be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child he might have in his family over ten years of age, he was entitled to one-half that quantity, or a half section of three hundred and twenty acres; and for each child in his family under ten years of age, he was entitled to a quarter section or one hundred and sixty acres. Those reservations must include the improvement of the head of the family as it stood on the 27th day of September, 1830, the day the treaty was made, and the children's reservations must adjoin the location of the parent. If they lived on that land for five years from the date the treaty was ratified, the 24th day of February

Annie Hall, 4.

1831, they were to receive a grant in fee simple, that is, the Government would give them a deed or patent to the land in fee simple; they could dispose of it then to suit their own pleasure. The last clause says that 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 simply means that those persons who stayed here at that time, and took advantage of the provisions of article 14, and stayed here and lived on their land five years, should not, in case they moved out west to the new country later, lose the privilege of a Choctaw citizen, except that they could not have any portion of the Choctaw annuity. The Choctaw annuity was money paid to the Choctaws each year by the Government of the United States under treaty provisions.

Q Do you think you understand this 14th article now? A I think I do.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of this 14th article, or ever receive any benefits thereunder? A No sir.

Q By ancestors, that means your parents, grand parents, or great grand parents? A No sir.

Q Do you know about that now? A I think I know it. I have never heard tell of no such since I have been here.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama in 1830, when this treaty was made?

A Well, I don't know sir.

Q Were any of them recognized members of the Choctaw tribe at that time? A I don't know sir.

Q Did any of them own an improvement here in the old Choctaw Nation in Mississippi and Alabama at that time? A I don't know sir.

Q Did any of your Choctaw 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 Do you know about that either? A I think I do, if I understand you.

Q It is very plain; I want to know whether any of your ancestors moved from here to the new Choctaw Nation between the years 1833 and 1838? A No sir.

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 No sir.

Q Are you sure of that? A No.

Q What makes you think so? A Because they aint never went off.

Q I am talking about seventy years ago? A Yes sir, that's what I know.

Q Well, you don't know then, do you? A No sir.

Q You mean not that you know of? A Yes sir.

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



Annie Hall, 5.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under ~~the~~ 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 Did you ever hear of any of your ancestors ever getting any land here in Mississippi from the Government? A No sir.

Q Did any of them ever own any land here? 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 ~~any~~ agent here in Mississippi to register the names of Choctaw Indians who desired to remain and become citizens of the States. The records of the Government show that this agent failed to register and report to the Government the names of ~~many~~ Choctaws who did in fact signify to him their intention to remain. On this account, the Government, at its public land sales in many instances sold land upon which Choctaws had improvements and which they supposed they would receive from the Government of the United States under the provisions of this fourteenth article. This action of the Government in selling this land caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission to come down here to Mississippi and hear the cases of Choctaws who complained that they had complied with the provisions of article 14 of the treaty in all respects, but that their land had been sold by the Government. This commission was duly appointed and came down here and heard a few of these Choctaw cases, but in the time given them for this work, by the Act of Congress under which they were appointed, they were unable to dispose of but comparatively a small number of them, 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; this second commission was duly appointed by the president and the commissioners came down here in the early forties and heard a great many 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 No 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, and his land had been sold by the Government, he should be entitled to select land elsewhere in Mississippi, or Louisiana, Alabama or Arkansas, and be given a certificate to that effect. These certificates were commonly known as scrip.

Annie Hall, 6.

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 So far as you know, none 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 thereunder?

A No sir.

Q Never received any benefits under any other article of that treaty or under the supplement? A No sir.

Q You don't know of any of your ancestors who were ever recognized members of the tribe, do you? A No sir.

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

Q Have you any witnesses before the commission you want to offer in support of your case? A No sir, I hasn't got any no more than my sisters.

Q They appeared before the Commission, one of them yesterday, and one of them to-day? A Yes sir.

Q Do you know of any other persons who would be able to support your testimony as your ancestry and the amount of Indian blood possessed by you, or 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 thereunder? A No more than that I told you.

Q You have no written evidence you want to offer? A No sir.

Q Do you want permission to file written evidence later? A I don't know what you mean.

Q Well, do you want permission to file papers or evidence, or statements of any kind? A No sir.

You will be allowed a reasonable time in which to file proper written evidence in support of your claim. We would like to have you file it within thirty days. If you see fit to bring any witnesses to testify in your case, their testimony will be taken. The personal appearance of witnesses is preferable to their written evidence, of course.

Q Have you any brothers living? A No sir.

Q Did you ever have any brothers? A Yes sir, I had one

Q What was his name? A Amos McQuinton. Potest.

Q Did he die when he was young? A Yes sir, when he was a baby.

Q Have you any sisters living? A Yes sir, got seven.

Q What are their names? A Laura Marshall, Lizzie Stephen, Rhoda Dixon, Georgia Lawson, Clemmie Watkins and Jennie Stephens.

Q The next one? A Mandy Ward.

Q The next? A Aint got any - seven.

Q Did you ever have any ~~sisters~~ other sisters? A Yes sir, but they are dead.

Q Did they die young? A Yes sir.

Q None of them had any children? A No sir.

Q Have you any children over twenty one years of age? A I have one twenty one.

Q What is his name? A Eddie.

Q Is he married? A No sir.

Q Where does he live? A At home when he stays here; he works off.

Q Has he been before the Commission? A No sir.

Annie Hall, 6.

Q Did any of your ancestors ever receive any scrip from the Government under this Act of Congress? A No sir, not that I knows of.

Q So far as you know, none 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 thereunder?

A No sir.

Q Never received any benefits under any other article of that treaty or under the supplement? A No sir.

Q You don't know of any of your ancestors who were ever recognized members of the tribe, do you? A No sir.

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Q Have you any witnesses before the commission you want to offer in support of your case? A No sir, I hasn't got any no more than my sisters.

Q They appeared before the Commission, one of them yesterday, and one of them to-day? A Yes sir.

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Q You have no written evidence you want to offer? A No sir.

Q Do you want permission to file written evidence later? A I don't know what you mean.

Q Well, do you want permission to file papers or evidence, or statements of any kind? A No sir.

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Q What is his name? A Eddie.

Q Is he married? A No sir.

Q Where does he live? A At home when he stays here; he works off.

Q Has he been before the Commission? A No sir.

Annie Hall, #1.

(This applicant has the appearance of being a negro, and shows very slight, if any indication, of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

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 9th 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. S. Streit*

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

*[Signature]*

Notary Public.

COPY

Muskegee, Indian Territory, September 4, 1902.

Annie Hall,

Meridian, Mississippi.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Laura Marshall, et al., embracing the following applications for identification as Mississippi

Choctaws:

Laura Marshall, et al.,	M.C.R. 3227
Elizabeth Stephens,	" 3217
Annie Hall,	" 3230
Rhoda Dixon, et al.,	" 3309
Georgia Lawson,	" 3308
Glennie Larkin, et al.,	" 3307
Jennie Stephens, et al.,	" 3311
Mandie Ward, et al.,	" 3312

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

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

Annie Hall-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 Laura Marshall, City Marshall, Dock Marshall, Jennie Marshall, Bennie Marshall, Elizabeth Stephens, Annie Hall, Rhoda Dixon, Clemmie Dixon, Johnnie Dixon, Clarissa Dixon, Alma Dixon, Minnie Dixon, Anderson Dixon, Georgia Lawson, Clemmie Larkin, Izzie Larkin, Jennie Stephens, B.C. Stephens, Hassie Stephens, Mandie Ward, Henry Ward, Ada Ward, Cleveland Ward and Joanna Ward 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.

COMMISSIONERS

HENRY L. DAWES.  
TAMS BIXBY,  
THOMAS B. HFFDLES.  
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. 3230

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 22, 1902.

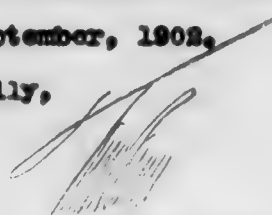
Annie Hall,

Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Laura Marshall, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,



Acting Chairman.

#1280

No. 3230

For Identification as a Mississippi Choctaw.

Date AUG 9 1901

Name Annie Hall

Age 38 Blood 1/4

Post Office, Meridian, Miss.

Father: Anderson Patelt d

Mother: Mary " d

- Claims through mother  
husband Mark Hall (no claim for husband) S

Children:

Elinor  
(Claims for self alone)

Stenographer

R. S. Streit



3250



SEP 11 1902

#1181



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

5018

Annie Hall,

Meridian,

Mississippi.

*13*  
*20*  
*123*

*Unclaimed*

*Return to 3*

3230

*File*



COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS  
MISSION TO THE FIVE CIVILIZED TRIBES.

**FILED**

JAN 28 1903

*[Handwritten signature]*

ACTING CHAIRMAN

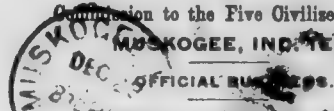


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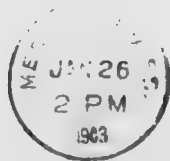
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, INDIAN TERR.



Penalty for private use, \$300.



Annie Hall

~~Merion~~

Miss

Choctaw MCR 3231

Tillitha Bain

See MCR 3233, 3232

MCR 3231

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

-----

In the matter of the application of Tillitha Bain, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of

Tillitha Bain,	M C R 3231
Francis Marion Bain, et al.,	M C R 3233
Tabitha Smith, et al.,	M C R 3232

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 Tillitha Bain for identification as a Mississippi Choctaw.	1
Written petition of Tillitha Bain.	8
Joint ex parte affidavit of E. H. Williams, et al.	10
Original application of Francis Marion Bain, et al., for identification as Mississippi Choctaws.	11
Written petition of Francis Marion Bain.	16
Joint ex parte affidavit of R. B. Harrison, et al.	17
Original application of Tabitha Smith, et al., for identification as Mississippi Choctaws.	18
Written petition of Tabitha Smith.	22
Final decision of the Commission in the con- solidated case of Tillitha Bain, et al., appli- cants for identification as Mississippi Choctaws, denying said application.	23

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 13, 1901.

3231

In the matter of the application of Tillitha Bain for identification as a Mississippi Choctaw.

L. D. Horton attorney representing applicant.

Tillitha Bain being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Bain.  
Q Well what is the rest of it? A My father and mother?  
Q No; what is the rest of your name? A Tillitha.  
Q How do you spell it? A I don't know how to spell it.

Attorney says he has it spelled T-i-l-l-i-t-h-a.

- Q How do you spell Bain? A B-a-i-n.  
Q What is your age? A Fifty-five.  
Q What is your post-office address? A Utica.  
Q Indian territory? A Yes.  
Q How long have you lived there? A We came here last fall.  
Q Where did you live before you lived there? A In Arkansas.  
Q How long in Arkansas? We lived there two years and then in Marion County, Arkansas.  
Q Well how long did you live in Arkansas? A About thirty-two years.  
Q Where did you live before you lived in Arkansas? A I was born in Mississippi and moved to Arkansas.  
Q How old were you when you moved to Arkansas? A I reckon about seven or eight years old. I don't recollect much about my parents.  
Q That makes only forty-one years and you say you are fifty-five years old? A Yes along about fifty-five. I may be mistaken about how long I lived in Arkansas. I don't remember either about living in Mississippi and was quite young there.  
Q These are the only places you have ever lived, in Mississippi and from there to Arkansas, and from Arkansas to the Indian Territory? A Yes.  
Q What is your father's name? A Hawkins.  
Q What is his first name? A Sam.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Mary.  
Q Hawkins? A Yes.  
Q Is she living? A No she is dead, she just died a week ago.  
Q Through which one of your parents do you get your Choctaw blood? A Mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
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 I don't know I was small when she died and could not tell you.  
Q I think you said that your mother just died a week ago? A No I said there was just a week between their deaths.  
Q You mean there was just a week between the death of your father and mother? A Yes.  
Q Are you married? A What?

- Q Are you married? A Yes.
- Q What is your husband's name? A Marion Bain.
- 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 under twenty-one years of age and unmarried for whom you wish to make application? A Yes here is two.
- Q Are they under age and unmarried? A No I ain't got none under twenty-one.
- Q You are making this application then for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Is there any name?
- Q Is your name on any of tribal rolls of the Choctaw Nation in 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 Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No not that I know of.
- Q Well that was five years ago, would you not know whether you made application or not? A No I did not.
- Q Well did you authorize any one to make such application for you? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by the Dawes Commission or the Choctaw tribal authorities? A Not that I know of.
- Q Well if you thought you had been would you be here to-day making this application? A No if I had I would not.
- 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 I could not tell you.
- Q Well would you not know if you had been admitted by a judgment of the United States Court? A Yes I would know. No I have not.
- 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 that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Mississippi Choctaw that is what my oldest brother taught me.
- Q You claim to be a Mississippi Choctaw? A Yes.
- Q What makes you think you are one? A That is what I have been taught.
- Q Well what is a Mississippi Choctaw? What do you mean by it? A Well I just claim that that is what I have been taught by my oldest brother who raised me.
- Q I want to know what you mean by a Mississippi Choctaw? A Well I could not tell you that.
- Q What makes you think you have a right as a Mississippi Choctaw? A Well my oldest brother was talking about coming and getting a right if we could. That is all I know about it.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indian? A No.
- Q Do you know what a treaty is? A I could not tell you hardly what that is.
- Q Do you know what an agreement is? A Yes.
- Q A treaty is an agreement between Nations. Now do you think you understand? A Yes.
- Q Well do you claim anything under any of the treaties between the United States and the Choctaw Indians? A Under which.



Q Do you claim anything under any of the agreements between the United States and the Choctaw Indians? A No.

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

"Said Commission shall have authority to determine the identity of Choctaw 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 that 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. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians and who lived then in Mississippi and Alabama and give 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, but some of the Indians did not want to come and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi and Alabama so article fourteen was made a part of the treaty for the benefit of these Choctaws who did want to leave their homes. 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 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 ever 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 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."

That means that those Choctaw Indians who did not want to leave the State of Mississippi, could go to the Indian Agent there and tell him, within six months after the treaty was ratified, that they wanted to stay in Mississippi and become citizens of the United States, and if they did that they would get land for themselves and their children and if they lived on that land for five years they would get a title to it, in doing that they would not lose the privilege of a Choctaw citizen but if they ever removed they would not get any part of the Choctaw yearly payments of money.

#4

- Q Do you claim anything under this article of the treaty? A I don't know, I claim, I think we would get our right here.
- Q You don't know then whether you claim anything under that article or not? A Yes I want to make a claim on it. I am going to try for it.
- Q Well do you claim anything because that article was made part of the treaty? A Yes I claim it.

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 who claimed that they had gone to the Indian Agent whose names could not be found on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate and find out which of these Indians were really entitled to land under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them they allowed and some were refused. In those claims which were allowed by the Commissioners and approved by the Secretary of War and by the President if the land which the Indian claimed had not already been sold it was given to them. If it had been sold they were given scrip with which they could locate 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 No
- Q Do you know what is meant by the word ancestor? A That owned land.
- Q Do you know what is mean by the word ancestor? A Is it Connections.
- Q Well it means your father and mother, grandfather and grandmother great grandfather and great grandmother and so on, any of your forefathers in a direct line back? A I don't recollect anything about it.
- Q Did they own any land in Mississippi, Arkansas, Louisiana or Alabama? A No 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 Well it was my brother's.
- Q Your brothers are not your ancestors; What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty? A My mother and father.
- Q Did they live there in the old Choctaw Nation in eighteen hundred and thirty? A No they died there in Mississippi way before the war.
- Q Did they live in Mississippi in eighteen hundred and thirty? A Yes.
- Q How do you know that they did? A Well I could not tell you. My brother raised me mighty nigh.
- Q Did your brother tell you that your father and mother lived in Mississippi in eighteen hundred and thirty? A Yes we stayed over there.
- Q Did your brother tell you that your father and mother lived in Mississippi in eighteen hundred and thirty? A I could not tell you.
- Q You say your father and mother died when you were small? A Yes.
- Q You can't remember anything about it? A No.
- Q They died about fifty years ago? A I can't recollect, they died before the war.

- Q Well if they died about fifty years ago you would have been about five five years old when they died? A I was about five or six from what I could learn.
- Q You how old your father and mother were when they died? How old was your mother when she died? A I could not tell you hardly how old she was when she died but I reckon about along my age now, may be not so old.
- Q You think your mother then was living about the year eighteen hundred and thirty? A I guess so.
- Q You think she was living in Mississippi at that time? A Yes.
- Q Have you any evidence to show that she was? A No I have no evidence at all.
- Q Can you get any evidence? A I could not tell, I have never tried, they ain't nobody living, I am the onlt one.
- Q Well don't you understand that before you can come here and make any application that will carry any weight with it you have to get some evidence. Don't you understand that when people come and make application for valuable property rights they have to have some evidence to support their statement? A Well I just thought that out looks would carrynus through. My father died when I was small.
- Q Well is not somebody living who would know whether your mother lived in Mississippi in eighteen hundred and thirty and whether she was a Choctaw Indian? A I don't know. It has been such a long time, I did't think it was any use to send back.
- Q Well don't you understand that you have got to have some evidence in your case or it won't have any weight at all? A No Answer.
- Q Don't you understand that fact? A No Answer.
- Q Did your mother 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 Yes and died on the road.
- Q Did she come with the other Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eighth? A No she did not come with the other Indians.
- Q Well do you know when she did start west? A I just can't recollect the time.
- Q Did she die in Mississippi? A No she died on the road.
- Q Where? A Down in Arkansas just across the line.
- Q How long had she been in Arkansas?before she died? A Not very long.
- Q About a year? A Yes she had been there for a year I guess.
- Q Did your mother 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 in Mississippi and become a citizen of the United States and take land there? A No not that I know of.
- Q How much Choctaw blood did your mother claim to have? A One-fourth.
- Q What was your mother's mother's name? A Lamm.
- Q What was her given name? A I could not tell you.
- Q You don't know what your mother's mother's given name was? A No I don't.
- Q Do you know what your mother's father's name was? A I don't remember.
- Q Do you know which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q But you don't know what hr name was? A No I don't.
- Q Do you know what your grandmother's father's name was? A No.

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- Q Do you know what your grandmother's mother's name was? A No.  
Q Do you know which one of your grandmothers' parents was Choctaw? A My mother's mother.  
Q Well do you know which one of your grandmother parents was Choctaw? A Which one of my grandmother's? --My mother's mother.  
Q Well now your mother's mother is your grandmother, I asked you which one of your grandmother's parents was Choctaw? A I could not tell you.  
Q You say you don't know that your mother ever owned any land in Mississippi? A No I do not.  
Q Have you any papers that you want to file now? A Any papers?  
Q Yes?

Written application of Tillitha Bain offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Do you expect to get any other evidence in support of your case?  
A I could not tell you.  
Q Don't you understand that you will not have any case at all unless you get some evidence? A No answer.  
Q Don't you understand that where anybody makes application for valuable property rights that even the sworn statement of the party in interest will carry very little weight unless supported by outside evidence? A Yes I understand that.  
Q Well then don't you understand that it is very necessary in order to have your application carry any weight with it that you secure some evidence to show whether your mother lived in Mississippi in eighteen hundred and thirty, whether she was a recognized Choctaw Indian and whether she ever owned any land in Mississippi and whether she went to the Indian Agent there in Mississippi within six months and told him that she wanted to stay and take land there. Don't you understand the importance of getting evidence in support of these points? A I don't know.  
Q You don't understand that it is necessary for you to get evidence along these points? A I could not tell you whether it is necessary or not.  
Q There is absolutely nothing for the Commission to take up and pass on. You don't know anything about your ancestors; you don't know whether they have lived in Mississippi in eighteen hundred and thirty, except what you have been told. There is not a thing here to assure the Commission about your case and unless you secure some evidence there won't be a thing to take up and pass on.

By Attorney.

I think the remarks about the necessity of securing evidence, to applicants, are scarcely necessary when the applicant is represented by an attorney.

- Q Mrs. Bain state if you can remember when you lived in Mississippi? A No I can't remember when I lived in Mississippi.  
Q State if you can remember coming to the State of Arkansas?  
A I can't remember when that was.  
Q You can remember when you came to Arkansas? A No sir I can't.  
Q Do you remember where your father and mother died? A My father and mother died in Arkansas.  
Q You remember what part of the State? A North

#7

- Q Do you remember the County in which they died or any town that was near there? A It was not far off from Memphis.
- Q How then I believe you said something about having two older brothers? A Yes I am the baby-one.
- Q Did they also come to Arkansas? A Brother William started, Yes they both came to Arkansas.
- Q What became of them? A One died coming on out there. The other one died after he got here. He was sick.
- Q Which one was it that you lived with after your parents died? A Brother William. He was the oldest one.
- Q How much older was he than you, about how much? A I could not hardly tell you. There was only five children of us and he was the oldest one.
- Q Was he grown when he came to Arkansas? A Yes he was married.
- Q Is he the one who gave you the information in regard to your mother being Chectaw and having come from Mississippi? A Him and brother Sam.
- Q Him and brother Sam both? A Yes.
- Q And they are both dead? A Yes.
- Q Speaking about the treaty of eighteen hundred and thirty Mrs. Bain, state to the Commission if you remember whether or not I took up that treaty and explained it to you last week in my office at Durant? A You say didn't I?
- Q Do you remember whether or not I explained that treaty to you last week? A I don't recollect.

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.

This applicant has grayish dark hair, brown eyes and dark complexion. Her features and general appearance are those of a white woman. She 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, although she states in her testimony that her mother lived in Mississippi in eighteen hundred and thirty and she does not know the names of her ancestors except her 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 on August 13, 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 26th day of October 1901.

*J. H. Wilson*  
Notary Public.

J.R.B.  
E.v.W.

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

In the matter of the application of Tillitha Bain, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of

Tillitha Bain,  
Francis Marion Bain, et al.,  
Tabitha Smith, et al.,

M C R 3251  
M C R 3253  
M C R 3252

--: 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 Tillitha Bain for herself; by Francis Marion Bain for himself  
and his minor child, Alpha Bain; and by Tabitha Smith for herself  
and her minor child, Ellen Smith, under the following provision of  
the act of Congress approved June 28, 1898, (30 Stat., 495):

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

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 Lamm (first name not given), who is alleged to have been possessed of some Choctaw blood (degree thereof not stated).


It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

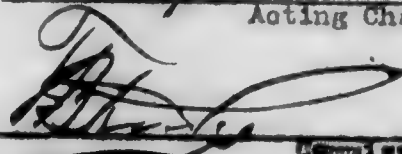
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said \_\_\_\_\_ Lamm, or a less remote ancestor, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 812).


3.

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tillitha Bain, Francis Marion Bain, Alpha Bain, Tabitha Smith and Ellen Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

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

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

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

Muskogee, Indian Territory,

AUG 7 1902



Muskegee, Indian Territory, September 9, 1901.

Mr. L. D. Herton,  
Attorney at Law,  
Barant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 4th, enclosing written applications of Mary C. Riddle et al., Albert Sidney Hackley et al., Austin Miller et al., Cordelia Wheless et al., and Emma E. Wheless, for identification as Mississippi Choctaws.

Also joint affidavit of R. W. Harrison and twenty-seven others, which you offer for filing in support of the application of Francis Marion Bain et al., for identification as Mississippi Choctaws, and joint affidavit of H. H. Williams and four others which you offer for filing in support of the application of Tellitha Bain for identification as a Mississippi Choctaw.

These papers have been filed and made a part of the record in the cases above named, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M. C. 3231  
M. C. 3232  
M. C. 3264  
M. C. 3365  
M. C. 3361  
M. C. 3362  
M. C. 3363

COPY.

Muskogee, Indian Territory, August 7, 1902.

Tillitha Bain,

Utica, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

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

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evidence herein is insufficient to determine the identity of Tillitha Bain, Francis Marion Bain, Alpha Bain, Tabitha Smith and Ellen Smith, 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,

*Samuel D. Doby.*  
Noting Chairman.

Registered.

Muskogee, Indian Territory, August 7, 1902.

Chester Howe,  
Attorney at Law,  
4623 "F" Street, N. W.,  
Washington, D. C.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

These applications were made under the provision of the acts 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

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

Yours truly,

NEON

*Tama Stacey.*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, August 7, 1902.

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

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

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 the provisions of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

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"It is, therefore, the opinion of this Commission that the

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evidence herein is insufficient to determine the identity of Tillitha Bain, Francis Marion Bain, Alpha Bain, Tabitha Smith and Ellen Smith 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,

*Tamo Dixby,*  
Acting Chairman.

Registered.

Muskogee, Indian Territory, August 7, 1902,

Johnson & Horton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

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."

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evidence herein is insufficient to determine the identity of Tillitha Bain, Francis Marion Bain, Alpha Bain, Tabitha Smith and Ellen Smith 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)

*Tamo Dixby.*

Acting Chairman.

Registered.

Muskogee, Indian Territory, August 7, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	• 3233
Talitha Smith, et al.,	• 3232

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

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

Yours truly,

WNEC

*James Dixie*

Acting Chairman.

M.C.R. 3231

Muskogee, Indian Territory, August 7, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Tillitha Bain, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 7th, 1902.

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

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

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

Respectfully,

*Tamc Dixby.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
1 enclosure.

COPY.

Land  
47482-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Washington, Nov. 5, 1902.

The Honorable  
The Secretary of the Interior.

Sir:

There is transmitted herewith a report made August 7, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the consolidated case of Tillitha Bain, et al. applicants for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the Treaty of 1830.

Tillitha Bain applies for the identification of herself; Francis Marion Bain for himself and his minor child, Alpha; and Tabitha Smith for herself and her minor child, Ellen.

August 7, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed through Mary Hawkins (née Lane), mother of principal applicant, to her grandmother Lamm or Lane, first name not given.

The applicants are not full-blood Choctaw Indians.

A careful search of the records of this office fails to show that the alleged ancestor received a patent to land under the provisions of article fourteen of the treaty of 1830, or complied or attempted to comply with the provisions of said article; neither does it appear that she applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of her rights, if any she had, as a Choctaw Indian.

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

Very respectfully,

Your obedient servant,

W. A. JONES,

Commissioner.

GAW  
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3 inclosures.

D. C. 22519-1902.

DEPARTMENT OF THE INTERIOR.  
Washington.

HAF.

ITD. 6891-1902.  
LRS.

November 18, 1902.

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

Gentlemen:

August 7, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Tillitha Bain, of Francis Marion Bain and Alpha Bain, and of Tabitha and Ellen Smith.

The applicants endeavor to trace their descent from one Lamm, who is alleged to have been possessed of some Choctaw Indian blood.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Lamm or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the applications August 7, 1902.

Forwarding the papers November 5, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

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

Respectfully,

THOS. RYAN

Acting Secretary.

1 inclosure.



COPY.

Muskogee, Indian Territory, November 26, 1902.

Johnson & Horton,  
Attorneys at Law,  
Durant, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Shootaws of the several persons included in the consolidated case of Tillitha Bain, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

SIGNED

*James E. Smith*  
Acting Chairman.

M.C.R. 3231

COPY,

Muskogee, Indian Territory, November 26, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

You are hereby notified that on the 18th 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 Tillitha Bain, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

SIGNED

*Tamc Dixby.*  
Acting Chairman.

COPY:

M.C.R. 3251

Muskogee, Indian Territory, November 26, 1902.

Chester Howe,

4623 P. St., N.W.,

Washington, D. C.

Dear Sir:

You are hereby notified that on the 15th 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 Tillitha Bain, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

Tamm Birney  
Acting Chairman.

COPY,

Muskogee, Indian Territory, November 26, 1902.

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

Gentlemen:

You are hereby notified that on the 18th 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 Tillitha Bain, et al., of which decision you were advised by mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

*James B. Bixby*  
Acting Chairman.

COPY

Muskogee, Indian Territory, November 26, 1902.

Tillitha Bain,

Utica, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th 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 Tillitha Bain, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

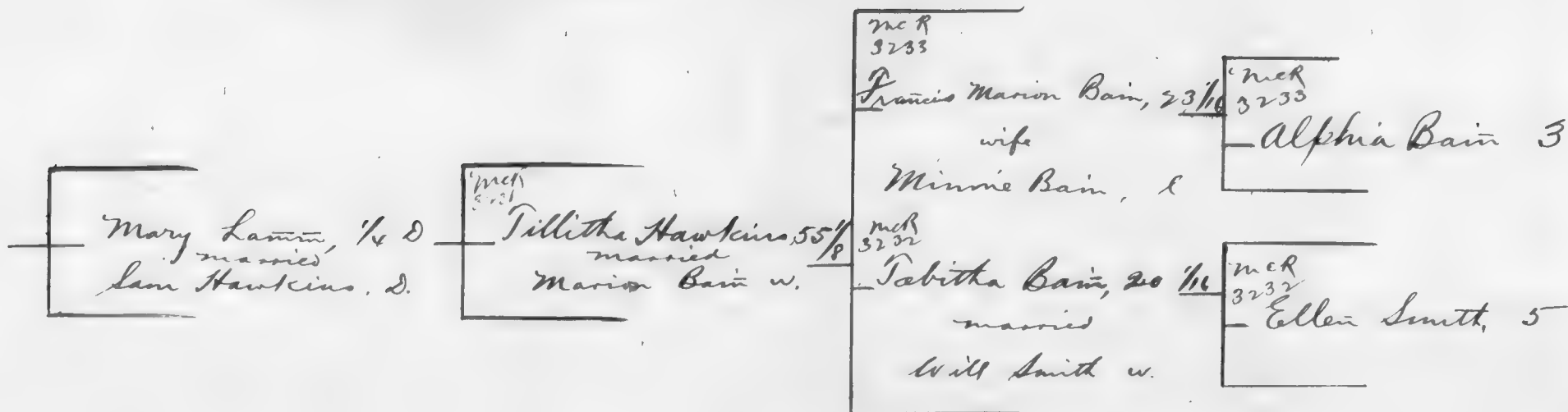
*Tame Piabu.*  
Acting Chairman.

REFER TO M. C. R. 3231

*Jillitha Bain, et al*

*Consolidated Case*

Lamm 1



Mary Lamm, 1/4 D  
married  
Lamm Hawkins, D.

m c R 3231  
Tillitha Hawkins, 55 1/8  
married  
Marion Bain w.

m c R 3233  
Francis Marion Bain, 23 1/2  
wife  
Minnie Bain, 1  
Tabitha Bain, 20 1/2  
married  
Will Smith w.

m c R 3233  
Alpha Bain 3

m c R 3232  
Ellen Smith, 5

No. 3231

For Identification as a Mississippi Choctaw.

Date AUG 13 1911

Name Tillitha Bair

Age 55 Blood 1/8

Post Office, Utica, S. T.

Father: Sam Hawkins (dead)

Mother: Mary Hawkins (dead)

Claims through mother

husband: Marion Bair  
(no claims for him)

~~Children:~~

Claims for self alone

Stenographer

G. Rosenwinkel



Choctaw MCR 3232

Tabitha Smith

See MCR 3231

MCR 3232

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 13, 1901.

3232

In the matter of the application of Tabitha Smith for Mentification of herself and her minor child as Mississippi Choctaws.

L. D. Horton, Attorney representing applicant.

Tabitha Smith being first duly sworn states the following:

Examination by the Commission.

- Q What is your name? A Tabitha Smith.  
Q How do you spell it? A T-a-b-i-t-h-a.  
Q What is your age? A Twenty years old.  
Q What is your post-office address? A Utica.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A I came there last fall.  
Q Where did you live before you lived there? A In Arkansas.  
Q How long did you lived in Arkansas? A I was raised there.  
Q Were you born in Arkansas? A Yes.  
Q And lived there until you moved to the Indian Territory about a year ago? A Yes.  
Q What is your father's name? A Marion Bain.  
Q What is your mother's name? A Tillitha Bain.  
Q Is your father living? A Yes.  
Q Is your mother 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 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 Will Smith.  
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 make application at this time? A Yes.  
Q How many? A One.  
Q Give the name and age of that child? A Ellen Smith. Five years old.  
Q This is your child? A Yes.  
Q What is the name of her father? A The kid's father?  
Q Yes? A Will Smith.  
Q When and where were you married to Will Smith? A In Arkansas.  
Q When? A About six years ago.  
Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No not that I know of.  
Q Have you ever applied to the Choctaw tribal authorities to have yourself or your child enrolled as members of that tribe? A No.

- Q Did you redid any one for you or your child 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 or your child 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 not that I know of.
- 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 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 As a Mississippi Choctaw.
- Q How do you claim the right to be identified as a Mississippi Choctaw? A By my mother.

By Attorney Harten:

"Her application is based on the testimony of her mother's case; cannot therefore some of these questions be dispensed with?"

- Q By the Commission.

No; the record in each case must be complete in itself.

- Q What do you claim through your mother? A Claim?
- Q Yes? A I claim Indian,--Choctaw Indian.
- Q You claim now because you have always been taught 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 No, I don't know anything about any of the treaties.
- Q Do you know what a treaty is? A No.
- Q Do you know what an agreement is? A No.
- Q Do you know what a bargain or contract is? A No I don't.
- Q Did you never make a contract or agreement with anybody? A Yes I told them to do so and so and then they went back on their word.
- Q Well you understand then that an agreement between two people is where each promises to do certain things? A Yes.
- Q Well a treaty is an agreement between Nations. Now do you understand what a treaty is? A I think I do.
- Q Well the law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1896, 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 give the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of

giving them land west of the Mississippi River in exchange for their land in those states, and move them all to the Country west of the River, but some of the Indians did not want to leave their homes there in Mississippi and the others would not sign any treaty until some provisions 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 these Choctaws who wanted to remain in the old Choctaw Nation in Mississippi and Alabama. 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 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."

That means that those Choctaw Indians who did not want to leave the State of Mississippi could go to the Indian Agent there within

six months after that treaty was ratified and tell him that they wanted to stay and become citizens of the United States 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, in doing this they would not lose the privilege of a Choctaw citizen but if they ever removed they would not get any part of the Choctaw money's

- Q Do you claim anything under this part of the treaty? A Yes I am a one-sixteenth Choctaw Indian.
- Q What was the name of your ancestor who lived in Mississippi in eighteen hundred and thirty who was a Choctaw Indian? A I don't recall it.
- Q Have you never been taught? A My grandmother.
- Q Your mother's mother? A Yes.
- Q What was her name? Mary Hawkins.
- Q Do you know your mother's father's name? A Sam Hawkins.
- Q Your mother got her Choctaw blood through her mother? A Yes.
- Q Have you any evidence to show that your grandmother was living in Mississippi in the old Choctaw Nation in eighteen hundred and thirty? (By attorney) We will undertake to introduce that proof.
- Q Did your grandmother Mary Hawkins come west with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I don't know.
- Q You never have heard? 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 there and take land and become a citizens of the United States? A I don't know.

4

- Q You never heard whether she did or not? A No.  
Q Did she ever own any land in Mississippi, Arkansas, Alabama or Louisiana? A I don't know.  
Q You never heard that she did? A No.  
Q You expect to try to secure evidence to show whether your grandmother went to the Indian Agent in Mississippi within six months after the treaty was ratified and told him that she wanted to stay there? A I don't know anything about it.  
Q Have you any papers that you want to file at this time? A Yes.

Written application of Tabitha Smith offered in evidence, marked exhibit "A" filed, and made a part of the record in this case.

- Q Is there anything else that you would like to say at this time in support of your application? A No I guess not.

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 You understand that it is important in your case that you secure evidence about these matters that you have been asked about to day? A Why I don't know.

To attorney:

Do you expect to introduce for this applicant such evidence as you can secure along these lines? A Yes all the evidence we can secure.

This applicant has dark hair eyes and complexion but her features and general appearance are those of a white woman. She 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 although she states in her testimony that her grandmother lived in Mississippi at the date of the making of this treaty.

By Attorney.

I would ask that this case be referred for trial with the applicant's mother's case, Mrs. Tillitha Bain. (MC-3231)

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 13, 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 26th day of October 1901.

*J. P. O'Donn*  
Notary Public.

Muskogee, Indian Territory, August 7, 1902.

Tabitha Smith,

Utica, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

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

T S \_\_\_\_\_ 2

evidence herein is insufficient to determine the identity of Tillitha Bain, Francis Marion Bain, Alpha Bain, Tabitha Smith and Ellen Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*James Dixey.*  
Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, November 26, 1902.

Tabitha Smith,

Utica, Indian Territory.

Dear Madam:

You are hereby notified that on the 18th 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 Tillitha Bain, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

SIGNED:

*Tamc Dixey.*  
Acting Chairman.



No. 3232

For Identification as a Mississippi Choctaw.

Date AUG 13 1901

Name *Tabitha Smith*

Age 20 Blood 1/16

Post Office, *Utica, I.T.*

Father: *Marion Bain*

Mother: *Tillitha Bain*

Claims through *mother*

Husband: *Will Smith*  
(no claim for him)

Children:

*Ellen Smith 5*

*Claims for self and child*

Stenographer

*L. P. ...*

Choctaw MCR 3233

Francis Marion Bain

See MCR 3231

MCR 3233

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 13, 1901.

3233

In the matter of the application of Marion Bain for identification of himself and his minor child as Mississippi Choctaws.

Applicant represented by attorney L. D. Horton.

Marion Bain being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Marion Bain.  
Q What is your age? A Twenty-three.  
Q What is your post-office address? A Utica.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A One year.  
Q Where did you live before you lived there? A I was raised in Arkansas.  
Q Were you born in Arkansas? A Yes.  
Q And lived there all your life until you came to the Indian Territory? A Not all my life, I lived up in Missouri a year and in the Territory.  
Q Well did you call Missouri your home for that year or Arkansas? A No I called Arkansas my home.  
Q What is your father's name? A Marion Bain.  
Q Is he living? A Yes.  
Q What is your mother's name? A Tillitha Bain.  
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.  
Q Are you married? A Yes.  
Q What is your wife's name? A Minnie Bain, she used to be my wife but we have been separated.  
Q She is living? A Yes.  
Q You don't make any application for her? A No.  
Q Have you any children for whom you wish to make application? A I have one Yes.  
Q Is that child in your care? A No in hers.  
Q Have you ever been divorced from her? A No.  
Q Do you support the child? A Why no I don't now it is small.  
Q What is the name and age of that child? A Alpha, three.  
Q Three years old? A Yes.  
Q How do you spell that? A A-l-p-h-a.  
Q You are this child's father? A Yes.  
Q What is the name of its mother? A Minnie Bain.  
Q Is this child a boy or girl? A Girl.  
Q When and where were you married to Minnie Bain? A I was married in Arkansas.  
Q When? A In 1897.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A I was married by a minister.

- Q Have you your marriage license and certificate and wish to offer same in evidence.

By attorney: We will file that.

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

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Have you any reason to think that it is? 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 10, 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 been admitted to citizenship in the Choctaw Nation by ~~the~~ 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 child admitted or enrolled as a citizen of the Choctaw Nation? A No I have not.
- 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 Why I want to become a citizen of the tribe? A Mississippi Choctaw.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q What makes you think you have a right to claim as a Mississippi Choctaw? A Because I have always heard my mother say that we were Indians, Choctaws, and from Mississippi and I have never received anything.
- Q You claim then because you have always been taught that you had Choctaw blood? A Yes I believe I have.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A I don't know anything about them treaties.
- Q Do you know what a treaty is? A No I don't know that I do.
- Q Do you know what an agreement is? A Yes.
- Q Well a treaty is an agreement between Nations. When two Nations make an agreement between each other, they call it a treaty. Do you think you understand now? A I don't know.
- Q Do you know what a Nation is? A A Territory I reckon.
- Q The United States is a Nation, England is a Nation, the Choctaw tribe has been called a Nation. Now when two Nations make an agreement they call it a treaty. The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1896, 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 of eighteen hundred and thirty and 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 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 United States wanted to make a treaty with the Choctaw Indians who lived at that time in Mississippi and a small part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states but some of the Indians did not want to leave their homes in the State of Mississippi and Alabama and come to the New Country West of the Mississippi River and the others would not sign any treaty until something was done for these Choctaws who wanted to remain in the old Choctaw Nation, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi and Alabama. After article fourteen 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 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 manners 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 the treaty? A I don't understand just the meaning of that.
- Q Well I asked you if you made any claim under that article of that treaty? A Of eighteen hundred and thirty.
- Q Yes that treaty that I have just quoted to you. That article I mean that I have just quoted to you? 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 any of them, only my grandmother and grandfather. My grandmother was Mary Hawkins, she is who I have been told who was a Choctaw Indian.
- Q Your mother's mother? A Yes.
- Q What was your mother's father's name? A Hawkins, Sam Hawkins.
- Q It was your mother's mother who claimed to be Choctaw? A Yes.
- Q Do you know if she lived in the old Choctaw Nation in eighteen hundred and thirty? A Yes she lived there then, so I have always been told.
- Q Will you be able to secure any evidence to show that she was living there in eighteen hundred and thirty and was a recognized Choctaw Indian? A Yes I think so.
- 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 No she did not come west with the other Indians. They started and got to Arkansas but took sick. I understood they stayed there for about four years, they stopped in Arkansas waiting for one of my uncles and both got sick and died.

#4

- Q You know what time they started away from Mississippi? A No I don't know.
- Q You never have been told? A No.
- Q You don't know then how long after the treaty of eighteen hundred and thirty was made, it was, that they started away from Mississippi? A Why my mother was about three years old from what she told me when they left Mississippi and she is fifty-five now.
- Q Well then they must have left Mississippi somewhere about 1850? Yes.
- Q Did your grandmother 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 No I never heard that she did.
- Q You think you will be able to get any evidence to show whether she did or not? A Yes I think I will.
- Q Did your grandmother own any land in Mississippi, Arkansas, Louisiana or Alabama? A Yes she owned land in Mississippi I think when they left there.
- Q Do you know what part of Mississippi? A Ittawamba County.
- Q Do you know how she got that land? A No I don't know that. I don't know that she owned land.
- Q Of course you don't know any of these things from your own personal knowledge? A Yes. I won't say for certain whether my mother said that they owned land there before they left there. I know that she owned land when she stopped in Arkansas. I have heard my mother and one of my uncles say that when they stopped there they owned a prairie and some land.
- Q You know how they got that land? A I think they bought it.
- Q You understand that it is very material to your case that you find out and get evidence to show whether your grandmother owned land in Mississippi or not? A Yes I think I can show that.
- Q Is there any other statement that you would like to make at this time in support of your application? A Why no.
- Q Have you any papers that you want to file? A Yes.

Written application of Francis Marion Bain Jr offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q Is Francis M. Bain your name? A Francis Marion is my full name I always give it as Marion.
- Q Then your full name is Francis Marion Bain Jr or Francis M Bain Jr? A Francis M. Bain.

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.

This applicant has dark brown eyes, hair and complexion. His features and general appearance are those common to white people although his appearance might indicate that he was possessed of a small proportion of Indian blood, tho' this is very difficult to determine. 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 but he states in his testimony that his grandmother through whom he claims lived in Mississippi in eighteen hundred and thirty.

## Examination by Attorney Horten.

- Q I believe you stated that you left your baby with your wife when you and her separated? A Yes.
- Q State to the Commission why you left it with her or why you agreed to leave it with your wife? A I thought it was not old enough to take with me and raise it.
- Q State if you tried to get your wife to come with you out here? A Yes I tried to get her to come out west with me and she would not do it.
- Q Did you tell her what you was coming out here for? A Yes.
- Q Well what was that? A Why I told her that I was coming out here to get my right if I could in the Nation and get us a home and she just said she would stay with her peop,e before she would come, and would not come with me.

I will ask that this application be referred for trial with the case of the applicant's mother, Tillitha Bain.

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 13, 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 26th day of October 1901.

*G. Rosenwinkel*  
*J. Dodson*  
 Notary Public.

Muskogee, Indian Territory, September 9, 1901.

Mr. L. D. Horton,  
Attorney at Law,  
Durant, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of September 4th, enclosing written applications of Mary C. Riddle et al., Albert Sidney Hackle et al., Austin Miller et al., Cordelia Wholeless et al., and Emma E. Wholeless, for identification as Mississippi Choctaws.

Also joint affidavit of R. W. Harrison and twenty-seven others, which you offer for filing in support of the application of Francis Marion Bain et al., for identification as Mississippi Choctaws, and joint affidavit of H. H. Williams and four others which you offer for filing in support of the application of Tallitha Bain for identification as a Mississippi Choctaw.

These papers have been filed and made a part of the record in the cases above named, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M. C. 3231  
M. C. 3233  
M. C. 3364  
M. C. 3368  
M. C. 3381  
M. C. 3382  
M. C. 3383



COPY.

Muskogee, Indian Territory, August 7, 1902.

Francis Marion Bain,  
Utica, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tillitha Bain, et al., embracing the following applications for identification as Mississippi Choctaws:

Tillitha Bain,	M.C.R. 3231
Francis Marion Bain, et al.,	" 3233
Tabitha Smith, et al.,	" 3232

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

F M B \_\_\_\_\_ 2

evidence herein is insufficient to determine the identity of Tillitha Bain, Francis Nation Bain, Alpha Bain, Tabitha Smith and Ellen Smith as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*James D. Dwyer*

Acting Chairman.

Registered,

M.C.R. 3233.

COPY.

Muskogee, Indian Territory, November 26, 1902.

Francis Marion Bain,

Utica, Indian Territory.

Dear Sir.

You are hereby notified that on the 18th 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 Tillitha Bain, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

SIGNED,

*Tame Dixby.*

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 13 1901

Name <sup>Francis</sup> Marion Bain

Age 23 Blood 1/16

Post Office, Utica, I. T.

Father: Marion Bain ✓

Mother: Tillitha Bain ✓

Claims through mother

wife: Minnie Bain  
(no claim for her)

Children:

Alpha Bain 3

Claims for self and child

Stenographer

G. Rosenwinkd

Choctaw MCR 3234

Bill Pitts

See MCR 2799

MCR 3234

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 13, 1901.

3234

In the matter of the application of Bill Pitts for identification as a Mississippi Choctaw.

Not represented by attorney.

Bill Pitts being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Bill Pitts.  
Q What is your age? A Forty.  
Q What is your post-office address? A Sherman.  
Q Have you a street number? A Well my father lives there and I make that my home when I am there. I am not home very much, Hazlewood street and I think the number is 235.  
Q That is Texas? A Yes.  
Q How long have you lived there? A Twenty-years.  
Q Where did you live before you lived there? A I lived in West Texas.  
Q How long have you lived in Texas? A Thirty years.  
Q Where did you live before you lived in Texas? A In Missouri.  
Q How long did you live in Missouri? A About eleven years.  
Q Were you born in Missouri? A Yes.  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A J. H. Pitts.  
Q Is he living? A Yes.  
Q What is your mother's name? A Margaret Pitts.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A On my mother's side.  
Q How much Choctaw blood do you claim? A One-thirty-second.  
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 only a while back she was before the Commission here.  
Q You mean that she came here and applied for identification as a Mississippi Choctaw? A Yes.  
Q Are you married? A No.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.  
Q Have you ever 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 10, 1896? A No.  
Q Have you 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 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 member of the Choctaw tribe of Indians? A No.  
Q Is this the first application of any kind you have ever made? A Yes.

#2

- Q What kind of an application do you want to make now? A Well I don't know what kind, I want the benefit of all the treaties from eighteen hundred and thirty six down. I want all the benefits of a Choctaw Indian.
- Q Do you claim 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 particular 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 there to and make report to the Secretary of the Interior."

This law gives the Commission 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 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 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 but some of the Indians did not want to leave their homes and the others would not sign any treaty until some provisions were 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 Indians who did not wish to come 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 Do you make any claim under the provisions of this article? A A I make no claim under any one treaty I want the benefits of all.
- Q Well what benefits do you think other treaties give to the Choctaws? A I don't make any claim under any one treaty. I want to claim under all the treaties.
- Q Well what do you think the other treaties provide for those Choctaws who remained in Mississippi? I don't know but I want the benefit of all of them.

- 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 John Brashear, my great grandfather.
- Q How much Choctaw did he claim to be? A About a full blood.
- Q Have you any evidence of that? A Yes I think I have.
- Q Do you expect to produce that evidence? A Yes I will. There are three or four of my cousins that have been enrolled on his blood.
- Q Enrolled where? A Before the Commission here.
- Q What are their names? A Brashear.
- Q Well what are their given names? A George Hyden.
- Q When was he enrolled? A Last year some time, I don't know when it was for certain but they have been enrolled.
- Q How did you learn that they had been enrolled? A My uncle told me when he was in Sherman.
- Q Were they admitted by judgment of the United States Court? A I don't know, I did not have but a few minutes to see him and he told me. I came up here two weeks ago to-morrow but there was a big crowd here and I went back.

The records do not show that any person by the name of Hyden or Hiden has ever applied for identification as a Mississippi Choctaw.

- Q You say that these cousins of yours have been enrolled as descendants of John Brashear? A Yes.
- Q Do you know the names of any other of these cousins of yours? A No I do not.

It will be necessary for you to file in your case evidence which you wish to have considered in support of your application.

- Q You claim your Choctaw blood through your mother? A Yes.
- Q How old is your mother? A She is sixty.
- Q What was your mother's mother's name? A Phermelia Johnson, was her maiden name.
- Q Well what was her name when she was your mother's mother? A Phermelia Brashear.
- Q What was your mother's father's name? A Levi Brashear.
- Q Through which one of your mother's parents did she claim her Choctaw blood? A Her father.
- Q Have you any evidence of the marriage of your mother's father and mother? A No.
- Q Can you secure that evidence? A Yes.

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

- Q A I can get that.
- Q Was your mother the oldest one of her father's children? A No she had one brother older.
- Q You know how much older? A Two years.
- Q And this brother was the oldest one of the children? A Yes.
- Q Is your grandfather Levi Brashear living? A No.
- Q How long has he been dead? A twelve years.
- Q You know how old he was when he died? A Seventy-six is the best I can recollect, I won't be positive that that was his age.
- Q Well just about? A Well that is about it.
- Q Your grandfather then must have been living in the year eighteen hundred and thirty? A Yes.



- Q He must have been born somewhere along about the year 1813?  
 A Yes about that time.
- Q Do you know whether your grandfather was married in the year eighteen hundred and thirty? A No I do not.
- Q What was your grandfather's father's name? A John Brashear.
- Q What was your grandfather's mother's name? A Why Levi, how is that.
- Q What was your grandfather's mother's name? A I don't know.
- Q Which one of your grandfather's parents claimed to be Choctaw?  
 A Why my grandfather.
- Q Well which one of your grandfather's parents claimed to be Choctaw? A His father.
- Q Did Levi Brashear come west with the other members of the Choctaw tribe to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A Not that I know of.
- Q You never heard? A No.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay there and become a citizen of the United States? A No not that I know of. I have often heard him say he was Choctaw.
- Q Did you ever know your great grandfather? A No.
- Q Well did you know that I was asking you about your great grandfather and you said that you had often heard him say that he was Choctaw? A No I have often heard my grandfather say that he was Choctaw.
- Q You mean to say that you have heard your grandfather say that his father was Choctaw or that he was Choctaw? A I have heard my grandfather say that he was Choctaw.
- Q Did John Brashear own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q Did Levi Brashear own any land in any of these states? A Not that I know of.
- Q You never heard anything about it? A No I never did.
- Q Do you think you will be able to secure any evidence to show whether your great grandfather went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there in Mississippi and take land there? A I don't know whether I can find out or not.
- Q Well you understand that you are here making application for valuable property rights and that in a case where valuable property rights are concerned even the sworn statement of an interested party will carry very little weight unless supported by outside evidence and that it will be necessary for you to secure evidence to show whether your grandfather or great grandfather lived in the old Choctaw Nation in eighteen hundred and thirty and were recognized Choctaw Indians? A I think I can.
- Q And whether they went, either one of them to the Indian Agent there within six months and told him that they wanted to stay there and become citizens of the United States, and take land there. Do you think you can secure any evidence on that point? A I don't know if I can or not, I think I can secure evidence that he was a Choctaw.
- Q Well you understand that it is not only necessary to show that your grandfather or great grandfather were Indians and lived in Mississippi in eighteen hundred and thirty but that it is also very important to show that they within six months after that treaty was ratified went to the Indian Agent and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States? A I think I can secure evidence that he lived there.
- Q Where did he go to from there? A To Kentucky.

- Q De you know when he went to Kentucky? A I don't know.
- Q De you think you can get any evidence on that point? A I think so.
- Q If your great grandfather went to the state of Kentucky from Mississippi and did not go to the Indian Agent within six months from the ratification of the treaty, and told him that he wanted to stay, what claim do you think you have now as a Mississippi Choctaw? A I don't know that he left with them.
- Q Left with who? A I don't know who that is.
- Q You understand the fact do you that there are several points on which you should secure evidence in order to have your case in proper shape to be passed on by the Commission? A Yes.
- Q Well do you understand what these points are? A Well not exactly but I will get some one that will know.
- Q Did you not understand when I was trying to tell you a few minutes ago that it would be necessary for you to secure evidence to show whether your grandfather or great grandfather were Choctaw Indians who lived in the old Choctaw Nation in eighteen hundred and thirty, and whether they went, either one of them to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay there and take land, and whether they ever owned land in Mississippi, Arkansas, Louisiana or Alabama? A I understand that I have to get evidence on them points there.
- Q Well now suppose you state the points on which you think it is necessary to secure evidence in order to make your case up properly to be passed on by the Commission? A Well now my head is too thick, I can't understand that.
- Q Well what points are you going to try to get evidence on? A I am going to try to get evidence on that my great grandfather was a Mississippi Choctaw.
- Q What do you mean by a Mississippi Choctaw? A Choctaw Indian.
- Q Well there are lots of Choctaw Indians, I am just trying to help you understand what is necessary in your case? I have got to prove that he was a Choctaw and that he lived there at that time I suppose and that he didn't stay in Mississippi but went west.
- Q Don't you understand that if he stayed in Mississippi and took land under the fourteenth article of the treaty that I just read to you, that that is all the more a point in your favor, in making application at this time? A Well I ain't claiming under any treaty, under any one treaty, but under all of them.
- Q What evidence do you think will enable the Commission to identify you as a Mississippi Choctaw. You state that you think you can get evidence to show that your great grandfather was a Mississippi Choctaw Indian and lived there? A Yes.
- Q Well do you think that is all that is necessary to secure? A A Why I don't think that that is all but I expect to get other evidence too.
- Q Well what other evidence do you expect to get? A Why I will get an attorney that will trace it up.
- Q Well I have told you that it will be necessary for you to get evidence first; whether your grandfather or great grandfather were recognized Choctaw Indians, and lived in Mississippi in eighteen hundred and thirty, second; whether your grandfather or great grandfather went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay there in Mississippi and take land, then it is also very important in your case to show whether your grandfather or great grandfather ever owned any land in Mississippi, Arkansas Louisiana or Alabama. Now, do you understand the points on which to secure evidence? A Yes I understand the points. I will be at home now and will try to get evidence right away.

#6

- Q Well do you think you will be able to bring your witnesses here in person before the Commission to testify orally on these points? A Yes I think I will.
- Q You understand that oral testimony carries more weight than depositions or affidavits? 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 same will be made a part of the record in your case.

- Q Is there anything else that you would like to say at this time? A No nothing else.
- Q Have you any papers that you want to file? A No not now.

The applicant in this case has blue eyes light hair and mustache and florid 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 although it appears from his testimony that his great grandfather 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 13, 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 26th day of October 1901.

*J. Dodson*  
Notary Public.

Muskogee, Indian Territory, September 7, 1901.

Mr. James B. Brashears,  
Sherman, Texas,

Dear Sir:-

Receipt is hereby acknowledged of written application of Bill Pitts, together with copies of affidavits of Tobias Edwards and John Lewis, forwarded for filing in support of the application of Bill Pitts for identification as a Mississippi Choctaw.

The copies of affidavits enclosed by you are returned you herewith for correction, they not having been certified to as correct copies of original affidavits.

The written application of Bill Pitts has been made a part of the record in this case.

Yours truly,

M. C. 3234.

Enc. A. B. 1-7

Commissioner in Charge.

YRK

COPY.

Muskogee, Indian Territory, February 10, 1903.

Bill Pitts,  
235 Hazlewood Street,  
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margret Pitts, et al., embracing the following applications for identification as Mississippi Choctaws:

Margret Pitts,	M.C.R. 2799
Bill Pitts,	M.C.R. 3234
John O. Brashears,	M.C.R. 2797
Mary Hanson,	M.C.R. 2800
Levi Brashears, et al.,	M.C.R. 3203
James Brashears, et al.,	M.C.R. 2712
Lou Garnand, et al.,	M.C.R. 2798
May Gibson, et al.,	M.C.R. 2801
Ethel Garnand,	M.C.R. 2807
Maggie Brashears, et al.,	M.C.R. 2804
Thomas J. Rainwater,	M.C.R. 2802
Leon Jones, et al.,	M.C.R. 2803
Ellen White,	M.C.R. 2805
Minnie Rainwaters,	M.C.R. 2806

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

Bill Pitts, -2

necessary thereto and make report to the secretary of the 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 Margaret Pitts, Bill Pitts, John O. Brashears, Mary Hanson, Levi Brashears, Ida Evaline Brashears, Nina Brashears, Ralph Brashears, Dot Brashears, Gladys Brashears, James Brashears, Sinclair Brashears, Simeon Brashears, Lou Garnand, Virginia Garnand, May Gibson, Leonard Gibson, Glen Gibson, Jewel Gibson, Ethel Garnand, Maggie Brashears, Thomas J. Rainwater, Leon Jones, Roy Jones, Ellen White and Minnie Rainwaters, 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)

*Tamm Dixby.*

Acting Chairman.

Registered.

MCR-3234

COPY.

Muskogee, Indian Territory, January 25, 1906.

Bill Pitts,

235 Hazlewood Street,

Sherman, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 18, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of February 10, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Margret Pitts, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

*W. O. Beall*

Acting Commissioner.

No. 3234

For Identification as a Mississippi Choctaw.

Date AUG 13 1901

Name Bill Pitts

Age 40 Blood  $\frac{1}{32}$

Post Office, Sherman Texas

Father: J. N. Pitts  
235 Hazlewood St.

Mother: Margaret Pitts

Claims through mother

Children:

Claims for self only

Stenographer

E. Rosenwinkel



Choctaw MCR 3235

Jim Chatman

MCR 3235

Sub

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

-----:-----

In the matter of the application of Jim Chatman, et al.,  
for identification as Mississippi Choctaws, N. C. R. 5235.

List of papers forwarded to the Secretary of the Interior,  
comprising the record in the application of Jim Chatman, et al.

	Page.
Original application of Jim Chatman, et al., before the Dawes Commission for identification as Mississippi Choctaws - - - - -	1
Decision of the Commission refusing the application of Jim Chatman, et al., for identification as Mississippi Choctaws - - - - -	8

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 13, 1901.

3255

In the matter of the application of Jim Chatman for the identification of himself and his five minor children as Mississippi Choctaws.

Not represented by attorney.

Jim Chatman being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jim Chapman.  
Q C-h-a-p-m-a-n? A Yes.  
Q What is your age? A Thirty-eight.  
Q What is your post-office address? A Sherman.  
Q Texas? A Yes.  
Q Have you a street number? A No.  
Q How long have you lived there? A About three years.  
Q Where did you live before you lived there? A In Mississippi.  
Q How long did you live in Mississippi? A It has been right smart while since I was there.  
Q How long did you live in Mississippi? A I don't know exactly, I was carried away when I was a baby.  
Q Well then where did you live before you went to Texas? A Part of the time in Mississippi.  
Q Well, where did you live just before you moved to Texas? Where did you go from to Texas? A Why I first went from Kentucky to Texas.  
Q How long have you lived in Texas this last time that you have lived there? A Three years.  
Q How where did you live just before you lived in Texas? A I lived in Tennessee part of the time.  
Q Where did you live just before you went to Texas the last time? A In Kentucky.  
Q Where did you go from to Texas when you moved there three years ago? A From Kentucky.  
Q Well how long did you live in Kentucky that time? A I don't know exactly.  
Q About how long? A About twenty years.  
Q Where did you go from when you went to Kentucky? A From Tennessee.  
Q You went from Tennessee to Kentucky? A Yes.  
Q How long did you live in Tennessee? A I don't know I was just a small child.  
Q Well about how long? A I can't tell.  
Q How old were you when you went to Tennessee? A I was just a kid.  
Q Can you remember going to Tennessee, where did you live just before you went to Tennessee? A In Mississippi.  
Q How long did you live in Mississippi? A I don't know.  
Q Were you born in Mississippi? A Yes.  
Q And lived there until you moved to Tennessee? A Yes.  
Q Now are you sure that that is right? A Yes that is right.

- Q What is your father's name? A Well as I remember---I never saw him, as well as I remember his name was Dick Chapman.
- Q He is dead you say? A Yes.
- Q What is your mother's name? A Isabella Petts.
- Q Was that her name before she was married? A Yes her name was Chapman after she was married.
- Q Is she living? A I don't know; she came west, I don't know whether she is dead or not.
- 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 Three-fourths.
- Q How much Choctaw blood did your mother have? A She was a full blood.
- Q Was your father Choctaw? A Yes I reckon so, I could not say positively, that is what I have been taught.
- Q How much Choctaw blood have you been taught that your father had? A I never have been taught.
- Q Well do you get three-fourths Choctaw blood from your mother? A No my father was Choctaw too but I don't know what.
- Q You say your mother was a full blood Choctaw? A Yes.
- Q What was your father's other blood besides Choctaw? A I don't know.
- Q Was it not negro? A I don't know anything about that.
- Q Don't you think it was negro? A I can't say.
- Q Was your father ever a slave? A Not that I know of.
- Q Was your mother ever a slave? A No I know she was not.
- 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 I don't know.
- Q Are you married? A Yes.
- Q What is your wife's name? A Mary Chapman?
- Q What is your wife? A She is a white woman.
- Q All white? A Yes I reckon, so far as I know.
- Q She is living? A Yes.
- Q You make any application for your wife? 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 They are all under twenty-one and none of them married.
- Q Give the names and ages of these children?

Applicant here produces slip of paper containing the names of his children which he hands to examiner with the remark that he can neither read nor write.

- Q I understood you to say at the beginning of the examination that your name was Chapman, your name as it appears on this slip is Chatman. Which is the correct name? A Chatman is correct, let it go that way.
- Q Well do you understand that it is a matter of some importance that you have your names spelled right, and Chatman is the correct way to spell it? A Yes that is right.

Names of children taken from memorandum slip produced by applicant;

George Chatman, born July 21, 1885, ( sixteen years old.)  
 Annie Chatman, born October 18, 1887, ( fourteen years old)  
 Lee Chatman, born January 14, 1889, (twelve years old.)  
 Lela Chatman, born June 6, 1893, ( Eight years old.)  
 William Chatman, born March 5, 1896, (five years old)

- Q Lee Chatman, is that a boy or girl? A A boy.

#3

- Q You are the father of these children? A Yes.  
Q What is the name of their mother? A Mary Chatman.  
Q When and where were you married to her? A In Tennessee.  
Q When? A I don't know whether she has got it on there or not.  
Q Don't you remember about when? A No.

Memorandum slip previously introduced by applicants shows that James Chatman and Mollie Pedigo were married August 30, 1884.

- Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A I don't know whether he was a minister or not, he was a man for that kind of business.  
Q Well was it a Justice of the Peace? A Well I think it was.  
Q Have you your marriage license and certificate? A No I have'nt got it. The man gave me a certificate and I did'nt see any use to keep it and through it away.

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 A I can get it.  
Q Was your marriage license filed with the Court? A Yes.  
Q You can get the Court record can you? A Yes I can get that.  
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 How is that?  
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 applied 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 apply 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 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 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 do you want to make now? A Well if I understand it you have to give me some time.  
Q Now I did not ask you anything about that, I just asked you what kind of an application you want to make. What are you applying for now? A Why Choctaw.  
Q What makes you think you have a right to apply now? A Well my foreparents always taught me that I was akin to the Choctaws, Mississippi Choctaws.  
Q You claim then as a Mississippi Choctaw? A Yes.  
Q What do you mean by a Mississippi Choctaw? A Mississippi Choctaw is all that I ever knowed.  
Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A No.

#4

- Q Do you know anything about the treaties? A Not but little, I have heard of them but I was small then.
- Q You know what a treaty is? A Hardly.
- Q You know what an agreement is? A Yes.
- Q Well when two Nations make an agreement that agreement is called a treaty.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a few them in 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, but some of the Indians did not want to leave their homes and the other's would not sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay there in 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 may be living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons 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 Choctaws, who did not want to leave Mississippi, would go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay in Mississippi and take land there, they would get land from the government for themselves and their children and if they lived in that land for five years, they would get a title to it and in doing this they would not lose the privilege of Choctaw citizens but if they ever removed would not be entitled to any part of the Choctaw yearly payments of money.

- Q Do you make any claim under these provisions of the treaty? A To The fourteenth article?
- Q Yes the fourteenth article: Do you make any claim under it? A I don't know much about that article.
- Q Did'nt you just hear me explain it to you? A Yes.
- Q Did you not understand it? A Not very well, I can't understand anything all at once.
- Q What part of it did you not understand? A Well I don't know Much about these treaties.

- Q Well did you not hear me repeat that article just a few minutes ago? A That treaty, was that the treaty of 1430?
- Q No it was the treaty of eighteen hundred and thirty, the fourteenth article, do you make any claim under it? A Why let me see, I don't know what about it hardly, I don't know,-----Yes I claim under it.
- 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 I could not tell you.
- Q How do you expect to be identified as a Mississippi Choctaw if you don't know the names of your ancestors who lived in Mississippi? A Just have to look them up.
- Q Why did you not look them up before you came to make this application? A I didn't hardly commence in time.
- Q You know what your mother's father's name was? A No.
- Q You know what your mother's mother's name was? A My grandmother? Yes? A Maria Potts.
- Q Was she a full blood Choctaw? A Yes.
- Q How old would your mother be if she were living now? A She would be, let me see,---fifty-four or fifty-five years old, some where along there, I don't know exactly.
- Q Did you ever see your grandmother? A Yes.
- Q Is she living now? A No she is dead.
- Q How long has she been dead? A About twelve or fifteen years.
- Q How old was she when she died? A Way along in eighty somewhere.
- Q She would be pretty near one-hundred years old if she were living now? A Yes.
- Q She must have been living in eighteen hundred and thirty then, that is only seventy years ago? A I guess she was.
- Q Do you know where she was living then? A In Alabama I think.
- Q You know what part of Alabama? A No.
- Q You never heard? A No.
- Q Did she have any Indian Name? A Not as I know of.
- Q Do you know what your father's father's name was? A No.
- Q You know what your father's mother's name was? A No I don't.
- Q Were your father and mother married? A I don't know, I suppose so.
- Q Did your grandmother Maria Potts come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty-eight? A No.
- Q Did your father come west to the present Choctaw Nation? A Not that I know of.
- Q You know how old your father would be if he were living now? A No I don't.
- Q Did your grandmother Maria Potts or any other of your ancestors go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi and take land? A I don't know.
- Q Do you think you will be able to get any evidence to show whether they did or not? A I think I can.
- Q You think you will be able to get any evidence to show which one of them lived in Mississippi in eighteen hundred and thirty? A I think so.
- Q Did Maria Potts or any other of your Choctaw ancestors own any land in Mississippi, Arkansas, Louisiana or Alabama? A Not that I know of.
- Q You never heard of it? A No.
- Q Do you think you will be able to secure witnesses and bring them before the Commission in person to testify about your father's and mother's people? A Yes.

- Q Do you think you will be able to get evidence to show whether your grandmother or any other of your ancestors lived in the old Choctaw Nation in eighteen hundred and thirty? Do you think you will be able to get evidence to show whether any of them went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay there in Mississippi and take land there? A Yes I think so.
- Q Do you think you will be able to get evidence to show whether they ever owned any land in Mississippi or if they ever got any land scrip? Do you know what is meant by the word scrip? A Owned any scrip.
- Q Yes, Do you think you will be able to find out whether they owned any land in Mississippi, Arkansas, Louisiana or Alabama? A Yes I think so. I don't think that they owned any land.
- Q Do you know if they ever owned any land scrip from the government? A No I do not.
- Q Do you know what land scrip is? A No.
- Q Well in this fourteenth article of the treaty of eighteen hundred and thirty a provision was made for those Indians who wanted to stay in Mississippi and whose names the Indian Agent did not record on his list. So under the fourteenth article of the treaty 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 take land there but when the United States sent an agent down to locate the land for these Indians it was found that a great many of them who claimed to have gone to the Indian agent and told him that they wanted to stay did not have their names registered on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi and look into the matter and find out which of the Indians were really entitled to land there in Mississippi under the fourteenth article of the treaty. These Commissioners passed on several hundred cases, some of them they allowed and some they 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 they were given scrip under which they could locate land in Mississippi, Arkansas, Louisiana or Alabama. That is what is meant when I asked you whether any of your ancestors ever received any scrip from the government? A That was to give them a chance to get land?
- Q Yes in any one of these states? A No I don't know anything about that.
- Q Do you understand now the points on which it is necessary for you to secure evidence in support of this application? A Yes.
- Q Well just make a statement of what particular points you expect to try to get evidence on? Proof on this.
- Q Yes? A I will have to hunt around and prove that I am a Choctaw Indian.
- Q Well is that all that you are going to try to prove that you are a Choctaw Indian? A No some other things.
- Q Well what other things? A Why that I am a Mississippi Choctaw.
- Q And that one of your ancestors lived in Mississippi in eighteen hundred and thirty? A Yes I will have to hunt up and get proof.
- Q Do you mean when you say that you have to get proof that you are a Mississippi Choctaw that you have to get evidence to show that your grandfather or grandmother or some of your ancestors were living in Mississippi or Alabama in eighteen hundred and thirty and that they were Choctaw Indians. Is that what you mean by it? A I don't know much about it. I don't want to say anything that I don't know much about.



#7

- Q Well I just wanted to find out if you thought tht it was necessary for you to get proof on that point? A I don't guess it is.
- Q Well it is one of the material points in your case to show whether you had an ancestor, father or mother, grandfather or grandmother, who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made, it is also a material point in your case to show whether that ancestor went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there, it is also a material point in your case to show whether your ancestor ever got any land in Mississippi, Arkansas, Louisiana or Alabama, and if so how they owned that land. When valuable property rights are concerned even the sworn statement of one of the interested parties will carry very little weight unless that statement is supported by outside evidence. You are making application for valuable property rights here in this Indian Territory and your statement will not have very much weight unless you get some outside evidence to back it up? A Yes.
- Q Have you anything else that you would like to say at this time? A No nothing else.
- Q Have you any witnesses here now that you wish to use? A No.
- Q Have you any papers that you wish to file now? A No I have none

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.

The applicant in this case has black hair, slightly wavy. His complexion is reddish brown, his nose straight and long, his chin is square. He has the appearance of one possessed of mixed blood, possibly Choctaw and a slight possession of negro and white. The presence of negro blood is indicated in the complexion and eyes and slight wave in the hair and it would appear that he might be possessed of perhaps at least one-half Indian blood.

- 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. He is not at all familiar with 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 on August 13, 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 1 day of November 1901.

*G. Rosenwinkel*  
*W. C. Mitchell*  
Notary Public.

*Mr. Cole*

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

In the matter of the application of Jim Chatman, et al.,  
for identification as Mississippi Choctaws, M.C.R. 3235.

---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 Jim Chatman for himself and his five minor children, George, Annie, Lee, Lola and William Chatman, 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 Maria Potts, who is alleged to have been a full blood Choctaw Indian, and Dick Chatman, who is alleged to have been possessed of Choctaw blood (degree thereof not stated).

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that 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 Maria Potts or Dick Chatman 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., 160), 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 Jim Chatman, George Chatman, Annie Chatman, Lee Chatman, Lola Chatman,

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

McAlester, Indian Territory.

(SIGNED)

C. R. Breckinridge.

Commissioner.

OCT 31 1902

*file*

M.C.R. 2235.

COPY.

Mustogee, Indian Territory, October 31, 1902.

Jim Chatman,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Chatman, 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 Jim Chatman, George Chatman, Annie Chatman, Lee Chatman, Lela Chatman, and William Chatman 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,

J. C., 2.

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

Respectfully,

(SIGNED)

*Tama Pirby.*

Acting Chairman.

Registered.

COPY.

Waskage, Indian Territory, October 31, 1902.

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

Gentlemen:

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jim Chatman, 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 Jim Chatman, George Chatman, Annie Chatman, Lee Chatman, Lola Chatman, and William Chatman 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

K., Hill, & Co., S.

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

Respectfully,

(SIGNED).

*James Dixby.*

Acting Chairman.



COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jim Chatman, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 31, 1902.

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

Respectfully,

(SIGNED)

*James B. ...*  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.

Enc.: M.C.R. 3335.

-1- COPY -1-

Land.  
69871-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Dec. 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a report made November 17, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Jim Chatman for the identification of himself and his five minor children, George, Annie, Lee, Lola and William Chatman, as Choctaw Indians claiming rights under the provisions of the 14th Article of the Choctaw treaty of 1830.

October 31, 1902, the Commission held that the applicants were not entitled to identification. Descent is claimed from Maria Potts, through Isabella Potts (nee Chatman) her daughter, it being claimed that Maria Potts was a member of the Choctaw tribe of Indians in Mississippi in 1830, and complied or attempted to comply with the provisions of Article 14 of the treaty.

The applicants are not full-blood Choctaw Indians. A careful search of the records of this office fails to show that Maria Potts received a patent for land under the provisions of the 14th Article of the treaty of 1830, or complied or attempted to comply with the provisions thereof; Neither does it appear that she applied to the Commissioners appointed under Acts of March 3, 1837,

and August 23, 1842, for an adjudication of her rights, if she had any as a Choctaw Indian.

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

Very respectfully,

W. A. Jones,  
Commissioner.

G. T. C.

L.

D.C. 2087

ITD.8018-1902.

L.R.S.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

EAF.

C O P Y

January 20, 1903.

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Jim Chatman and his minor children, George, Annie Lee, Lola and William Chatman.

The applicants claim to be descendants of one Maria Potts, alleged to have been a full blood Choctaw Indian, and one Dick Chatman, who is said to have been a Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Maria Potts or said Dick Chatman complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 ( 5 Stat., 513). You refused the application October 31, 1902.

The Commissioner of Indian Affairs forwarded the papers December 22, 1902 (Land 69871-1902), and recommended that your decision be approved. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, January 31, 1903.

Mansfield, McMurray & Corrish,

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

Gentlemen:

You are hereby notified that on the 20th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification of Mississippi Choctaws of the several persons included in the case of Jim Chatman, et al., of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

*James Dickey*

Acting Chairman.

COPY.

M.C.R. 3235

Muskogee, Indian Territory, January 31, 1903.

Jim Chatman,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 20th day of January, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Jim Chatman, et al., of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

*Tama Dixie.*  
Acting Chairman.

Muskogee, Indian Territory, April 2, 1903.

J. S. Chapman,  
Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the mother, Mary E. Chapman, and that of the attending physician, S. D. Donaho, relative to the birth of Josie Chapman, infant child of Jim and Mary E. Chapman, August 17, 1902, and the same is herewith returned for the reason that the Secretary of the Interior, on January 20, 1903, approved the decision of the Commission refusing the application of Jim Chatman for the identification of himself and minor children as Mississippi Choctaws.

Respectfully,

Commissioner in Charge.

George & Annie  
George & Annie Perkins were  
Admitted in marriage  
Aug 30th 1884.

George Watson was  
born July 21st 1885

Annie Watson was born  
Oct. 15th 1887.

Lee Watson was born  
Jan. 14th 1889.

Lola Watson was  
born June 6th 1893.

William Watson was  
born March 5th 1896.



Ms. B. 3235-

Name of applicant

vidence; Jim Chapman

Slip; Jim Chapman

No. 3235

For Identification as a Mississippi Choctaw.

Date AUG 13 1901

Name Jim Chapman

Age 38 Blood 3/4

Post Office, Sherman Texas.

Father: Dick Chapman (dead)

Mother: Deabel Chapman

Claims through mother and  
father  
wife: Mary Chapman  
(no claim for her)

Children:

- George Chapman 16
- Arnie " 14
- Lee " F 12
- Lola " 8
- William " 3

Claims for self and 5 children

Stenographer

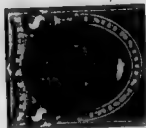
G Rosenwinkel

DEC 1922

1922



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Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

**OFFICIAL BUSINESS.**

**Penalty for private use, \$300.**

REGISTERED  
MAY 1902  
MUSKOGEE, INDIAN TERRITORY

Jim Chatman,

Sherman, Texas.



Choctaw MCR 3236

Andrew H. Payne

See MCR 3237

MCR 3236

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T., AUGUST 14, 1901.

#3236.

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

Applicant not represented by attorney.

Andrew Payne being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Andrew Payne.  
Q How do you spell Payne? A P-a-y-n-e.  
Q What is your age? A 48.  
Q What is your post office address? A Turkey  
Q Indian Territory? A Hall county, Texas.  
Q How long have you lived there? A A little over a year.  
Q Where did you live before you lived there? A Central Texas.  
Q How long have you lived in Texas? A 12 years.  
Q Where did you live before you lived in Texas? A Tennessee.  
Q How long did you live in Tennessee? A Was born and raised in  
Tennessee.  
Q You lived in Tennessee until you removed to Texas, 12 years ago?  
A Yes.  
Q What is your father's name? A Andrew Payne.  
Q Is he living? A No.  
Q What is your mother's name? A Annie Payne.  
Q Is she living? A No.  
Q Through which one of your parents do you claim Choctaw blood?  
A Through my father.  
Q How much Choctaw blood do you claim? A About one eighth.  
Q Has your father ever been recognized or enrolled as a member of  
the Choctaw tribe of Indians by the Choctaw Tribal Authorities or  
by the authorities of the United States? A I don't know as he was  
Q What did you say? A I don't know as he was.  
Q Have you any evidence of your father's and mother's marriage? A No  
Q Can you get such evidence? A I don't know whether I can or not  
Q It will be necessary that the Commission be supplied with evidence  
of the marriage of your father and mother in support of your  
application.  
Q Were they married under a license? A I think so.  
Q Do you know where they were married? A No.  
Q Will you be able to learn where they were married? A Yes, I can  
learn that I guess.  
Q You then, can get certificates from the Court Records? A I think  
so.  
Q Are you married? A Yes.  
Q What is your wife's name? A Jane.  
Q Is she living? A Yes.  
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,  
she is a white woman and makes no claim.  
Q Have you any children under 21 years of age and unmarried for whom  
you wish to make application? A Yes.  
Q How many? A Three.  
Q Give their names and their ages. A Charley, 19; James, 17; and  
Minnie, 15.

- Q Are you the father of these children? A Yes.
- Q What is the name of their mother? A My wife?
- Q Your children's mother? A Jane Payne.
- Q When and where were you married to Jane Payne? A I was married in Tennessee.
- Q When? A In June, '73; 1873.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A By an ordained minister.
- Q Have you your marriage license and certificate, and do you wish to offer them as evidence? A No, I haven't them here.
- Q 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 the names of any of your children upon the Tribal Rolls of the Choctaw Nation in Indian Territory? A I don't know if they are I don't know it.
- Q Have you ever applied to the Choctaw Tribal authorities in Indian Territory to have yourself and your three children enrolled as members of that tribe? A No, I think not; never before this time.
- Q Did you, or anyone for you or your children, in 1896 apply 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 been admitted to citizenship in the Choctaw Nation by judgement of the United States Court in Indian Territory on appeal from the Dawes Commission or Choctaw Tribal authorities? A I don't know.
- Q Well, you say you never made an application to the Dawes Commission or the Choctaw Tribal authorities? A No, I have never made an application.
- Q Then it is hardly probable that you were admitted by a judgement of the court on appeal at any time.
- 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 children 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 the identification as Mississippi Choctaws.
- Q What makes you think that you have a right to be identified as a Mississippi Choctaw? A Well, I have understood that under the Treaty of 1830 the Mississippi Choctaws had a chance.
- Q You claim then, under the treaty of 1830 do you? A Yes.
- Q Do you claim under any part of that treaty in particular, or under the whole treaty? A Under all the laws pertaining to our rights.

The law under which the Commission is acting at this time 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 seventh, eighteen hundred and thirty, and 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 under the fourteenth article of the treaty of 1830. In 1830 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 these states and move them to the country west of the Mississippi river. Some of the Indians, though, didn't want to leave their homes and move to this country and the other Indians wouldn't sign the treaty until some provision was made for those who wanted to stay there in Mississippi and Alabama; so, Article 14 was made a part of the treaty for the benefit of those Choctaws who didn't want to come west. After that article was put into the treaty, the Indians signed it all right and it was ratified by the United States and the Choctaw Tribe.

Article 14, 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 ~~and~~ ~~half~~ 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 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 as 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 provision of this treaty? A I claim under article fourteen.

Q Well, this fourteenth article which I just read to you.

Within six months after this treaty was ratified a great many Indians went to the Indian agent there in Mississippi and told him - they wanted to stay in Mississippi and become citizens of the United States, but when the government sent an agent down there to locate land for these Indians it was found that a great many who claimed that they had come to the Indian agent there and told him they wanted to stay in Mississippi, their names were not on the roll which the Indian agent had made. So, men were appointed as Commissioners and sent down there to look into the matter and find out which of the Indians had a right to the land there in Mississippi under the fourteenth article of the Treaty of 1830. The Commissioners passed on several hundred cases, some of them were refused and some of them were allowed. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and the President if the land which the Indians claimed hadn't been sold it was given to them. If it had been sold already they were given scrip, with which they could locate land on any public land in Mississippi, Arkansas, Alabama or Louisiana.

Q Did any of your ancestors own land in any of those states? A No; not that I know of.

Q What was the name of your ancestor who lived in Choctaw Nation in 1830 when this treaty was made and who was recognized as a Choctaw Indian? A Bergin Payne.

Q Did he live in Choctaw Nation in 1830? A In Mississippi.



- Q Was he recognized as a Choctaw Indian? A That's the way I was taught.
- Q How much Choctaw blood did he claim to have? A One half.
- Q What relation was he to you? A Grand father.
- Q Your father's father? A Yes.
- Q What was your father's mother's name? A I don't know.
- Q Did your father claim his Choctaw blood through his father? A Yes
- Q How old would your father be if he were living now? A I don't know.
- Q What is it? A I don't know just the year he died.
- Q Well, about how long ago did he die? A Well, he would have been 107 years old as well as I remember now if he had been living.
- Q Your father, then, must have been born somewhere about the year 1800? A He was 97 years old when he died. I don't remember.
- Q Then, he died about ten years ago? A Yes, I think it was ten years. That's not far from it.
- Q Well then, if your father would be about 107 years old, something like that, if he were living now, he must have been born about the year 1800? A Yes.
- Q Then your father must have been something like thirty years old himself when the treaty of 1830 was made? A Yes.
- Q Did your father live in Mississippi in 1830? A Yes.
- Q Did your father die in Mississippi? A No; he died in Tennessee.
- Q Do you know when he left Mississippi and when he went to Tennessee? A No; I don't know.
- Q Do you know about the time? A No; I don't know.
- Q Do you know if he left before the war or after the war? A Before the war.
- Q You were born in Tennessee were you? A Yes.
- Q Where did Bergin Payne die? A In Mississippi.
- Q Did you ever know him? A No.
- Q Do you know about when he died? A No; I don't know.
- Q Are you the oldest one of your father's children? A No.
- Q How many children were there older than you? A Two.
- Q How many years older than you was your father's oldest child? A I don't know.
- Q Do you know about how much older? A No, I don't know.
- Q How does it come that you don't know? Was that child dead? (No response)
- Q How does it happen that you don't know how much older than you the oldest child was? A I suppose I did know his age when I was small but he married and gone away from home a long time.
- Q Could you give some idea about how much older he was? Five years or Ten years? A Why, ten years I guess, but I don't know that.
- Q You are not positive of that? A No.
- Q Have you any evidence to show that Bergin Payne and Andrew Payne left Mississippi in 1830? A I haven't the evidence here.
- Q Can you get that evidence? A I think so.
- Q Do you know whether Bergin Payne or Andrew Payne came west with the other Choctaws to the present Choctaw Nation between 1830 and 1838? A I think not.
- Q Do you know whether either of them went to the Indian agent in Mississippi within six months after the treaty was ratified and told him they wanted to become citizens of the United States? A I heard father speaking of that, but I don't know if he got it or not.
- Q Did your father say whether he went or not? A I don't know; I just heard them talking about that when they went to register, I believe.
- Q Do you know what part of Mississippi your father lived in? A No; T-e-c-s-s-o-p-e-l-s-i County I believe.
- Q Do you know whether he owned any land there? A No, I don't know
- Q You don't know whether he went to those commissioners who were sent down there and tried to get land under the treaty of 1830? A No.

Do you think you would be able to get any evidence to show whether your father and grand-father were living in Mississippi in 1830?

A I think so.

Q And do you think you would be able to get evidence to show that they were in Mississippi Choctaw Indians? A I think so, Mississippi Choctaws.

Q Do you think you will be able to get evidence to show whether your father or grand-father went to the Indian agent there within six months after the treaty was ratified and told him they wanted to stay? A I don't know.

Q Do you think you would be able to get evidence to show that he ever got any scrip for land? A I don't know whether I can or not.

Q Do you understand that those are all important points in your case?

A I take it by what you told me about some others that that was necessary.

Q And you understand then the necessity for getting evidence on these points? A Yes.

Q Do you think you would be able to get any witnesses who can testify before the Commission on any of these subjects? A I don't expect I can get any before the Commission.

Q Can you get depositions? A I think so.

Q You understand that oral testimony carries more weight than depositions? A I didn't know that.

Q It would be better for you to bring witnesses in person for examinations by the Commission if you could get them to do so. If you could not do so, the Commission will accept their depositions and affidavits.

A That will be all I could do I expect; get their depositions.

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

Written application of Andrew H. Payne offered in evidence, marked "Exhibit A", filed and made a part of the record in this case.

Q This application is signed "Andrew H. Payne" You gave your name a moment ago as Andrew Payne. A Well, I signed it Andrew H. Payne, but when I call it I say Andrew Payne.

Q Your name then is Andrew H. Payne? A Yes.

The applicant has grayish hair and mustache which seem to have been black originally; gray eyes and rather dark complexion; features and general appearance are of those of a white man and show no traces of Indian blood. He knows of no compliance on the part of his ancestors with the provision of the 14th article of the treaty of 1830, though it appears from his testimony that his father and grand-father lived in Mississippi in 1830 and that his grand-father died in Mississippi.

Q How does it happen that you never made application before this time to become a citizen of the Choctaw Nation? A Well, I couldn't tell exactly, I don't think. There would be several of them.

Q Well what were those reasons? A I didn't know anything about it part of the time.

Q Didn't you know in 1896 that the Dawes Commission had the power to hear applications for identifications as Mississippi Choctaws? A No.

Q You didn't know it at that time? A No.

Q How long have you known that you had Indian blood? A I have been taught that all my life.

Q Didn't you know that the Dawes Commission had any power to hear applications for identification in 1896? A No.

Q How long have you known the Dawes Commission would hear applications for enrollment and identification? A Just part of this summer.

Q How did you happen to hear it this summer? A A neighbor was

- speaking to me of it the first I knew of it.
- Q Then, you never knew until this summer that you could apply to the Dawes Commission for enrollment as a Chectaw, or for identification as a Mississippi Chectaw? A No, I never knewed it. In fact, I never paid any attention to it to think about it until this summer.
- Q Is there anything else you would like to say at this time in support of your application? A No there is not.
- Q You never lived in Indian Territory yourself? A No.

Earl L. Kelly, 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 14, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Earl L. Kelly

Subscribed and sworn to before me this 21 day of August, 1901.

D. H. Hinebaugh  
Notary Public.

COPY.

Muskogee, Indian Territory, July 26, 1902.

Andrew H. Payne,  
Turkey, Texas.

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 Joel C. Payne, et al., embracing the following applications for identification as Mississippi Choctaws:

Joel C. Payne, et al.,                   M C R 3237  
Andrew H. Payne, et al.,                "       3236

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

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

Said decision concludes as follows:

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

Andrew H. Payne-2

Joel E. Payne, Johnnie Payne, Monroe Payne, Andrew H. Payne, Charley Payne, James Payne and Minnie Payne as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

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

Yours truly,

(SIGNED).

*T. B. Neelien.*

Commissioner in Charge.

Registered.

M.C.R.3236.

COPY.

Muskogee, Indian Territory, September 5, 1902.

Andrew H. Payne,

Turkey, Texas.

Dear Sir:-

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joel C. Payne, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Yours truly,

*Signed,*

*Tamc Dixby.*

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 14 1911

Name Andrew Payne

Age 48 Blood 1/8

Post Office, Turkey Texas

Father: Andrew Payne (dead)

Mother: Annie Payne (dead)

Claims through father

wife: Jane Payne  
(no claim for her)

Children:

Charley Payne 19

James " 17

Minnie " 15

Claims for self and 3 children

Stenographer

E. L. Kelly

Choctaw MCR 3237

Joel C. Payne

See MCR 3236

MCR 3237



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
ATOKA, I.T., AUGUST, 14, 1901.

#3237.

In the matter of the application of Joel C. Payne for the identification of himself and three minor children as Mississippi Choctaws.

Applicant not represented by an attorney.

Joel C. Payne being first duly sworn testified as follows:  
Examination by the Commission.

Q What is your name? A Joel C. Payne.  
Q How do you spell Joel? A J-o-e-l.  
Q What is your age? A 66.  
Q Are you a brother of Andrew H. Payne who just applied? A Yes.  
Q What is your post office address? A Sherman, Texas.  
Q Have you a street number? A No.  
Q How long have you lived there? A About 8 years.  
Q How long have you lived in Texas? A About that time; 8 years.  
Q Where did you live before you lived in Texas? A In Arkansas; four years; from Tennessee to Arkansas.  
Q You moved from Tennessee to Arkansas about 12 years ago? A Yes.  
Q How long did you live in Tennessee? A Something like 50 years, I suppose. I was born and raised there.  
Q You were born in Tennessee? A Yes/  
Q What is your father's name? A Andrew Payne.  
Q Is he living? A No.  
Q What is your mother's name? A Annie.  
Q Is she living? A No.  
Q Which one of your parents claimed Choctaw blood? A My father.  
Q How much Choctaw blood do you claim? A About one eighth.  
Q Has your father been recognized in any way as a member of the Choctaw tribe or enrolled by the Choctaw Tribal Authorities or by the authorities of the United States? A No, not that I know of.  
Q Have you any record of your father's and mother's marriage? A I haven't, but it could be had.  
Q 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. A Yes.  
Q What is your wife's name? A Ella.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q She is a white woman and claims no Choctaw Blood? A Yes.  
Q Have you any children under 21 years of age and unmarried for whom you wish to make application. A Yes.  
Q How many? A Two.  
Q Give the names and ages of those children? A Johnnie, 18 and Monroe 14.  
Q Both boys? A Yes.  
Q Are you 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 her? A Married in Tennessee.  
Q When? A In '67, I think it was.  
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 marriage license and certificate and do you wish to offer the same in evidence? A I haven't it here.
- Q It will be necessary that the Commission be supplied with evidence of your marriage to your wife in support of the application you make for your minor children. A I understand it that way.
- QM Is your name or the names of any of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A Not that I know of.
- Q Have you ever applied to the Choctaw Tribal Authorities in Indian Territory ~~for~~ to have yourself or children enrolled as members of that Tribe? A No.
- Q Did you, or anyone for you or your children, in 1896 apply 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 been admitted to citizenship in Choctaw Nation by the Choctaw Tribal Authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted ~~to~~ citizenship in the Choctaw Nation by a judgement of the United States court in Indian Territory on appeal from from the Choctaw Tribal authorities or the Dawes Commission? 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 children admitted as citizens of the Choctaw nation? A No.
- Q This is the first application of any kind you have ever made? A Yes the first I have ever made.
- Q What kind of an application do you want to make now? A Well, I want to make application for citizenship as Mississippi Choctaw.
- Q Do you claim to be a Mississippi Choctaw? A Yes, by decent; by blood.
- Q Do you claim under any treaty between the United States and Choctaw Nation? A Not that I know of.
- Q What makes you think then that you have a right to make application as a Mississippi Choctaw? A Because my parents taught me that way when I was small.
- Q Your parents taught you that you had a right to make this application? A No, that we had Choctaw blood in us. Didn't teach us about any application at that time.
- Q You are making application now because you had always been taught that you had Choctaw blood? A Yes.

The law under which the Commission is acting at this time is found in Section twenty one of the Act of Congress of June 26, 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 seventh, eighteen hundred and thirty, and 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 identify applicants who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Indians who lived in Mississippi and Alabama for the purpose of moving them west of the Mississippi River and giving them land there in exchange for their lands in those two states. Some of the Indians didn't want to leave their homes and come west of the Mississippi and the other Indians wouldn't sign the treaty unless some provision was made for those who wanted to stay there in Mississippi. So, article fourteen

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was made a part of the treaty for the benefit of those Choctaws who didn't want to come west. After this article was made a part of the treaty the Indians signed it all right and it was ratified by the United States and the Choctaw tribe. Article fourteen of the treaty of 1830 provides, that: "

"Each head of a Choctaw 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 land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you make any claim under the provision of this article of this treaty? A (No response.)

Q You make application under the fourteenth article? A I take it that we come in under that article.

Q Well, you understand that it is that fourteenth article which has just been repeated to you? A Yes.

Within six months after that treaty was ratified a great many Indians went to the agent in Mississippi and told him that they wanted to stay in Mississippi and take land there, but when the agent was sent down there by the government to locate land for the Indians it was found that a large number who claimed that they had gone to the agent and told him they wanted to stay, their names were not on the roll which the Indian agent had made. So, men were appointed by Congress and sent down there to find out which of the Indians had a right to the land in Mississippi. These Commissioners passed upon several hundred cases. Some were allowed and some refused. In the cases where the claim were allowed by the commissioners and were approved by the Secretary of War and the president if the land had already been sold they were given scrip with which they could locate land in Mississippi, Arkansas, Alabama or Louisiana; but if it had not already been sold it was given to them.

Q Did any of your ancestors own land in any of those states? A No.

Q What was the name of your ancestor who lived in the Choctaw Nation in 1830 and was recognized as a Choctaw Indian? A Andrew Payne, my father and Bergin Payne.

Q What was your father's father's name? A Bergin Payne.

Q What was your father's mother's name? A I don't know.

Q Which one of your parents claimed to be Choctaw? A My father's father, Bergin.

Q Are you the oldest one of your father's children? A There is one son older.

Q Do you know how much older he is than you are? A No.

Some six or seven years. I won't be positive; he has been dead quite a while.

Q What year were you born in? A I was born about, let me see, I am 66 years old; the Bible got destroyed and I don't know much about it.

Q Then you think it was about 1835? A Yes.

- 4---
- Q That would be 66 years ago. A Yes.
- Q And you think that your older brother was born somewhere close to the year 1830? A Yes.
- Q Then your father was a married man and had a family in 1830? A Yes.
- Q How old would your father be if he were living now? A He would be something over 100; something over 100 or somewhere about there.
- Q He was born about the year 1800? A Yes, I think so.
- Q Did Andrew Payne live in Mississippi in 1830? A That was my understanding.
- Q Will you be able to get any evidence to show where he was living in 1830? A Yes.
- Q Did Bergin Payne live in Mississippi in 1800? A Yes.
- Q Did you ever know your grand-father? A No.
- Q Was it before you can remember? A I don't know. He was dead before I can remember. I don't remember of seeing him. Never did see him at any time as I remember of.
- Q Do you know where he died? A No. I don't know positively; in Mississippi I suppose, but that's all; not positive of that.
- Q You have always been taught that he lived and died in Mississippi? A Yes.
- Q Did your father die in Mississippi? A No.
- Q Where did your father die? A In Tennessee.
- Q Were you born in Tennessee? A Yes.
- Q Did you ever hear where your older brother was born? A I don't remember that I did.
- Q Did your father go to the agent in Mississippi and tell him he wanted to stay in Mississippi and take land there? A No; I don't know.
- Q Do you think you would be able to get any evidence to show whether he did or not? A I think I can.
- Q You understand that is a material part in your case? A Yes.
- Q Do you know whether your father went to any of those commissioners under the act of Congress to see whether he could get scrip for land? A I don't know.
- Q Your father never said anything about it? A Never told me.
- Q How does it happen that you never made application before this time? A Because I never had got to understand how and where I could make it, I was getting the proof and taking evidence and finding some of the people to come here.
- Q Have you found them now? A I think I got them where I can make it now.
- Q Do you think you can get them before the commission now? A I doubt it.
- Q Where do they live? A In Texas.
- Q Can you take them to the office at Meridian, Mississippi? A I don't know at this time whether I could or not.
- Q You understand do you that oral testimony in these claims is of more weight than depositions and affidavits? A Yes.
- Q If you cannot take them before the commission to testify can you get their depositions? A I think so, yes.
- Q Do you understand now the points on which to get their evidence? A Well, I think I do.
- Q Just mention the points on which you think you want to get evidence? A Well, I think I want to get evidence to show that my grand-father was a Mississippi Choctaw and my father lived in Mississippi in 1830. I think I can do that. I think I can find if my father had ever enrolled or asked to be enrolled. I think I can find that.
- Q Well, you think you can secure evidence on those points then? A Yes.
- Q If you wish to offer any further evidence in support of your application the Commission will accept the same and make it a part of the record in your case. A I think I have my father's license and my marriage certificate. That is the evidence I wish to put in.
- Q Have you any papers you wish to file at this time?

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Written application of Joel C. Payne, offered in evidence, marked "Exhibit A", filed and made a part of the record in this case.

Q Can you speak Choctaw? A I cannot.

This applicant has gray hair and blue eyes and rather dark complexion. His features and general appearances 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 provision of the 14th article of the treaty of 1830, although it appears from his testimony that his father and grand-father lived in Mississippi in 1830.

Earl L. Kelly, being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on August 14th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

*Earl L. Kelly*

Subscribed and sworn to before me this 21 day of August, 1901.

*R. H. Linebaugh*  
Notary Public.

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

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In the matter of the application of Joel C. Payne, et al.,  
for identification as Mississippi Choctaws, consolidating the  
applications of

Joel C. Payne, et al.,  
Andrew H. Payne, et al.,

M C R 3237  
M C R 3236

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 Joel C. Payne, et al., for identification as Mississippi Choctaws.	1
Written petition of Joel C. Payne.	6
Copy of letter of Joel C. Payne addressed to the Commission to the Five Civilized Tribes, asking leave to withdraw his application for identification as Mississippi Choctaws.	6a
Original application of Andrew H. Payne, et al., for identification as Mississippi Choctaws.	7
Written petition of Andrew H. Payne.	13
Final decision of the Commission in the con- solidated case of Joel C. Payne, et al., ap- plicants for identification as Mississippi Choctaws, denying such application.	24

J. R. B.  
C. v. W.

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

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

Joel C. Payne, et al.,  
Andrew H. Payne, et al.,

H C R 3237  
H C R 3236

--: 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 Joel C. Payne for himself and his two minor children, Johnnie  
and Manree Payne; and by Andrew H. Payne for himself and his three  
minor children, Charley, James and Minnie Payne, under the follow-  
ing provisions of the act of Congress approved June 22, 1896, (29  
Stat., 498):

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

It also appears that 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 Bergin Payne, who is alleged to have been an one half blood Choctaw and to have resided in the old Choctaw Nation, 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 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that any person by the name of Bergin Payne, 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, 1857,





COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45085-1902.

Washington, August 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 26, 1902, by the commission to the five Civilized Tribes, forwarding the record in the matter of the application for identification as Mississippi Choctaws of Joel C. Payne, who applies for himself and two minor children, Johnnie and Menree Payne; and of Andrew H. Payne, who applies for himself and three minor children, Charley, James and Minnie Payne.

Descent is claimed from Andrew Payne and Bergin Payne, father and grandfather of principal applicant.

These ancestors are not shown by the records of this office to have received or attempted to secure the benefits of the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is therefore respectfully recommended that the decision of the commission refusing to identify the applicants, be approved.

Very respectfully,  
Your obedient servant,  
A. C. Tenner,

WCV  
D

Acting Commissioner.

3 inclosures.

D. C. 14070-1902.

51088

HAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 4799-1902.

August 26, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Cheetaws, of Jeel C. Payne and his two minor children, Johnnie and Monroe Payne, and of Andrew H. Payne and his three minor children, Charley, James and Minnie Payne. The record, including your decision rejecting the applications, was transmitted with your letter of July 26, 1902.

The applicants attempt to trace their Cheetaw descent from one Bergin Payne, who is said to have been a Cheetaw Indian of one-half blood and to have resided in the old Cheetaw Nation in 1830.

The record fails to show that any one of the applicants was ever admitted to citizenship in the Cheetaw Nation, or that said alleged ancestor or a less remote ancestor ever complied or attempted to comply with the provisions of article XIV of the treaty of September 27, 1830, or with the acts of March 3, 1837

( 5 Stat., 180), and August 23, 1842 ( 5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded the papers August 5, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After a careful review of the whole case the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

I ind esure.

E.M.D.

Miss. Choctaw 3237

Muskogee, Indian Territory, April 11, 1902.

Joel C. Payne,  
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of recent date, stating that you failed to secure the evidence you expected to offer in support of your application for the identification of yourself and your two minor children as Mississippi Choctaws, and you therefore ask that the same be returned to you.

In reply to your letter you are advised that the Commission cannot permit of the withdrawal from its files of applications for identification as Mississippi Choctaws and must take up and pass upon each application made to it, but your request has been made a matter of record in your case, and will receive consideration in the disposition of your application.

Yours truly,

Acting Chairman.

M C R 3237

COPY.

Muskogee, Indian Territory, July 26, 1902.

Joel C. Payne,  
Sherman, Texas.

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 Joel C. Payne, et al., embracing the following applications for identification as Mississippi Choctaws:

Joel C. Payne, et al.,                    M C R 3237  
Andrew H. Payne, et al.,                •        3236

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

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

Said decision concludes as follows:

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

Joel C. Payne-8

Joel C. Payne, Johnnie Payne, Monroe Payne, Andrew H. Payne, Charley Payne, James Payne and Minnie Payne as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered\*.

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

Yours truly,

(SIGNED)

*I. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

M C R 3237

Muskogee, Indian Territory, July 26, 1902.

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

Gentlemen:

You are hereby advised that on the 26th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the Consolidated case of Joel C. Payne, et al., embracing the following applications for identification as Mississippi Choctaws:

Joel C. Payne, et al.,                   M C R 3237  
Andrew H. Payne, et al.,               "       3236

These applications were made under the provisions of the act of Congress of June 23, 1898 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

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



M. McK & C-3

Joel C. Payne, Johnnie Payne, Monroe Payne, Andrew H. Payne, Charley Payne, James Payne and Minnie Payne as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

COPY.

M C R 3237

Muskogee, Indian Territory, July 26, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Joel C. Payne, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26th, 1902.

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

Joel C. Payne, et al.,                   M C R 3237  
Andrew H. Payne, et al.,                "     3236

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

Respectfully,  
(SIGNED)

*T. B. Needles.*

Commissioner in Charge

Through the Commissioner  
of Indian Affairs.

1 enclosure.

M.C.R.3237

COPY.

Muskogee, Indian Territory, September 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joel C. Payne, et al., of which decision you were advised by mail on the 26th day of July, 1902.

Yours truly,

*Tamo Dinby.*  
Acting Chairman.

COPY

M.C.R.3237

Muskogee, Indian Territory, September 5, 1902.

Joel C. Payne,

Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 26th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joel C. Payne, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Yours truly,

*Tame Dixey.*  
Acting Chairman.

Consolidated Case of  
Joel C Payne et al

REFER TO M. C. R. 3237

Bergin Payne, <sup>1/2</sup> dead

Andrew Payne, dead

wife

Arnie Payne, dead

McK  
3236

Andrew H. Payne, 48 1/8

wife

Jane Payne, w.

McK  
3237

Joel C Payne, 66 1/8

wife

Ella Payne, w.

William L Payne 27

Millie Payne, 22

Mandy Payne, 20

McK  
3237  
Johnnie Payne, 18

Monroe Payne, 14

Brown Payne, 27

Asena Payne, 25

David Payne, 21

McK  
3236  
Charley Payne, 19

James Payne, 17

Minnie Payne 15

No. 3237

For Identification as a Mississippi Choctaw.

Date AUG 14 1901

Name *Joel C. Payne*

Age *66* Blood *1/8*

Post Office, *Sherman, Texas*

Father: *Andrew Payne (dead)*

Mother: *Annie Payne (dead)*

Claims through *father*

wife: *Ellen Payne* ✓  
(no claim for her)

Children:

*Johnnie Payne 18*  
*Monroe " 14*

*Claim for self and 2 children*

Stenographer

*E. L. Kelly*

Choctaw MCR 3238.

Colm Huff

MCR 3238



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----|-----

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

Colm Huff, et al.....M.C.R. 3228  
Reames Huff, et al.....M.C.R. 3239  
Leonard Huff, et al.....M.C.R. 3240  
William M. Huff, et al.....M.C.R. 1692.

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

Original application of Colm Huff et al.,  
to the Daves Commission for identifica-  
tion as Mississippi Choctaws.....1  
Written petition of Colm Huff.....8  
Affidavit of W. B. Fox.....9  
Affidavit of B. A. Fox.....10  
Original application of Reames Huff, et  
al., to the Daves Commission for identi-  
fication as Mississippi Choctaws.....10 (a).  
Written petition of Reames Huff.....17.

(2).

Affidavit of B. A. Fox.....	18
Affidavit of William B. Fox.....	19
Original application of Leonard Huff, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	20
Reference to Volume VII, American State Papers.....	25
Written petition of Leonard Huff.....	26.
Affidavit of B. A. Fox.....	27
Affidavit of William B. Fox.....	28
Original application of William M. Huff, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	29
Marriage certificate of W. M. Huff and Jennie Hitch.....	31
Decision of the Commission denying the applications of Colm Huff, et al., Reame Huff, et al., Leonard Huff, et al., and William M. Huff, et al., for identification as Mississippi Choctaws .....	32

-----:-----

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 14, 1901.

3238

In the matter of the application of Colm Huff for identification of himself and his four minor children as Mississippi Choctaws

Not represented by attorney.

Colm Huff being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Colm Huff.  
Q How do you spell that? A C-o-l-m.  
A And H-u-f-f? A Yes H-u-f-f-.  
Q What is your age? A Fifty-seven.  
Q What is your post-office address? A Hale, Texas.  
Q How long have you lived there? A I have not lived there very long, only since the 16th of February.  
Q How long have you lived in Texas? A Since the 16th of February last.  
Q Where did you live before you lived there? A In Tennessee.  
Q How long have you lived in Tennessee? A I was born and raised there.  
Q What is your father's name? A Nathan Huff.  
Q Is he living? A Yes.  
Q What is your mother's name? A Elisa Huff.  
Q Is she living? A No.  
Q Which one of your parents claimed to be Choctaw? A My grandfather on my mother's side.  
Q Well, which one of your parents claimed to be Choctaw? A My mother.  
Q How much Choctaw blood do you claim? A One-eighth I believe.  
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 not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Martha.  
Q Is she living? A Yes.  
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 whom you wish to make application at this time? A Yes, six.  
Q Under twenty-one years of age and unmarried? A No I have got four children that is under age.  
Q Give the names and ages of these children? A (Handing slip of to Examiner)  
Q Can't you read them off? A No I can't read them.  
Q You have your name spelled here on this memorandum slip C-o-l-u-n is that right? A I don't know I can't read.  
Q Well you spelled it C-o-l-m? A That is one way.  
Q Well is that the way to spell it? A Yes.  
Q On this memorandum slip the names are given of eight children; three over age and five are under age? A Well that is right but one is married.  
Q Is Sarah married? A No John is married.

Names and ages of applicants children for whom application is made as read from memorandum slip introduced by him.

Sarah Huff, twenty.  
George Huff, seventeen.  
Lettie Huff, fifteen.  
Tom Huff, twelve.

- Q These are your children? A Yes.  
Q What is the name of their mother? A Martha.  
Q When and where were you married to Martha? A-----  
Q When? A Well I just don't remember the date.  
Q About how long ago? A It has been twenty-six or seven years ago I guess. May be longer, I don't remember.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by a minister or an official? A Official.  
Q Justice of the Peace? A Yes.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A Yes.  
Q Have you it with you? A No.  
Q Do you want to file it? A I don't know.

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 Indian Territory? A I don't know.  
Q Have you ever lived in the Indian Territory? A No.  
Q Have you ever applied to the Choctaw tribal authorities of 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 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 or your children 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 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 not that I know of.  
Q You have no reason to think you have? 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.  
Q What kind of an application are you making now? A Why under the treaty of eighteen hundred and thirty.  
Q You claim as a Mississippi Choctaw? A Yes.  
Q Under the treaty of eighteen hundred and thirty? A Yes.  
Q You claim under any particular part of that treaty? A No not that I know of.

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 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 a report to the Secretary of the Interior."

That law gives the Commission 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 United States wanted to make a treaty with the Choctaws who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all to the Country west of the Mississippi River but some of the Indians did not want to leave their homes there in Mississippi and Alabama and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to stay there 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 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 that article of that treaty? A Why I don't know of any claim particularly.

Within six months after this 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 take land there but when an agent was sent down by the government to locate the land for the Indians it was found that there were a great many who claimed they had gone to the Agent whose names were not on the roll which he had made, so under different acts of Congress Commissioners were appointed to go down into Mississippi in look into this matter and find out just who of the Indians were really entitled to land under the fourteenth article of the treaty. These Commissioners took up and passed on a great many cases, several hundred. Some of them they allowed and some were refused. In

those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and by the President, if the land which the Indians claimed had not already been sold it was given to them, if it had been sold they were given scrip with which they could buy land from any of the vacant government lands in the states of Mississippi, Arkansas, Louisiana or Alabama.

- Q Did any of your ancestors own land in any of these states? A  
A I don't know.
- 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 What was the name of my grandfather?
- Q Well whatever ancestor lived in the old Choctaw Nation in eighteen hundred and thirty? A Why his name was George.
- Q George what? A George Wolf, they call'd him Peter Wolf.
- Q Why did they call him Peter Wolf? A Why that was part of his name some how. It was entolled that way I believe.
- Q What relation was he to you? A He was my grandfather.
- Q Your mother's father? A Yes.
- Q What was your mother's mother's name? A Betsy.
- Q Your mother claimed her Choctaw blood through her father did she? A Her great grandfather and grandmother were both Indians.
- Q Then your mother claimed her Choctaw blood through both of her parents? A Yes.
- Q What was George Wolf's father's name? A I don't know.
- Q What was George Wolf's mother's name? A I don't know.
- Q What was Betsy Wolf's mother's name? A I don't know.
- Q How much Choctaw blood did George Wolf claim to have? A One-half.
- Q How much Choctaw blood did Betsy Wolf claim to have? A I don't know what she claimed.
- Q How old would your mother be if she were living now? A I don't know.
- Q How long has she been dead? A Why she has been dead, I could not tell you exactly, she has been dead thirty years, --No I don't think it is that long, somewhere between twenty and thirty years.
- Q Do you know about how old she was when she died? A No I don't.
- Q You must remember your mother? A Yes but I was very small when she died.
- Q Was how call when she died? A U was a good sized boy.
- Q Well if she died thirty years ago you must have been twenty seven years of age when she died? A Well I was just only a chunk of a boy when she died.
- Q About how old was you when she died? A I don't remember.
- Q Was you a grown boy? A No I was not grown.
- Q Then your mother must have been dead forty years or more? A I don't think it has been quite forty.
- Q Well is she had been dead only forty years you would have been seventeen years when she died? A Well I don't remember.
- Q Well have you any idea about how old your mother was when she died? A No I have not.
- Q Was she an old woman? A No not very old.
- Q Was she a middle-aged woman? A Som thing like middle aged.
- Q Forty or forty-five years old? A Som thing like that I don't remember.
- Q Was your mother living in eighteen hundred and thirty? A I don't remember.
- Q Of course you would not be expected to remember, but did you ever hear anything about it? A No I have not heard it spoken of.

74

- Q You don't know then whether your mother was living in eighteen hundred and thirty or not? A No I don't remember.
- Q Was your mother's father living? A I don't recollect.
- Q Well you would not be expected to remember but did you ever hear?
- A No I did not.
- Q Well was your mother's mother living in eighteen hundred and thirty? A Could not tell you.
- Q Were any of these people, your mother or your grandfather or grandmother living in Mississippi in eighteen hundred and thirty?
- A Not that I know of.
- Q Is there anybody living who would know? A Why I suppose so.
- Q Well can you get their evidence? A I guess so.
- Q Do you understand that if you do not have some evidence to show about this you will have a very poor case for the Commission to take up and pass on. You don't know whether your ancestors were living in Mississippi in eighteen hundred and thirty or whether they were living at all or not? A No answer
- Q Did they have any Choctaw blood? A Which.
- Q Your grandfather and grandmother and your mother? A Yes I suppose they did.
- Q Well how do you know that? A Well I understand that they had.
- Q Is there anybody living who could testify on that? A Yes.
- Q Who? A I don't know who.
- Q Is there any one living who knew your mother who could testify that she had Choctaw blood? A Yes.
- Q Who is that? A I don't know.
- Q You have some papers that you think will show these things up?
- A Yes.

Written application of Colm Huff offered in evidence, marked exhibit "A" filed, and made a part of the record in this case.

Affidavit of W. B. Fox offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

- Q Who is W. B. Fox? A Bart Fox.
- Q Well who is he? A I could not tell you.
- Q In this affidavit W. B. Fox states that he is fifty-three years old and that he has known Peter and Bettie Wolf for the past fifty years. Are Peter and Bettie Wolf living now? No.
- Q How long have they been dead? A I don't know I could not tell you.
- Q Did this man W. B. Fox ever know them? A Yes he lived right close by them.
- Q Where was that? A In Tennessee.
- Q When was that? A I could not tell you that. boy
- Q Did you ever know your grandfather and grandmother? A Yes. It was when I was a
- Q Did they die before your mother died? A I don't remember, my grandfather did I think but my mother died before my grandmother did.
- Q How long has your grandmother been dead? A I don't know.
- Q The man that makes this affidavit is not as old as you are. How does it happen that he can remember better than you can? A Well he has better recollection than I have I guess.

Affidavit of B. A. Fox offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

- Q Who is B. A. Fox? A I could not tell you any more than that he is a Fox.

- Q Do you know him personally? A Yes.
- Q Where does he live? A Fannin County.
- Q Texas? A Yes.
- Q Are you personally acquainted with W. B. Fox? A Yes.
- Q Is he any relation to B. A. Fox? A No none that I know of.
- Q Were you the oldest one of your mother's children? A Yes.
- Q Well you know almost nothing of your parents or your ancestors. Is there anybody who can tell more about them that you can bring before the Commission? A I don't know that there is. I might get their depositions or something like that.
- Q Did Eliza Huff or Peter or Betty Wolf come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight? I don't know.
- Q Did they or did any one 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 there and take land and become citizens of the United States? A I don't know. My grandfather was gone a good long time but I don't know whether he went back there or not.
- Q Gone from where? A From Tennessee.
- Q When was that? A I don't remember.
- Q Was that after you was old enough to remember? A I was a good chunk of a boy.
- Q Well do you remember of his being gone from Tennessee? A Yes I remember that.
- Q But you don't know where he went? A No I don't know.
- Q Well that could not have been in the year eighteen hundred and thirty because you were not born then? A I don't remember how long ago it has been.
- Q How does it happen that you don't know more about your ancestors than you do? A Well I just can't remember things.
- Q You do not know whether your mother, grandmother or grandfather ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't know.
- Q Is there any one living who would be able to testify whether they owned land in any of these states or not? A Not that I know of.
- Q Is there anybody living who would be able to tell 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 there and take land? A Not that I know of.
- Q Do you understand that these are all important points in your case? A I don't know.
- Q It is very important to your case that you secure evidence to show whether your mother or grandfather or grandmother lived in Mississippi in eighteen hundred and thirty and that they were Choctaw Indians; it is very important that you secure evidence to show whether any 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 there in Mississippi; it is very important that you secure evidence to show whether your mother's name was Eliza Huff or Eliza Wolf when that treaty was made in eighteen hundred and thirty and whether she lived at that time? A I suppose I can.
- Q Do you understand the points on which it is necessary for you to secure evidence? A Do I understand in what one.
- Q Do you understand what I was just trying to tell you; the points on which you should secure evidence? A Yes.
- Q Is there any other statement that you would like to make at this time in support of your application? A None that I know of.



#7

- Q Have you any other papers that you want to file? A No.
- Q How does it happen that you never tried to make application before this time? A Well I never knew that I had any right particularly.
- Q You did not know that you were an Indian? A Yes I knew that I was an Indian but I did not know that I had a chance for a right until just lately.
- Q Since how long have you known it? A Since I came to Texas mostly.
- Q Well how did you find it out then? A I just heard it spoken of by first one and then another.
- Q How long have you known tht you were Indian? A I knew that a long time. I heard it spoken of when I was little.

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 A I would not wish to make any evidence.
- Q You don't wish to introduce any further evidence in support of your application? A Not now.
- Q Well I was not speaking about now. Do you think you have introduced sufficient evidence here for the Commission to identify you as a Mississippi Choctaw? A I don't know.
- Q You are making application here for valuable property rights and in a case where valuable property rights are at stake even the sworn statement of the party in interest carries very little weight unless supported by outside evidence, that is evidence of parties not interested in the case. You are in the position of an applicant for valuable property rights. You don't know these facts about your ancestors about whom you have been questioned and you don't offer any evidence on these points. Your unsupported statement even if you knew all about these points would carry very little weight unless you had some other evidence to back it up? A Well I may get it I don't know.

This applicant has black hair, brown mustache, dark eyes and dark complexion. His features and general appearance are those common to the white race, tho' his cheek bones are a trifle prominent and he may possibly be possessed of a slight per-cent of Indian blood although this is very difficult to determine.

- 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, and knows almost nothing about his ancestors. It has been very difficult to elicit 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 14, 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 before me this 1 day of November 1901.

*John Mitchell Wood*  
Notary Public.

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

*C. W.  
C. W.*

-----

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

Colm Huff, et al.....	M.C.R. 3238
Reames Huff, et al.....	M.C.R. 3239
Leonard Huff, et al.....	M.C.R. 3240
William M. Huff, et al.....	M.C.R. 1692.

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

It appears from the record herein that applications  
for identification as Mississippi Choctaws were made to this Commis-  
sion by Colm Huff for himself and his four minor children, Sarah,  
George, Lettie and Tom Huff; by Reames Huff for himself and his  
three minor children, Mary, Neal and George Huff; by Leonard Huff,  
for himself and his four minor sisters and two minor brothers, Mary,  
George, Claude, Page, Lillie Maude and Susie Huff; and by William M.  
Huff for himself and his four minor children, Loyd H., James H.  
Willie V. and Charles Huff, under the following provision of the act

(2).

of Congress approved June 28, 1898, (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one George (or George Peter or Peter) Wolf, who is alleged to have been a half-blood Choctaw Indian, and Betsy Wolf (nee Wright), who is also alleged to have been a Choctaw Indian, (degree of blood not given):

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore

(3).

were claimants thereunder, that the said George (or George Peter or Peter) Welf, or the said Betsy Welf (nee Wright), or ancestors less remote of any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 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 Colm Huff, Sarah Huff, George Huff, Lettie Huff, Tom Huff, Reames Huff, Mary Huff, Neal Huff, George Huff (2), Leonard Huff, Mary Huff (2), George Huff (3), Claude Huff, Page Huff, Lillie Maude Huff, Susie Huff, William M. Huff, Loyd E. Huff, James H. Huff, Willie V. Huff and Charles Huff as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

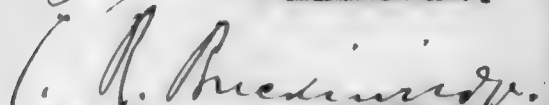
THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,

JUL 18 1902

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y

DC-13613)

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,

Land  
43286-1902.

Washington, August 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated July 18, 1902, forwarding for the Department's consideration the record relative to the consolidated case of Colm Huff, et al., applicants for identification as Mississippi Choctaws claiming rights to the Choctaw lands under the provisions of article fourteen of the treaty of 1830.

Colm Huff applies for the identification of himself and four minor children, Sarah, George, Lettie and Tom Huff; Reames Huff applies for the identification of himself and three minor children Mary, Neal and George Huff; Leonard Huff applies for himself and his four minor sisters and two minor brothers, Mary, George, Claude, Page, Lillie Maude and Susie Huff; and William H. Huff applies for himself and four minor children, Loyd H., James H., Willie V., and Charles Huff.

July 18, 1902, the Commission decided that the applicants were not entitled to identification as Mississippi Choctaws,

Attempt is made to trace descent from principal applicant's grandfather, George, (or George Peter), (or Peter, Wolf; and from his grandmother, Betsey Wolf, nee Wright.

An examination of the records of this office fails to show that any of the above named alleged ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or that they applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights as Choctaw Indians.

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

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW  
D

3 inclosures

## DEPARTMENT OF THE INTERIOR

Washington, August 18, 1902.

ITD-4862-1902.  
IRSCommission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the consolidated case involving the applications for identification as Mississippi Choctaws, of Colm Huff and his four minor children, Sarah, George, Lettie and Tom Huff; of Reames Huff and his three minor children, Mary, Neal, and George Huff; of Leonard Huff, and his four minor sisters and two minor brothers, Mary, George, Claude, Page, Lillie Maude and Susie Huff; and of William H. Huff and his four minor children, Loyd H., James H., Willie V., and Charles Huff. The record, including your decision of July 18, 1902, rejecting the applications, was transmitted with your letter of that date.

The applicants attempt to trace their descent from one George (or George Peter or Peter) Wolf, alleged to have been a half-blood Choctaw Indian, and from Betsey Wolf (nee Wright), alleged to have been a Choctaw Indian.

The record fails to show that any one of the applicants was ever duly admitted or enrolled as a Choctaw citizen, or that either of said alleged ancestors, or a less remote

ancestor of the applicants, ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (8 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded the papers August 7, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After a careful review of the whole case the Department affirms your decision.

Respectfully,

Thos Ryan,

Acting Chairman.  
RMD

1 inclosure.



COPY.

Muskogee, Indian Territory, July 18, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the consolidated case of Celm Huff, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of July 16, 1902.

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

Celm Huff, et al.,	M C R 3238
Reames Huff, et al.,	M C R 3239
Leonard Huff, et al.,	M C R 3240
William M. Huff, et al.,	M C R 1692

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

Respectfully,

(SIGNED).

*T. B. Needles.*

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs,  
1 enclosure.

OPY.

M C R 3238

Wattagee, Indian Territory, July 18, 1902.

Calm Huff,  
Mail, Texas.

Dear Sir:

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

Calm Huff, et al.,	M C R 3238
Reames Huff, et al.,	M C R 3239
Leonard Huff, et al.,	M C R 3240
William M. Huff, et al.,	M C R 1692

These applications were made under the provisions 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, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calm Huff, Sarah Huff, George Huff, Lottie Huff, Tom Huff,

C H    2.

Reuben Huff, Mary Huff, Neal Huff, George Huff (2), Leonard Huff, Mary Huff (2), George Huff (3), Glend Huff, Page Huff, Lillie Maude Huff, Susie Huff, William M. Huff, Loyd H. Huff, James H. Huff, Willie V. Huff and Charles Huff as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has 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)

Registered,

*I. B. Needles.*

Commissioner in Charge.

OPY.

M C R 3238

Muskegee, Indian Territory, July 18, 1902.

Mansfield, McMurray & Gerniah,

Attorneys for Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

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

Colm Huff, et al.,	M C R 3238
Reames Huff, et al.,	M C R 3239
Leonard Huff, et al.,	M C R 3240
William M. Huff, et al.,	M C R 1692

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Colm Huff, Sarah Huff, George Huff, Lettie Huff, Tom Huff, Reames Huff, Mary Huff, Neal Huff, George Huff (2), Leonard

H. H. & C., No. 2.

Huff, Mary Huff (2), George Huff (3), Claude Huff, Page Huff, Lillie Maud Huff, Susie Huff, William M. Huff, Lora E. Huff, James M. Huff, Willie V. Huff and Charles Huff as Chester Indians entitled to rights in the Chester lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

(SIGNED).

*I. B. Needles.*  
*I. B. Needles.*

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Colm Huff,

Hail, Texas.

Dear Sir:

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

Yours truly,

(SIGNED)

*Tams Dixby.*

Acting Chairman.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

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

Yours truly,

(SIGNED)

*Tams Bixby.*

Acting Chairman.

George Wolf or  
 George Peter Wolf Jr  
 wife  
 Betsey or Bettie Wolf  
 Choctaw

Eliza Wolf, Dead  
 married  
 Nathan Huff, Living

mch  
 3235

Colm Huff, 57. 1/8  
 wife  
 Martha Huff.

mch  
 3234

Reames Huff, 55. 1/8  
 wife  
 Charlotte Huff.

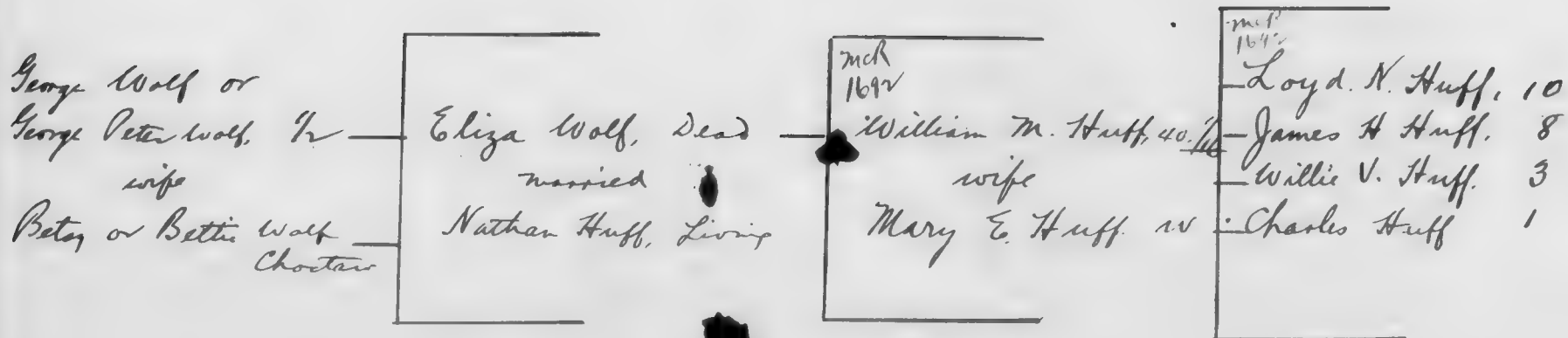
George Huff, Dead  
 wife  
 Alice Huff, Living

Maggie Huff, ?  
 m. Rush  
 Rachel Huff, ?  
 m. Brown  
 Nancy Huff, ?  
 m. Bundvick  
 Sarah Huff, 20  
 John Huff, ?  
 m.  
 George Huff, 17  
 Lettie Huff, 15  
 Tom Huff, 12  
 Will Huff, 23 ?  
 Mary Huff, 20  
 Ester Huff, 18 ?  
 m.  
 Neal Huff, 16  
 George Huff, 14  
 Leonard Huff, 21, 1/4  
 Mary Huff, 17  
 George Huff, 12  
 Claude Huff, 9  
 Page Huff, 7  
 Lillie Huff, 4



Consolidated  
Case of  
Colm Huff et al.

REFER TO M. C. R. 3238



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

FILED  
AUG 14 1901



ACTING CHAIRMAN.

Nancy Brundwell her age 24 years  
old. Same about 20 years old,

Sam 19 years old, George 14

years Sattie wife 15 years old,

Tom 12 years old;

Applicant 47 years old, wife  
of applicants wife 45 years  
old.

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

**FILED**

**AUG 14 1901**

 ACTING CHAIRMAN.

Will Huff 22 years old, Mary  
Huff 20 years old, & the ~~78~~  
Marionette Huff 18  
years old, Neal Huff 16  
years old, George 14 years old,  
Applicant 54 years old  
Applicant's wife 45 years  
old;

I have made it  
 should be as follows  
 Meg. for the ... 26 1/2  
 Robt. the 6 - ... 28 1/2  
 Nancy " " 24  
 Sarah " alt 20  
 John " " 17  
 George " " 17  
 Lettie " " 15  
 Tom " " 12

by ...  
 ✓ ...

DEPARTMENT OF THE ARMY  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED  
AUG 14 1901

*[Handwritten signature]*  
S. H. HANCOCK



one of which is this  
applicant, Applicant is  
21 years old,

Applicant shows 6  
minor orphans living  
and residing with  
Applicant, Mary Huff  
17 years old, George 12  
years, Colant Huff 10  
years old, Page Huff  
7 years old, Leticia Huff  
5 years old; Susan F.  
Huff 3 years old,

For Identification as a Mississippi Choctaw.

Date AUG 14 1911

Name Colm Huff

Age 57 Blood "8

Post Office, Hale, Texas

Father: Nathan Huff

Mother: Eliza Huff (dead)

Claims through mother

wife; Martha Huff  
(no claim for her)

Children:

Sarah Huff	20
George "	17
Lettie "	15
Tom "	12

Claims for self and 4 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3239

Reames Huff

See MCR 3238

MCR 3239

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 14, 1901.

3239

In the matter of the application for identification as Mississippi Choctaws of Reams Huff for himself and his three minor children.

Not represented by attorney.

Reams Huff being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Reams Huffa  
Q How do you spell it? A R-e-a-m-s.  
Q What is your age? A Well I was born in 1846. Our record got destroyed.  
Q Well how old does that make you? A It makes me going on fifty five.  
Q What is your post-office address? A Gober, Texas.  
Q How do you spell it? A G-o-b-e-r.  
Q How long have you lived there? A Eleven years.  
Q Where did you live before you lived there? A Tennessee.  
Q How long did you live in Tennessee? A Born and raised there.  
Q You never lived in Mississippi? A No.  
Q You never lived in the Indian Territory? A No.  
Q What is your father's name? A Nathan Huff.  
Q Is he living? A I reckon he is I am not positive.  
Q What is your mother's name? A Eliza Huff.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw blood? A Under my mother.  
Q How much Choctaw blood do you claim? A One-eighth.  
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 Not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Charletta.  
Q Is she living? A Yes.  
Q Do you apply for your wife? 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 apply? A Yes three.  
Q Give the names and ages of these children? A I have a slip here, I am not educated and cannot read. Now the record of my family was destroyed at the same time of my mother's record.

Applicant produces memorandum slip.

- Q On this slip there are the names of five children, four of them under age and one over age. Is Mary married? A No.  
Q Well then have you four children under age and unmarried?  
A No just three. Two of these five are married.  
Q Is Mary married? A No.  
Q Is Etter married? A Yes she is married.

Names read by examiner from memorandum slip introduced by applicant:

Mary Huff           twenty.  
Neal Huff            sixteen.  
George Huff         fourteen.

- Q These are your children? A Yes.  
Q What is the name of their mother? A Charlotta.  
Q When and where were you married to her? A In Tennessee.  
Q When? A I don't remember the record.  
Q About how long ago? A Well I just don't remember I could not tell.  
Q Did you obtain a license to marry? A Yes.  
Q Were you married by an ordained minister or an official? A Official.  
Q Justice of the Peace? A Yes.  
Q Have you your marriage license and certificate and do you wish to offer same in evidence? A No I have not got it but I can get it.

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 any of your children on the tribal rolls of the Choctaw Nation in Indian Territory? A A Yes.  
Q They are? A Yes from what they claimed and what I have been taught.  
Q You have been taught by who? A My grandfather.  
Q That your names and the names of your children are on the tribal rolls of the Choctaw Nation in the Indian Territory? A No I did not understand the question.  
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 applied to the Choctaw tribal authorities of the Indian Territory to have yourself or your children enrolled as members of that tribe? A Not until this time.  
Q Well this is not the Choctaw tribal authorities? 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 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 by 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 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 do you want to make now? A Well I want to make an application under eighteen hundred and thirty.  
Q What do you mean by that? A Well I don't know that I can explain what it is. I am uneducated.

- Q You mean that you want to claim under the treaty of eighteen hundred and thirty? A Yes.
- Q Do you know what a treaty is? A Well I don't know that I could explain what a treaty is.
- Q Do you know what an agreement is? A I reckon so.
- Q Well when two Nations make an agreement that agreement is called a treaty? A Yes.
- Q Do you claim under any particular part of the treaty of eighteen hundred and thirty or under the whole treaty? A Just under the whole treaty.
- Q You don't make any special claim under any part of the treaty? A No.

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

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and part of the state of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those two states and move them all to the Country west of the Mississippi River but some of the Indians did not 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, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in 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 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."

#4

Q Do you make any claim under the provision of this article of the treaty? A Yes.

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 and take land there but when an Agent was sent down by the government to locate the land for these Indians he found that there were a large number of Indians who claimed that they had gone to the Indian Agent and told him that they wanted to stay there 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 into Mississippi and investigate this matter and find out which of the Indians were really entitled to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of these cases were allowed and some refused. In those cases where the claims were allowed by the Commissioner 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 Did any of your ancestors own land in any of these states? A I don't know.
- Q You never heard whether they did or not? 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 George and Peter Wolf.
- Q George and Peter Wolf? A George Peter Wolf.
- Q What relation was George Peter Wolf to you? A He was my grandfather.
- Q Your mother's father? A Yes.
- Q What was your mother's mother's name? A You mean her maiden name?
- Q No? A Bettie Wolf.
- Q Which one of your mother's parents claimed to be Choctaw? I did not understand the question.
- Q Which one of your mother's parents was Choctaw? A They both claimed Indian but my grandfather claimed to be one-half but I don't know how much my grandmother claimed.
- Q Were your grandfather or grandmother living in the old Choctaw Nation in eighteen hundred and thirty? A I don't remember. That was their Native home.
- Q How old would your mother be if she were living now? A Well I could not tell you.
- Q You know about how long she has been dead? A Quite a while.
- Q About how old were you when she died? A I can't tell you that.
- Q Do you remember when she died? A Yes.
- Q How large a boy were you when she died? A I don't know.
- Q About fourteen or fifteen years old? A Yes I guess so.
- Q Then your mother has been dead about forty years? A She died the second year of the civil War
- Q That would be about the year 1861? A About 1862.
- Q Do you know how old your mother was when she died? A No I don't
- Q You knew about how old she was? A No I don't know.
- Q Don't you remember whether she was an old woman or middle aged or young? A She was middle aged something like forty or forty five years old.
- Q Do you know whether your mother was living in eighteen hundred and thirty? A No I do not.

#5

- Q Is there anybody living who would know whether your mother was living in eighteen hundred and thirty? A I don't know of anybody at present.
- Q Were your grandfather and grandmother living in Mississippi in eighteen hundred and thirty? A I suppose they were but I can't say for certain.
- Q Is there anybody living who would be able to testify about that? Not that I know of.
- Q Did your grandfather or grandmother go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi and take land there? A I don't know.
- Q Is there anybody living who would know about that? A I don't know.
- Q On what evidence then do you expect to base your rights to identification as a Mississippi Choctaw? A Mr. Fox is the oldest person living now that knew my grandfather and grandmother.
- Q Can you bring him before the Commission? A I have an affidavit from him.
- Q Well can you bring him before the Commission? A No he is old and I can't bring him before the Commission.

Written application of Reams Huff offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

- Q I thought you spelled your name R-e-a-m-e-s? A Yes that is the way I spell it R-e-a-m-e-s.
- Q How does it happen that it is spelled Reams in this application? I don't know that is a mistake I reckon, I can't read or write.
- Q Then if your name is spelled R-e-a-m-s Huff in this application and this affidavit such spelling is a mistake? A Yes I sign it R-e-a-m-e-s. That is the way I sign it all the time.

Affidavit of B. A. Fox offered in evidence marked exhibit "B" filed and made a part of the record in this case.

- Q Who is B. A. Fox? A He is an old neighbor of mine and says he knew my grandfather and grandmother.
- Q Where did he know your grandfather and grandmother? A In Tennessee.
- Q When did your grandfather and grandmother leave Mississippi? A I don't know.
- Q Do you know whether they went from Mississippi to Tennessee before eighteen hundred and thirty or after? A I don't know.
- Q Did they go direct from Tennessee to Mississippi? A That was my understanding. That is back further than I can remember.
- Q In this affidavit of B. A. Fox he does not state where and when he knew Peter and Bettie Wolf and does not in fact say that he knew them at all? A Well he told me that he knew my grandfather before he was a married man or about the time my grandfather was married. They were young men together.
- Q It would be a very great advantage to your case if you could bring this B. A. Fox before the Commission and have him examined orally? A I have no idea that I can get him to come because he is old and cannot come.
- Q Can you get his deposition? A Yes.
- Q In this affidavit which you have offered for filing executed by B. A. Fox he does not state any of these facts or that he ever knew your grandfather or grandmother.

Affidavit of W. B. Fox offered in evidence, marked exhibit "C" filed and made a part of the record in this case.



#6

- Q Who is W. B. Fox? A Bart Fox.  
Q Do you know W. B. Fox? A Yes.  
Q Well who is he? A A neighbor of mine or used to be in the old states.  
Q In what old States? A In Tennessee.  
Q Where does he live now? A In Tennessee.  
Q Is he any relation to B. A. Fox? A Yes I think they are.  
Q You know what relation? A Yes I think one is a son. I don't understand the way these names are signed but one is the son of the other.  
Q Well this W. B. Fox states that he is fifty-three years old, did he know your grandparents? A Yes I reckon so.  
Q He does not state so in this affidavit? A Well he knows our family alright, he knew me ever since I was a kid.  
Q He states that the applicant, that is you, are a son of Nathan Huff and Eliza Huff nee Wolf and that Eliza Wolf is a daughter of Peter and Bettie Wolf but it does not appear how he knew that fact as he does not state that he knew Peter and Bettie Wolf?  
A Yes sir.  
Q Have you any other papers that you want to file now? A Not at present.  
Q Is there any other statement that you would like to make at this time? A No.

If you wish to offer any additional testimony or evidence in support of your application, either the oral testimony of witnesses here before the Commission, or depositions or affidavits, you will be allowed to do so and the same will be made a part of the record in your case? A I don't understand that.

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 A Yes I will do that.  
Q On what points do you expect to secure additional evidence and file it with the Commission? A I want to show that my grandfather always claimed the blood.  
Q Well can't you show that he had it? A Yes.  
Q Is that the only point you expect to prove? A I don't know what I could prove. The old people that knew us are all gone. They are not in reach of me.  
Q Do you understand that it is a matter of considerable importance to your case to get evidence to show whether your grandfather or grandmother or your mother were living in Mississippi in eighteen hundred and thirty and were Choctaw Indians? A Yes I suppose so.  
Q And do you understand that it is also a matter of importance to show whether your grandfather or grandmother or your mother went to the Indian Agent there in Mississippi within six months from the ratification of this treaty and told him that they wanted to stay there and take land and become citizens of the States?  
A Yes.  
Q Can you secure any evidence on that point? A I don't know.  
Q You understand that it is an important point in your case? A Yes.

#7

- Q You understand that you are here in the position of an applicant for valuable property rights and in that case even the sworn statement of an interested party carries very little weight unless supported by outside evidence. Do you understand that? A Yes I understand that.
- Q You understand then the importance of securing evidence along the lines that you have been questioned about in support of your application? A Yes I suppose so.
- Q Do you speak Choctaw? A No.

This applicant has brown hair and blond mustache. His eyes are blue and 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 knows very little about his ancestors and it has been very difficult to obtain answers to the questions propounded.

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 14, 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 to and sworn before me, this 1 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY.

M C R 3239

Muskogee, Indian Territory, July 18, 1902.

Reames Huff,

Geber, Texas.

Dear Sir:

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

Calm Huff, et al.,	M C R 3238
Reames Huff, et al.,	M C R 3239
Leonard Huff, et al.,	M C R 3240
William M. Huff, et al.,	M C R 1892

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

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Calm Huff, Sarah Huff, George Huff, Lottie Huff, Tom Huff,

R H \_ 2.

Ramon Huff, Mary Huff, Neal Huff, George Huff (2), Leonard Huff  
Mary Huff (2), George Huff (3), Cloud Huff, Page Huff, Lillie  
Maud Huff, Susie Huff, William M. Huff, Loyd H. Huff, James H.  
Huff, Willie V. Huff, and Charles Huff as Cheetaw Indians en-  
titled to rights in the Cheetaw lands under the provisions of  
said article fourteen of the treaty of 1830, and that the ap-  
plications for their identification as such should be refused,  
and it is so ordered.

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

Yours truly,

(SIGN)

*T. B. Needles.*

Commissioner in Charge.

Registered.

H.C.I. 3332.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Reuben Huff,

Coher, Texas.

Dear Sir:

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

Yours truly,

(SIGNED).

*Tamc Birby.*

Acting Chairman.

Statement of Birth

Jesse L. Gey,	
Wife (Mary)	28 yrs
Mary "	20 "
Oliver "	18 "
Neal "	16 "
George "	14 "

Wm. Leonard Huff

For Identification as a Mississippi Choctaw.

Date AUG 14 1901

Name James Huff

Age 35 Blood 1/8

Post Office, Huber, Texas

Father: Nathan Huff ✓

Mother: Eliza Huff (dead)

Claims through mother

wife: Charlotta Huff ✓  
(no claim for her)

Children:

Mary Huff 20

Netal " 16

George " 14

Claims for self and 3 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3240

Leonard Huff

See MCR 3238

MCR 3240



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 14, 1901.

3240

In the matter of the application of Leonard Huff for identification of himself, his four minor sisters and two minor brothers as Mississippi Choctaws.

Applicant not represented by attorney.

Leonard Huff being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Leonard, L-e-o-n-a-r-d Huff.  
Q What is your age? A Twenty-one.  
Q What is your post-office address? A Hale, Texas.  
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 Texas? A No.  
Q What is your father's name? A George Huff.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Alice Huff.  
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 claim one-sixteenth.  
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 any evidence of your father's and mother's marriage?  
A Yes I can get them but I have not got them with me.

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 yourself and your minor brothers and sisters to be identified as Mississippi Choctaws.

- Q Are you married? A No.  
Q Are you making this application for yourself and your minor brother's and sisters? A Yes I would like to make application for my minor brothers and sisters.  
Q Has a legal guardian been appointed for them? A No not be the Court but I act as legal guardian.  
Q You act as their guardian? A Yes.  
Q There mother is living? A Yes.  
Q And they claim their Choctaw blood through their father? A Yes.  
Q Give the names and ages of these children? A Mary Huff, seventeen. George Huff, twelve, Claude, C-l-a-u-d-e, nine. Page, seven.  
Q P-a-g-e? A Yes P-a-g-e.  
Q Is that a boy or girl? A Girl. Lillie Maude, four.  
Q L-i-l-l-i-e? A Yes, Susie she is very near three and the other one is nearly five.  
Q What is the name of the father of these children? A George Huff  
Q What is the name of their mother? A Alice Huff.  
Q They claim their Choctaw blood through their father? A Yes.

#2

- Q Is your name or are the names of your brothers and sisters 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 of the Indian Territory to have yourself or your brothers or sisters enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your brothers or sisters apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No.
- Q Have you or your brothers or sisters 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 brothers or your sisters 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 Has an application ever been made before this time to either the Choctaw tribal authorities or the authorities of the United States to have yourself or your brothers and sisters admitted or enrolled as citizens of the Choctaw Nation? A It has not.
- Q This is the first application that has ever been made for you or your brothers or sisters? A Yes.
- Q What kind of an application do you want to make now? A Why I want to make application as a Mississippi Choctaw.
- Q How do you claim the right to be identified as a Mississippi Choctaw? A I claim it under the fourteenth article of the treaty of eighteen hundred and thirty.
- Q You claim the right under article fourteen of the treaty of eighteen hundred and thirty? A Yes.
- Q Do you understand the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Why I think so.
- Q Just make a statement of what you understand by that article? A Why I understand that article fourteen provide for all the Mississippi Choctaws, that have not been enrolled, to be enrolled for they are entitled to it and can prove their rights.
- Q 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. Person 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 at this time? A Yes.

Within six months after the ratification of this treaty a great many Indians went to the United Indian Agent there in Mississippi and told him that they wanted to stay there and take land but when a locating agent was sent down by the government to locate the land for the Indians he found that there were a great many who claimed that they had gone to the Agent and told him that they wanted to stay there in Mississippi whose names were not found on the list which the Indian Agent had made, so under different acts of Congress Commissioners were appointed who went to Mississippi for the purpose of ascertaining 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 a large number of cases, several hundred, some of them they allowed and some they 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 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 these States?  
A I don't know but I suppose that my great grandfather owned land in Mississippi.
- Q Have you any evidence of that? A Nothing only that I have heard my folks talk of it.
- Q Do you know in what part of Mississippi that land was? A No I don't.
- Q Do you know that you could have the records of transfers of land in the state of Mississippi examined and find out if your great grandfather owned any land there in Mississippi and how he owned it? A Well the records show that he owned land.
- Q What records? A The records in Washington County of Mississippi Choctaws showed that my great grandfather Wolf's name appeared on it.
- Q Did you see that record yourself? A Yes I seen it, a gentleman from Washington had it and I seen it.
- Q What was that gentleman's name? A I can't think of it.
- Q Do you know where he lives? A No. -----I'LL tell you the name of that man, it is J. H. Dunn, the name of the man who had this record. I find that on that record Peter Huff's name on the roll and then I find it in some suits where he had bought some land to the amount of \$220.00. That is all that I remember about it.
- Q You don't remember how he acquired that land if it was stated in that book? A No I can't say.

"Ward's register of Names of Choctaws who within six months after the ratification of the treaty of pancing Rabbit Creek signified their intention to remain and become citizens of the United States, examined, and the name of peter Wolf 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 and approved by the Secretary of War and the President and the name of peter Wolf not found thereon."

- Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made? A Wolf.
- Q What was his first name? A George Peter Wolf, my great grandfather.
- Q You claim your Choctaw blood through your father? A Yes.
- Q What was your father's father's name? A Nathan Huff.
- Q What was your father's mother's name? A Her name was Eliza.
- Q Which one of your father's parents claimed to be Choctaw? A My grandmother.
- Q What was Eliza Huff's father's name? A Peter Wolf.
- Q What was her mother's name? A Bettie Wolf.
- Q Which one of your grandmother's parents claimed to be Choctaw? A Why both of them claimed to be.
- Q How old would your father be if he were living now? A Let me see he would be about forty-six.
- Q He is younger than this other son of Nathan Huff's who has just applied? A Yes.
- Q Did you ever know your grandfather? A Yes.
- Q Did you know your grandmother Eliza Huff? A No my grandfather came to Texas and remained a short while that is the only time I ever knew him.
- Q Do you know whether your grandmother, or your great grandmother or great grandfather came west to the Present Choctaw Nation with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I don't know but I think that they did.
- Q Where did they go to? A Why I have heard my folks say that they came to Tennessee.
- Q Do you know when they went to Tennessee? A No I don't.
- Q Well do you understand that it is a very important point in your case to show whether these ancestors that is your grandmother and great grandmother and great grandfather were living in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made and were recognized Choctaw Indians? A Why I did not know that that was important until you said so.
- Q Well you understand now that it is important? A Yes I suppose it is.
- Q Did any one of these ancestors that is, your grandmother, your great grandmother or your great grandfather go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay and become citizens of the United States? A I don't know.
- Q Do you think you will be able to secure any evidence to show whether they did or not? A I don't know what evidence I can get.
- Q Well do you understand that it is an important matter and one on which you should secure evidence if possible? A Why I suppose it is.
- Q Have you any papers that you want to file now? A Yes.

Written application of Leonard Huff offered in evidence, marked exhibit "A" filed and made a part of the record in this application.

Affidavit of B. A. Fox offered in evidence marked exhibit "B" filed and made a part of the record in this case.

Affidavit of W. B. Fox offered in evidence marked exhibit "C" filed and made a part of the record in this case.

#5

- Q Are you acquainted with W. B. Fox and B. A. Fox? A Yes.
- Q Who are they and where do they live? A Why they live now in Pannih County.
- Q Texas? A Yes Texas.
- Q Do either one of these people know your grandmother and your great grandfather and great grandmother? A They say they do.
- Q B. A. Fox gives his age as seventy-seven and W. B. Fox gives his age as fifty-three. It would hardly be possible that W. B. Fox only fifty-three years old would know anything about your great-grandparents in the year eighteen hundred and thirty but it might be of very considerable advantage to your case if you could bring B. A. Fox before the Commission to testify in person in regard to this case? A He is a little old and feeble, it might be possible that I can get him to come if I can I would be glad to do so.
- Q Do you know of any other people living who are old enough to know your great grand parents and your grandparents, to have known them in eighteen hundred and thirty who could testify on these points? A Not for sure but I have heard of some.
- Q You expect to make an effort to find these people do you? A Yes I do.
- Q You understand the importance of securing outside evidence to support the statements you have made to-day? A Yes.
- Q And to fill in where you did not know personally? 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 the Commission will accept the same and make it a part of the record in your case.

This applicant has brown hair, blueish grey eyes and medium complexion. His features and general appearance are those common to white people. 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.

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 14, 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 1 day of November 1901.

*G. Rosenwinkel*  
*Clara Mitchell Wood*  
Notary Public.

Department of the Interior.  
Commission to the Five Civilized Tribes  
Muskegee, I.T. October 29, 1901.

3240

In the matter of the application of Leonard Huff et al for  
identification Mississippi Choctaws heard at Ateka, Indian Terri-  
tory August 14th, 1901.

Volume VII, American State Papers examined and on page 55,  
List number 1, "Names of Indians Owning Farms" the name of "Mr Wolf"  
appears as having one acre of land in cultivation, entire number of  
family seven, three males over sixteen, one male and female under  
ten years.

COPY.

M C R 3240

Muskogee, Indian Territory, July 18, 1902.

Leonard Huff,  
Hail, Texas.

Dear Sir:

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

Colm Huff, et al.,	M C R 3230
Reames Huff, et al.,	M C R 3239
Leonard Huff, et al.,	M C R 3240
William H. Huff, et al.,	M C R 1692

These applications were made under the provisions of the act of Congress of June 26, 1896 (30 Stats., 495), which is as follows:

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

Said decision concludes as follows:

L H 2.

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Colm Huff, Sarah Huff, George Huff, Lettie Huff, Tom Huff, Reames Huff, Mary Huff, Neal Huff, George Huff (2), Leonard Huff, Mary Huff (2), George Huff (3), Clamd Huff, Page Huff, Lillie Maude Huff, Susie Huff, William H. Huff, Loyd N. Huff, James H. Huff, Willie V. Huff and Charles Huff as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has 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]*

Registered,

*I. B. Needles.*

Commissioner in Charge.



M.C. 5240.

COPY.

Muskogee, Indian Territory, August 30, 1902.

Leonard Huff,  
Hail, Texas.

Dear Sir:

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

Yours truly,

(SIGNED)

*James Bixby.*  
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date **AUG 14 1904**

Name *Leonard Huff*

Age *21* Blood *1/6*

Post Office, *Waco, Texas*

Father: *George Huff (dead)*

Mother: *Alice Huff* ✓

Claims through *father*

*Brothers and sisters*

*Children:*

- Mary Huff 17*
- George " 12*
- Cladde " 9*
- Page " M 7*
- Lillie Maud " 4*
- Ausie " 3*

*Claims for self and six brothers and sisters*

Stenographer

*G. Rosenwinkel*

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of George Tins et al.,  
for identification as Mississippi Choctaws, M C R 3242.

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

Original application of George Tins  
et al., to the Dawes Commission for  
identification as Mississippi Choctaws..... 1

Decision of the Commission refusing the  
application of George Tins et al., for  
identification as Mississippi Choctaws..... 8

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Choctaw MCR 3241

George Tims

MCR 3241

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-1-

In the matter of the application of George Tims et al.,  
for identification as Mississippi Choctaws, M C R 3241.

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

Original application of George Tims  
et al., to the Dawes Commission for  
identification as Mississippi Choctaws..... 1  
Decision of the Commission refusing the  
application of George Tims et al., for  
identification as Mississippi Choctaws..... 8

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Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 12, 1901.

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

George Tims, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A George Tims.  
Q How old are you? A Sixty three.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived here? A Soon be ten years.  
Q Where did you live before you came here? A I came from Russel Station, up the railroad here, and from there Wynot, in Lauderdale county, fifteen years.  
Q Where did you live before you came to Lauderdale County? A Alabama.  
Q What county in Alabama? A Butler County.  
Q How long did you live in Butler County? A Raised there.  
Q Born and raised there? A I wasn't born there; I was born in Maringo County, just across the river there.  
Q Is your father living? A No sir.  
Q What was his name? A George Washington.  
Q George Washington Tims? A Injun.  
Q George Washington Injun? A Yes sir, he was an Injun, my father was.  
Q Was that his name; did he go by the name of George Washington Injun? A He was a Injun, but that was his name.  
Q What was his name? A George Washington.  
Q What did you put the Indian on there for then? A Just because he was a Injun.  
Q Were you a slave? A Yes sir.  
Q Was your father a slave? A Yes sir, he was a Injun; I don't know whether he was a slave or not; I reckon he was - I reckon he was a free born by his being a Injun.  
Q Did you ever see your father? A I was so little, I can't remember it.  
Q Where did your father live? A Maringo County, Alabama.  
Q Is your mother living? A No sir.  
Q What was her name? A Fairby Tims.  
Q Was she a slave? A Yes sir.  
Q Did she have any Indian blood? A No sir.  
Q How much Choctaw blood do you claim to have? A Well, if my father was a Injun, I ought to be half/  
Q You claim a half then? A Yes sir.  
Q Did your father live in Maringo County, Alabama, all his life?  
A I don't know about that.  
Q How old would he be if he were living now? A Oh! I don't know.

George Tims, et al., 2.

Q About how old a man was he when you were born? A I couldn't tell you nothing about it; I was going on three years old when I come away from there; I can't remember anything about it, except what I heard my mother and white folks say.

Q Were your father and mother married? A Yes sir, I suppose so.

Q Did your father have any other children besides you? A Yes sir, three of us.

Q All by the same parents? A Yes sir.

Q The other two living? A Well, I couldn't tell you that; they separated at that age, I tell you, going on three years old, and I haven't seen anything of them since, but they lived up here in Shuqualak, in Kemper County, and my brother, I think, was carried over in Texas, but my sister was in Shuqualak.

Q If your father and mother were married, and your father's name was George Washington and your mother's name Fairby Tims, how did you come to take the name of your mother, Tims, instead of your father?

A Because I runaway from her to a Tims, and I had to go by my owners name.

Q Your mother was sold? A It was state proper; she belonged to one of the daughters and my brother and sister belonged to some of the rest of them; just like you had two daughters, or three say, and you had a parcel of property and you was to drpp dead, it would be divided out amongst them; that's the way we were.

Q That's the way you become separated? A Yes sir.

Q Do you know anyone living who knew your father during his life time? A I have got a uncle.

Q Where does he live? A About eleven or twelve miles from here at Mr. Johnlvans'.

Q How old a man is he? A Older than I is; I don't know exactly how old he is, but he is older than I is.

Q

He may prove to be a very important witness in your case, and if you care to bring him in here, we will be glad to examine him.

A I think I can have him here this week.

We will hear his testimony if you bring him in.

Q Have you ever been out to the Indian Territory? A No sir.

Q Was your father ever out there? A I don't know.

Q Are you married? A No sir, my wife's dead; been dead a little over nine months now.

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

A Yes sir, two girls.

Q What are their names? A Ma tie E. Tims.

Q How old? A Nineteen.

Q The next? A Magalene. Tims.

Q These are all the children you have under twenty one? A Yes sir.

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

Q Have they always lived with you? A No sir, the boy don't live with me.

Q These two, I am talking about? A Yes sir, the two girls lives with me.

Q You are the father of these two girls? A Yes sir.

Q What is the name of their mother? A Sarah Ann.

Q Is she living? A No sir; next Saturday she will be dead ten years next Saturday the 17th.

George Tins, et al., 3.

- Q Did she have any Choctaw blood? A I don't know sir, about that.
- Q Well, now, you would know it if she did have? A I never heard her say she was raised in one place and not in another.
- Q This application is for yourself and two minor children is it not? A Yes sir.
- Q When and where were you married to Sarah A. Tins, the mother of these two girls? A I was married in Alabama to her, in 1863, July 4th.
- Q Married under a license? A No sir, near Push-ma-ta-ha.
- Q You were married according to the custom among slaves at that time? A Yes sir.
- Q Did you live with her continuously until she died? A Yes sir.
- Q How many children did you have? A Fifteen. Twelve dead and three living.
- Q Is your name or the name of either one of these two 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 either of these children to be admitted or enrolled as members of the tribe? A Never knew nothing about it until right here lately.
- Q Your answer is no sir to that question? A Yes sir.
- Q Did you make application to this commission in the year 1896, for citizenship in the Choctaw Nation for yourself or either of these two children? A No sir.
- Q Is this the first application of any description you have ever made? A Yes sir.
- Q You now desire to make application for the identification of yourself and two 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 Mississippi on the 27th day of September, 1830, nearly seventy one years ago, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws occupied this country here in Mississippi and the edge of Alabama, and the object of the treaty was to get them to remove from this country to a new country west of the Mississippi River. At the time the treaty was made, some of the Choctaws were unwilling to leave this country and go west, so, for the benefit of those who preferred to stay here, the 14th article was put 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



George Tims, et al., 4.

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

Q That's the 14th article of the treaty of Dancing Rabbit Creek; do you think you understand that? A No sir.

I will try and explain it to you then. Now, as I say, this treaty was made nearly seventy one years ago; the object was to get the Indians to go out to the new country west of the Mississippi River, but some of them said they wouldn't go and insisted that they make a provision in the treaty for them to stay, and this 14th article was put in for them here seventy one years ago, nearly. That fourteenth article says that in case a full blood Choctaw here at that time, who was the head of a family, desired to remain here and become a citizen of the States, and not go out to the new country, he might do so and take land, but there were certain things he must do in order to secure land under this 14th article. First, within six months from the time this treaty was ratified, he must signify to the United States Indian Agent here in Mississippi for the Choctaws, his intention to remain and become a citizen of the States, and he was then entitled to a reservation of one section of six hundred and forty acres of land, and ~~was~~ half that quantity for each child in his family under over ten years of age, and a quarter section to children under ten years of age, to adjoin the location of the parent; he must live on that land for five years from the time the treaty was ratified; the treaty was ratified on the 24th day of February, 1831; if he did live on that land from the 24th day of February, 1831, or in other words, until the 24th day of February 1836, he was entitled to a grant in fee simple for the land; that is, the Government would give him a patent or deed to it, and he could dispose of it to suit his own pleasure.

Q Do you think you understand these requirements of the 14th article, as I have explained them to you? A Well I don't know.

Q What is there about that you don't understand now? A I don't understand none of it hardly.

Q I don't know how I am going to make it any plainer? A I am an unlearnt man; I don't know anything about reading and spelling.

Q You understand English, don't you? A Yes sir, I understand English pretty well.

Q I have explained that to you as simply as it could be explained in the English language, and that is all we can do. Did any of your ancestors ever ~~abstain~~ comply with the provisions of this 14th

article? ~~§ 14 of the treaty~~ A No sir.

Q By ancestors, I mean fore-fathers? A I understand that.

Q They didn't? A No sir.

Q Were any of your ancestors living here in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A Why, I haven't got any folks living now only co sins and uncles and aunts.

Q I am talking about whether any of them were living here then, no matter if they are dead now; I want to know if there were any of them living here then? A About what time did you say?

Q About seventy one years ago? A They was all living at that time.

Q Where were they living? A In Kemper County, and Alabama.

Q Where was your father living at that time? A He might have been dead, for what I know, but if he was living he was in Maringo County.

Q He wasn't dead evidently for you claim you are only sixty three years old, and that was seventy one years ago? A I was so small, you know, I don't know nothing about it. I was only going on three years old when I was brought from Maringo County, Alabama.

Q Did any of your Choctaw ancestors 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 sir.

Q Were any of them recognized members of the Choctaw tribe at that time? A I don't know sir.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A Well, I don't know sir.

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 Not that I knows of.

Q Did any of your Choctaw 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 You are sure of that? A Yes sir, I is.

Q Did any of your Choctaw ancestors ever claim or receive any land here in Mississippi from the Government of the United States under any other article of the treaty of Dancing Rabbit Creek than the 14th article? A I don't know.

Q Did you ever hear of any one of your Choctaw ancestors ever having gotten any land from the Government here in Mississippi? A No sir, never heard of it.

Q Did you ever own any land here? A No sir.

Q Did you ever own any here? A No sir.

Q Did your father ever own any land? A I don't know what he done.

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 and take advantage of the provisions of article 14 of the treaty of Dancing Rabbit Creek. These persons, as I told

George Tims, et al., 6.

you a while ago, were required to tell the agent within six months from February 24, 1831, that they wanted to stay here, and he made up a register of the names of a great many Indians, who had let him know that they wanted to stay here and become citizens under the 14th article, but the records of the Government show that he failed to record and report to the Government the names of a great many Indians 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 here in Mississippi, in many instances, sold land upon which Indians had improvements, and land which they supposed they would receive from the Government under the 14th article of the treaty. This ~~unwarranted~~ action of the Government in selling their land, 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 Choctaw Indians who claimed that they had complied 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, and the Commissioners came down here and heard a few of these Choctaw cases, but in the time allowed them by the Acts of Congress under which they were appointed, the commissioners 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 this work of hearing Choctaw cases. And this second commission was appointed 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 I don't know nothing about that.

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

Q Did any of your ancestors receive any scrip from the United States Government under the provisions of this Act of Congress? A I couldn't tell you anything about it.

Q You never heard of it? A No sir.

Q You never heard of any of your ancestors getting any land from the Government? A No sir.

George Tims, et al., 7.

Q Did you ever hear of any of your ancestors ever getting any benefits of any kind from the Government of the United States as Choctaw Indians? A No sir.

Q Have you any witnesses before the Commission this morning that you want to introduce? A No sir, not this morning; I will have some witnesses here sometime this week.

Q

You may bring them before the Commission, and we will take their testimony in support of your application.

Q Have you any written evidence you desire to offer? A No sir, not to-day.

Q

Well, if you see fit to offer any written evidence in the future, you will be allowed a reasonable time in which to file it; we would like for you to file it within thirty days, if you can conveniently do so.

Q Are there any further statements you want to make? A No sir.

Q Have you any other children living besides these two? A Three. Son and two daughters.

Q What is the name of the son? A Louis Tims.

Q How old is he? A Thirty two.

Q Has he been before the Commission here? A No sir.

Q Where does he live? A Out here at Mr. Simon Evans'. The one that runs this hardware down here.

Q Have you a full brother living? A Yes sir.

Q What is his name? A Louis Coleman.

Q Where does Louis Coleman live? A I heard he was over in Texas, I don't know.

Q So far as you know, he hasn't been before this commission?

A Not here he aint.

Q Have you a sister living? A She was about five years ago, over here in Shuqualak.

Q Kemper County? A Yes sir.

Q Is she a full sister of yours? A Yes sir, me and my sister and brother were the only three children my mother had by that man.

(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)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings in this cause on August 12, 1901, and that the foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause on said date.

Subscribed and sworn to before me at Meridian, Mississippi, this 17th day of August, 1901.

*R. S. Streit*  
*[Signature]*  
Notary Public.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of George Tims, et al., for identification as Mississippi Choctaws, W.C.R. 3241.

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

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by George Tims for himself and his two minor children, Mattie E. and Regalene Tims, 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 himself a slave, and that the minor applicants are his 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 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 application of George Tins, Mattie K. Tins and Magalens Tins as such, 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,

DEC 2 1907

file

H.C.N. 3241.

COPY.

Muskogee, Indian Territory, December 3, 1902.

George Tims,

Meridian, Mississippi.

Dear Sir:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Tims, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 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 the opinion of this Commission that under the provision of law above quoted, no freedman is entitled to identification as a Mississippi Choctaw, and that the application of George Tims, Mattie E. Tims and Magulene Tims 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

-:- 8 -:-

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

Respectfully,

SIGN

*Tame Birby.*

Acting Chairman.

Registered.



COPY.

M.C.R. 3241.

Muskogee, Indian Territory, December 3, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 3d day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of George Tims, 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 freed an is entitled to identification as a Mississippi Choctaw, and that the application of George Tims, Mattie E. Tims and Magalene Tims 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 for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

*Tame Bixby.*  
Acting Chairman.

COPY.

Kuskogee, Indian Territory, December 19, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of George Tims, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 3, 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,

COMMISSIONER IN CHARGE.

~~Acting Chairman.~~

Through the  
Commissioner of Indian Affairs.  
Ine. M.C.R. 3241.

C O P Y .

Land  
75910-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington.

February 10, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of George Tims, for himself and two children Mattie E. and Magelene Tims, wherein a decision adverse to the applicants was rendered by the Commission on December 3, 1902.

It appears from the evidence in this case that the applicant bases his claim to identification by reason of being descendants of one, George Washington, though the principal applicant is unable to state that any of his ancestors complied with the provisions of the 14th article of the treaty of 1830.

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

An examination of the records of this office discloses the fact that the name of George Washington does not appear among the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for this reason, the office recommends that the decision of the Commission rejecting the parties be approved.

Very respectfully,

(Signed) A. C. TONNER

Acting Commissioner.

E.B.H. H&r

3 enclosures.

COPY.

D.C. 5915-1903.

J.W.H.

I.T.D. 1616-1903.  
L.R.S.

DEPARTMENT OF THE INTERIOR.  
Washington.

FHE

February 25, 1903.

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

Gentlemen:

December 19, 1902, you transmitted the record in the matter of the application of George Tims (M.C.R. 3241) for himself and his two minor children, Mattie E. and Magalene Tims, for enrollment as Mississippi Choctaws, including your decision of December 3, 1902, refusing to identify them as such.

This applicant is an ex-slave, who was born in 1838, probably in Marengo county, Alabama. He has also lived in Butler county, Alabama, and in Lauderdale county, Mississippi. He states that his father's name was George Washington, and that he was a full blood Choctaw, and a resident of Marengo county, Alabama.

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

-2-

article or acts.

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

Reporting in the matter February 11, 1903, the Acting Commissioner of Indian Affairs recommended that your decision be approved. A copy of his letter is inclosed.

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

Respectfully,

(Signed) THOS. RYAN

Acting Secretary.

1 inclosure.

COPY.

M.C.R. 3241.

Muskogee, Indian Territory, March 12, 1903.

Manfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen.

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of George Tins, et al., of which decision you were advised by mail on the 3rd day of December, 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. **M.C.R. 3241.**

REFER IN REPLY TO THE FOLLOWING.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 12, 1903.

George Tins,  
Meridian, Mississippi.

Dear Sir:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of George Tins, et al., of which decision you were advised by registered mail on the 3rd day of December, 1902.

Respectfully,



Chairman.



#1281

No. 3244

For Identification as a Mississippi Choctaw.

Date AUG 12 1901  
Name George Tims

Age 63 Blood 1/2

Post Office Meridian, Miss.

Father: George Washington ~~and~~ d

Mother: Fairby Tims. d

Claims through father

(Claims for self and 2 minor children)

Children:

Mattie E. Tims 19

Magalene " 17

mother Sarah Ann Tims d  
(no Choctaw blood)

Stenographer

R. S. Street

3241

*File*

DEPARTMENT OF THE INTERIOR.  
BUREAU OF LAND MANAGEMENT,  
**FILED**  
APR 18 1903

*[Handwritten signature]*

CHAIRMAN

APR 18 1903  
BUREAU OF LAND MANAGEMENT  
DEPARTMENT OF THE INTERIOR

Department of the Interior.

Commission to the Five Civilized Tribes,

McKOGEE, IND. TER.

REGULAR BUSINESS.

Penalty for private use, \$300.



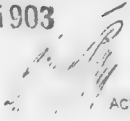
George Tims,

~~Meridian, Mississippi.~~

*McKee*

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,  
WASHINGTON, D. C.

FILED  
JAN. 21 1903



ACTING CHAIRMAN

REC  
JAN 21 1903  
MUSKOGEE, IND. TER.

DEC 15 1902



Department of the Interior.

Commission to the Five Civilized Tribes,

**MUSKOGEE, IND. TER.**

**OFFICIAL BUSINESS.**

Penalty for private use, \$300.

247

*Returned to  
1000*

4613

George Tims,

Meridian, Mississippi.



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. August 18, 1901.

73248

In the matter of the application of Sarah Rebecca Burnett,  
for the identification of herself, her three minor children and two  
minor grand children, as Mississippi Choctaws.

Applicant not represented by Attorney.

Sarah Rebecca Burnett, being first duly sworn testified as  
follows:

- Examination by the Commission.-

- Q What is your name? A Sarah Rebecca Burnett.  
Q How do you spell that last name, B-u-r-n-e-t-t? A Yes.  
Q What is your age? A Fifty years old.  
Q What is your post-office address? A Elmview, Grayson County, Texas.  
Q How long have you lived there? A Where I live now; Yes, A  
I have lived there twenty-one years.  
Q How long have you lived in Texas? A I have lived in Texas forty  
years.  
Q Where did you live before you lived in Texas? A My father came from  
Kentucky.  
Q Did you live in Kentucky? A Yes.  
Q How long did you live in Kentucky? A I was born there, I think  
about seven years.  
Q Where did you go to from Kentucky? A We came to Texas from  
Kentucky.  
Q What is your father's name? A Brooks was my father's name.  
Q What was his given name? A John Brooks.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Julia Kelly before she was married.  
Q Well, Julia Brooks after she was married? A Yes.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A I don't know that I can  
tell you correctly about that but my grandfather Kelly, my mother's  
father, was one-half Choctaw and my great grandfather Hunt was some  
Indian but I can't tell exactly how much.  
Q About how much have you always been taught that you had? A About  
one-eighth.  
Q Has your mother ever been recognized in any manner or enrolled as  
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 Burnett.  
Q What is his first name? A James.  
Q Is he living? A Yes.

Choctaw MCR 3242

Sarah Rebecca Burnett

See MCR 3358

MCR 3242

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I. T. August 15, 1901.

75242

In the matter of the application of Sarah Rebecca Burnett,  
for the identification of herself, her three minor children and two  
minor grand children, as Mississippi Choctaws.

Applicant not represented by Attorney.

Sarah Rebecca Burnett, being first duly sworn testified as  
follows:

- Examination by the Commission.-

- Q What is your name? A Sarah Rebecca Burnett.  
Q How do you spell that last name, B-u-r-n-e-t-t? A Yes.  
Q What is your age? A Fifty years old.  
Q What is your post-office address? A Elmview, Grayson County, Texas.  
Q How long have you lived there? A Where I live now; Yes, A  
I have lived there twenty-one years.  
Q How long have you lived in Texas? A I have lived in Texas forty  
years.  
Q Where did you live before you lived in Texas? A My father came from  
Kentucky.  
Q Did you live in Kentucky? A Yes.  
Q How long did you live in Kentucky? A I was born there, I think  
about seven years.  
Q Where did you go to from Kentucky? A We came to Texas from  
Kentucky.  
Q What is your father's name? A Brooks was my father's name.  
Q What was his given name? A John Brooks.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Julia Kelly before she was married.  
Q Well, Julia Brooks after she was married? A Yes.  
Q Is she living? A No she is dead.  
Q Through which one of your parents do you claim your Choctaw blood?  
A My mother.  
Q How much Choctaw blood do you claim? A I don't know that I can  
tell you correctly about that but my grandfather Kelly, my mother's  
father, was one-half Choctaw and my great grandfather Hunt was some  
Indian but I can't tell exactly how much.  
Q About how much have you always been taught that you had? A About  
one-eighth.  
Q Has your mother ever been recognized in any manner or enrolled as  
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 Burnett.  
Q What is his first name? A James.  
Q Is he living? A Yes.



- Q Do you wish to make application for your husband? A Well, I reckon not, I don't know that he has got any part in it.
- Q He is a white man? A Yes.
- Q Do you claim for him then? A Now, that is just whether it is necessary, I don't know whether he has got any right or not.
- Q The law under which the Commission is acting at this time is found in section twenty-one of the Act of Congress of June 22, 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", this law does not make any provisions for people who have married descendants of Mississippi Choctaws? A It takes them in the same.
- Q It does not make any provision for them. It states specifically that "Said Commission shall have authority to determine the identity of Choctaw Indians" who claim. Now white people who have intermarried with claimants as Mississippi Choctaws have no Indian blood and are therefore not provided for in this law. If you want to make application for your husband we will hear this application but I am just telling you this? A If the law does not provide anything for them it will not be worth while.
- Q You don't care then to make application for your husband? A No.
- Q Have you any children in your family under twenty-one years of age and unmarried for whom you wish to make application? A Yes I have three that are my own.
- Q Under age and unmarried? A Yes.
- Q Give the names and ages of these children? A James Harvey Burnett.
- Q How old? A He was twenty years last January.
- Q Next? A Ollie Clarinda Burnett.
- Q How old? A She was seventeen years old the fifteenth day of last October.
- Q Next? A Bally Brate.
- Q Is that a girl? A Yes.
- Q How old is she? A She was twelve years the Fourth of July.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A James Burnett.
- Q When and where were you married to him? A Fourth day of November Sixty-nine.
- Q Where? In Grayson County, Texas.
- Q These are all the children for whom you wish to make application? A No, I have two grand children from my daughter who is dead and left two little girls.
- Q Are they living with you? A They have been and he is going to bring them back to me.
- Q What is their father? A Yes.
- Q Their father don't claim to be Indian? A Not a bit.
- Q Give the names and ages of these grand children? A Lawella Strong.
- Q How old? A She was six years old the twelfth day of last July.
- Q Next? A Minnie Lee Strong.
- Q How old? A She was three years old the fifth day of last November.
- Q What is the name of the mother of these children? A Roney Strong.
- Q She is dead you say? A Yes.
- Q What is the name of these children's father? A Marion Francis Strong.
- Q He is living? A Yes.
- Q The children claim their Choctaw blood through their mother? A Yes.
- Q How much Choctaw blood do you claim for your grand children? A I don't know hardly, we are one-eighth and our own children would be one sixteenth.

- Q Don't you think that would be about one-half of one-sixteenth?  
A I expect so.
- Q How long has the mother of these children been dead? A Two years the third day of last July.
- Q Is your name, or are the names of your children or grand children on any of the Tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know anything about.
- Q Have you ever applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your children or your grand children enrolled as members of that Tribe? A No.
- Q Did you or did any one for you or your children or grand 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 this is the first time.
- Q Have you or your children or your grand children 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 or your grand children 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 before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have yourself, your children or your grand 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 want to apply for my right, because it belongs to me according to law.
- Q How do you make that application, and how do you claim? A I don't understand that, how we had that, what little I know about it, you will have to learn me how to apply.
- Q Well this is your written application (written application produced by Attorney C. R. Crenshaw) A Yes.
- Q I notice in this application you claim to be a descendant of a Mississippi Choctaw. Do you claim now 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 What makes you think you have a right to make this claim now?  
A I have just been taught by my mother, that my grandfather Kelly was one-half Indian and lived in Mississippi.
- Q You are making this application now because you have always been taught that you have Choctaw blood? A Yes.
- Q The law which gives the Commission Authority to hear these applicants gives it 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 then lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River and moving them to the Country west of the River. The State of Mississippi was being rapidly filled up with white settlers and it was very hard for the United States to protect the Indians in their tribal government there any longer, so they thought it best to give land west of the Mississippi River in exchange for their lands in these states and move them all out there, but some of the Indians did not want to come west and the others would not sign any Treaty until some provision was made for those who wanted to stay in Mississippi, so article fourteen was made a part of the Treaty for the benefit of those Choctaws who did not want to leave their homes, ( well, my grand father never left there ( by applicant ) ). 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." That means that those Choctaw Indians who did not want to go west could go to the Indian Agent there in Mississippi within six months after the Treaty was ratified and tell him that they wanted to stay there and take land, and if they did that they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. The article also provided that in doing this they would not lose the privilege of a Choctaw citizen but if they ever removed they would not be entitled to any portion of the Choctaw yearly payments of money. Do you claim anything under this article of this Treaty? A I do not understand that, my grandmother never went West with the Indians.

Q Did your grandfather? A No I think not.

Q Did he take land there in Mississippi? A I suppose he did, but I could not testify to it.

Q Within six months after the ratification of this Treaty a great many of the Indians went to the 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 government to locate the land for these people he found that there were a great many who claimed that they had gone to the Agent and told him that they wanted to stay there whose names were not found on the rolls which the Indian Agent had made, so under different Acts of Congress Commissioners were appointed by Congress to go down into Mississippi and find out who of these people 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 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 disposed of they were given scrip with which they could locate land from any of the public lands in the states of Mississippi, Arkansas, Louisiana or Alabama. Did any of your ancestors own any land in one of these States? A Not that I know anything about. I don't think they did.

Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty when this Treaty was made who was a recognized Choctaw Indians? A In Mississippi, Yes; A Thomas Kelly. I do not know whether I could testify to the Hunt family living there or not. Thomas Kelly married into the Hunt family.

Q What relation was Thomas Kelly to you? A My grand father.

Q Your mother's father? A Yes.

Q What was your mother's mother's name? A Elizabeth Hunt, Elizabeth Kelly after she married my grand father.

Q Elizabeth Kelly after she married your grandfather? A Yes and her mother was Elitha Hunt and after my grand mother Elizabeth

Hunt died she raised my mother.

- Q Was your great grandmother Elitha Hunt a Choctaw Indian? A She claimed to be part Choctaw, I don't know what part.
- Q Then both of your mother's parents claimed to be Choctaw? A Yes.
- Q Do you know what Thomas Kelly's mother's name was? A No.
- Q Do you know what Thomas Kelly's father's name was? A No.
- Q Do you know which one of his parents claimed to be Choctaw? A I think it was his father, I can't testify to that for certain.
- Q I think you said that you knew more about the Indian blood in the Kelly family than you do about the Hunts? A Well, I do. I know that my grand father Kelly was a 1/2 blood Choctaw and my mother was a Hunt on her mother's side.
- Q You state that you do not know the name of your grandfather Kelly's father? A No.
- Q How is mother's? A No.
- Q And you do not know which one of them claimed to be Indian? A No.
- Q How old would your mother be if she were living now? A She would be about eighty-seven.
- Q Your mother then must have been about sixteen or seventeen years old in eighteen hundred and thirty when this Treaty was made, was she not? A I have not got the record of her, she might be seventy seven. I don't know just exactly how old she was.
- Q Well you think your mother was born before or about the year eighteen hundred and thirty? A You can put it that way.
- Q Then your grandmother's name was Elizabeth Kelly in eighteen hundred and thirty when this Treaty was made? Yes that is right.
- Q Were she and Thomas Kelly living in Mississippi in eighteen hundred and thirty? A I can't tell you that.
- Q Do you know if your mother was born in Mississippi? A Yes from all that I have been taught.
- Q Have you any evidence to show whether your grandmother and grandfather were living in Mississippi in eighteen hundred and thirty? A No I have no evidence to show that.
- Q Do you think you could get any evidence to show where they were living at that time? A No I don't suppose I can.
- Q One of these people who make an affidavit claim to have known your grand mother and grandfather? A No, I guess not, I think there are some there that know mother, is there not.
- Q Is there any one living who knew your grandfather and grandmother who could testify where they lived in eighteen hundred and thirty and could testify that they were Choctaw Indians? A I don't expect there is, I do not think there is any one living now who was with them at that time.
- Q Well, do you understand that in these affidavits you have offered here and expect to file there is no where shown the fact that your grand parents, grandfather and grandmother Kelly lived in Mississippi in eighteen hundred and thirty. None of these people who make these affidavits state that they knew your grandfather and grandmother personally? A I don't reckon there is any one who could testify to this unless it would be myself or some one of our family.
- Q Well do you understand that it is a matter of extreme importance to your case to offer evidence to show whether your grandfather or grandmother were living in the Choctaw Nation in Mississippi in eighteen hundred and thirty and were Choctaw Indians? A Yes, I am satisfied that it would be necessary if we could get it.
- Q You stated I believe that your grandfather and grandmother did not come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A No, they did not.
- Q Do you know if either 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 and take land and become citizens of the United States? A No I do not know that.

- Q You never heard anything about that in the family? A No, I never heard them say.
- Q Did either your mother's father or grandfather own any land in Mississippi? A I think my grandfather did, I am not sure.
- Q Do you know in what part of the State that land is located? A No.
- Q Do you think you can find out? A There would not be any chance unless some one would go back there and hunt up the old rolls.
- Q You can have the records of land transfers there in Mississippi examined and find out whether your grand father owned land; how he owned it; where he got it and how he disposed of it? A Yes I know that, but I am not sure that he owned it.
- Q Did you ever hear whether your grandfather or grand mother went to those Commissioners who were sent down to Mississippi in 1837 and 1842 and 1843 and tried to get land then? A No I never heard them say that they ever tried.
- Q You never heard that they ever got any scrip? A No.
- Q Is there any other statement that you would like to make at this time in support of your application? A No, nothing that I know of right now.
- Q Is there anything else that you ~~would~~ think might be beneficial to your claim that has not been asked you? A I think not.
- Q Do you want to file these papers? A Yes.

Written application of Sarah Rebecca Burnett, offered in evidence, filed, marked exhibit "A" and made a part of the record in this case.

Certified copy of marriage license and certificate between James Burnett and Sarah Brooks, offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Certified copy of marriage license and certificate between F. M. Strong and Rosa Burnett, offered in evidence, marked exhibit "C", filed and made a part of the record in this case.

- Q In giving the name of the father of your grandchildren you gave it as Marion Francis Strong? A Yes.
- Q In this marriage certificate the name appears as F. M. Strong? A Well F for Francis and M for Marion.
- Q Well, in giving his name you gave it as Marion Francis, which is right? A I always heard it called Francis Marion, we always called him Francis.
- Q You gave his name a little while ago as Marion Francis Strong? I had it backward then I reckon.

Affidavit of J. E. P. Bowen offered in evidence, marked exhibit "D" filed, and made a part of the record in this case.

Affidavit of J. R. Bristol offered in evidence, marked exhibit "E" filed, and made a part of the record in this case.

Affidavit of Hamilton Downing Brooks, offered in evidence, marked exhibit "F" filed, and made a part of the record in this case.

Affidavit of E. R. McConnell, offered in evidence, marked exhibit "G" filed, and made a part of the record in this case.

Affidavit of James A. Maning, offered in evidence, marked exhibit "H" filed, and made a part of the record in this case.

Affidavit of Wm H. Bean, offered in evidence, marked exhibit "I" filed, and made a part of the record in this case.

Affidavit of Harvey C. Sperry, offered in evidence, marked exhibit "J" filed, and made a part of the record in this case.

Affidavit of Wm H. Bean, offered in evidence, marked exhibit "K" filed, and made a part of the record in this case.

Affidavit of Geo. W. Diamond, offered in evidence, marked exhibit "L" filed, and made a part of the record in this case.



- Q Well did he have an Indian name? A I don't know what an Indian name is, if he did I never heard of it.
- Q You stated along early in the examination that your mother's mother died when she was very small and that your great grandmother raised your mother? A Yes.
- Q Do you know where your grandmother died? A I think she died in Mississippi.
- Q Do you know about when she died? A No.
- Q Did you ever hear? A No, I never heard the year and if I did I don't remember.
- Q Do you know about how long ago it was? A She has been dead about seventy years I reckon.
- Q Then she must have died somewhere along about 1830 if she has been dead seventy years? A Twenty-five or thirty, I can't tell exactly.
- Q Do you know how old your mother was when her mother died? A She was not more than 7 or 8 years old.
- Q And your mother you state would be somewhere along about 77 or 87 if she lived now? A Yes.
- Q Then you have reason to believe that your grandmother died before the year eighteen hundred and thirty or about that time? A Yes.
- Q And after her mother died what became of your mother? A My grandmother Hunt took her back to North Carolina.
- Q Then you think that your mother's mother died in Mississippi? A I can't tell you that for certain.
- Q And that after that your great grandmother took your mother back to North Carolina? A Yes.
- Q Was your great grand mother Indian? A She was some part Indian.
- Q What kind? A Choctaw I reckon by my grandfather marrying into the family.
- Q Well why, what makes you think that that is the reason she was Choctaw? A Well because I heard my father and mother talk ~~about~~ about being part Indian.
- Q May he was Cherokee? A I could not say that.
- Q What became of Thomas Kelly, your mother's father, after his wife died? A He went back to Mississippi.
- Q He went back to Mississippi? A Yes, and died there in Mississippi.
- Q Do you know when he died? A No I don't know, he went back on some kind of business.
- Q Back from where? A From North Carolina.
- Q Did he go to North Carolina? A I reckon he did by him taking the children there and then went back to Mississippi and died.
- Q Do you know when he died? A No, Not exactly.
- Q You have not much idea when he died? A No.
- Q Do you know how long it was after he took the children over to North Carolina before he died? A No, I do not, I do not think it was more than a year.
- Q But you don't know exactly when it was that he took the children to North Carolina? A No I don't I never had the dates.

The applicant in this case has straight dark brown hair and eyes and dark complexion. Her cheek bones are a trifle prominent and it may be possible that she has the amount of Indian blood claimed by her, one eighth. She 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 and it appears from her testimony that her grand mother died in Mississippi before or about the time of the making of the Treaty and her grandfather died in Mississippi a year or so after that date.

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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 15, 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 August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 17th, day of August 1901.

*D. Winchbaugh*

Notary Public.



C. v. W.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Francis Marion  
Brooks, et al., for identification as Mississippi  
Choctaws, consolidating the applications of:

Francis Marion Brooks et al.	M.C.R.	3358
Sarah Rebecca Burnett et al.,	M.C.R.	3242
John Franklin Burnett et al.,	M.C.R.	3243
Rebecca Jane Harding et al.,	M.C.R.	3245
Sarah L. McClendon,	M.C.R.	3246
Mary Ella Graham et al.,	M.C.R.	3247
Anna L. J. Bomborger,	M.C.R.	3357
Hamilton D. Brooks et al.,	M.C.R.	3359
Price W. Brooks et al.,	M.C.R.	3360
Christopher C. Brooks et al.,	M.C.R.	3371
Andrew J. Brooks et al.,	M.C.R.	3372
Ambrous A. Brooks et al.,	M.C.R.	3373
Julia M. McConnell et al.,	M.C.R.	3416
Christopher C. Bombarger et al.,	M.C.R.	3417
Lee Gustus Bombarger et al.,	M.C.R.	3418
William Ryly Brooks et al.,	M.C.R.	3495
John H. Brooks et al.,	M.C.R.	3496
James A. Brooks et al.,	M.C.R.	3497
Minnie L. Kennedy et al.,	M.C.R.	3618
Mary A. Cunningham et al.,	M.C.R.	3619
Maud L. Russon et al.	M.C.R.	3620
Iola A. Moore et al.,	M.C.R.	3738
Richard M. Brooks et al.,	M.C.R.	3807
John M. Brooks et al.,	M.C.R.	4091
Minnie A. McMenamy et al.,	M.C.R.	4092
Charles L. Brooks,	M.C.R.	4093
Nancy Arvey Wininger et al.,	M.C.R.	4350
Robert A. Brooks,	M.C.R.	4351
Willie Blackwell,	M.C.R.	4352

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D E C I S I O N  
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It appears from the record herein that applications for

identification as Mississippi Choctaws were made to this Commission by Francis Marion Brooks for himself and his three minor children, Lyman M., Julia M., and Walter Marion Brooks; by Sarah Rebecca Burnett for herself and her three minor children, James Harvey, Ollie Clarinda and Selly Brate Burnett and her two minor grandchildren Lewella and Minnie Lee Strong; by John Franklin Burnett for himself and his two minor children, Willie Ritchie and Bertice Ethel Burnett; by Rebecca Jane Harding for herself and her two minor children, Harvey L. and Frank O. Harding; by Sarah L. Mc Clenden for herself; by Mary Ella Graham for herself and her minor child, Ella A. Graham; by Anna L. J. Bombarger for herself; by Hamilton D. Brooks for himself and his five minor children, Mary Ann, Lyman M., Tuley, Charles P. and Estella Brooks; by Price W. Brooks for himself and his five minor children, Elma Dean, Jessie, Price Logan, Earl Leon and Nellie Brooks; by Christopher C. Brooks for himself and his four minor children, Charley H., Clara Ellen, Henderson Rome and Arthur G. Brooks; by Andrew J. Brooks for himself and his four minor children, Lucion Claude, Jesse James, Myrtle Elizabeth and Burnetty Brooks; by Ambrous A. Brooks for himself and his four minor children, Hattie E., Minnie F., Mattie E. and Gracie L. Brooks; by Julia M. McConnell for herself and her seven minor children, Walter, Fannie Elizabeth, Essie, Roger, Lee, Floyd and Avie McConnell; by Christopher C. Bombarger for himself and his two minor children, Harvey C. and Gracie M. Bombarger; by Lee Gustus Bombarger for himself and his four minor children, Basil Lee, Una May, Othal Paul and Ava Price Bombarger; by William Ryly Brooks for himself and his five minor children, Beasie, Alice, Susie, Willie and Luther Brooks; by John H. Brooks for himself and his four

minor children Wiley, Devie, Henry and Ellen Brooks; by James A. Brooks for himself and his two minor children, Roy and Samuel Brooks; by Minnie L. Kennedy for herself and her two minor children; Alma Pauline and Eunice F. Kennedy; by Mary A. Cunningham for herself and her two minor children, Elsie and Joseph M. Cunningham; by Maud L. Russem for herself and her three minor children, Grover C. Robert L. and Sula M. Russem; by Iola A. Moore for herself and her four minor children, Burt, Minnie B., Eddie C. and Cora A. Moore; by Richard M. Brooks for himself and his minor child, Foy H. Brooks; by John M. Brooks for himself and his minor child Eva Brooks; by Minnie A. McMenemy for herself and her three minor children, Lorena, Reba and -----McMenemy (an infant three months old and unnamed); by Charles L. Brooks for himself; by Nancy Arvey Winingler for herself and her minor child Aileta Winingler; by Robert A. Brooks for himself and by Willie Blackwell for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats. 495.)

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

It also appears that 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 Julia Ann Brooks (nee Kelly or Kelley) who is alleged to have been an one quarter blood Choctaw Indian and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896(29 Stats. 321.)

It does not appear from the testimony and evidence offered in support of said 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 Julia Ann Brooks (nee Kelly or Kelley) or any of the applicants herein, signified, (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842(5 Stats. 513).

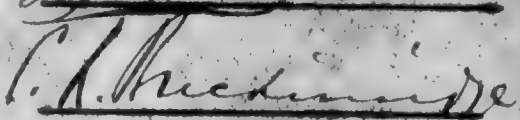
It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly. Brage Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding,

Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles F. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grover C. Russon, Robert L. Russon, Eula M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, ---McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830,

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

COMMISSION TO THE FIVE CIVILIZED TRIBES

  
\_\_\_\_\_  
ACTING CHAIRMAN.

  
\_\_\_\_\_  
C. A. McQuinn

Commissioner

Muskogee, Indian Territory

JUN 4 1902

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Miss. Choctaw 3242

Muskogee, Indian Territory, May 26, 1902.

Sarah Rebecca Burnett,  
Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of May 24, in which you ask if the Mrs. Burnett who was represented by Charles Greshaw of Sherman, Texas, has been enrolled.

In reply to your letter you are advised that it appears from our records that on August 15, 1902, Sarah Rebecca Burnett made application to this Commission, at Atoka, Indian Territory, for the identification of herself and three minor children and two minor grandchildren as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to the rights of these applicants as Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

Yours truly,

Commissioner in Charge.

COPY.

M C R 3242

Muskogee, Indian Territory, June 15, 1902.

Sarah Rebecca Burnett,

Klmview, 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 Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Marion Brooks, et al.,	M C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrous A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryle Brooks, et al.,	" 3496
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3616
Mary A. Cunningham, et al.,	" 3619
Maud L. Russon, et al.,	" 3680
Iola A. Moore, et al.,	" 3738
Richard H. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Winnie A. McManamy, et al.,	" 4092



Charles L. Brooks,  
Nancy Arvey Wininger, et al.,  
Robert A. Brooks,  
Willie Blackwell,

M C R 4093  
" 4350  
" 4351  
" 4352

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 Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bamberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leen Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell,

Avie McConnell, Christopher C. Bombarger, Harvey C. Bombarger, Gracie M. Bombarger, Lee Gustus Bombarger, Basil Lee Bombarger, Una May Bombarger, Othal Paul Bombarger, Ava Price Bombarger, William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grover C. Russon, Robert L. Russon, Eula M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, ---McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Winger, Alleta Winger, Robert A. Brooks and Willie Blackwell 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 no 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,

Register.

(SIGNED)

*Samuel Doby*

Acting Chairman.

COPY.

3242

Muskogee, Indian Territory, October 17, 1902.

Sarah Rebecca Burnett,  
Kinview, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

C. G. DIXBY

*Tom D. Dixby.*  
Acting Chairman.

Miss. Choctaw R5242

Muskogee, Indian Territory, October 31, 1902.

Sarah Rebecca Burnett,  
Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of October 28, in regard to your claim to identification as a Mississippi Choctaw.

In reply to your letter you are advised that, the Commission having on June 4, 1902, rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and the Secretary of the Interior having, on October 9, 1902, approved the action of the Commission denying said application, the Commission considers this case closed.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, November 26, 1902.

Sarah Rebecca Burnett,  
Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you ask the Commission to ascertain the whereabouts of your uncle, Rotenbary; that you think he is in the Chickasaw Nation.

In reply you are informed that there is no person by the name of Rotenbary appearing upon the records of the Commission as a citizen of the Chickasaw Nation.

The Commission is therefore unable to give you any information concerning your uncle.

Respectfully,

Acting Chairman.

Muskegee, Indian Territory, January 21, 1903.

S. C. Treadwell,

Tishomingo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., in which you state "I desire to know the status of J. J. Burnett as to his citizenship and that of his wife and daughter, cannot furnish given name of wife and daughter, I think they applied as Mississippi Choctaws."

In reply to your letter you are informed that it appears from the records of the Commission that Sarah Rebecca Burnett 50 years of age, residence Elmview, Texas, is an applicant for the identification of herself and her minor children, James Harvey, Ollie Clarinda and Selly Brate Burnett, and minor grand-children, Luella and Minnie Lee Strong, as Mississippi Choctaws. The principal applicant in this case testifies that she is the wife of James Burnett. If the persons named in the above application are the ones of whom you inquire, you are advised that the Commission, on June 4, 1902, rendered its decision refusing their applications and on June 16, 1902, the principal applicant was notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. On October

S..C.Treadwell---2

9, 1902, the Secretary of the Interior approved the decision of the Commission and on October 17, 1902, the principal applicant was notified of such Departmental action.

You are further advised that it does not appear from the record that any person by the name of J. J. Burnett is listed for enrollment as a citizen or freedman of either the Choctaw or Chickasaw Nations or is an applicant for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

## For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Sarah (Rebecca Burnett)

Age 50 Blood 1/8

Post Office, Elmview, Texas

Father: John Brooks (dead)

Mother: Julia Brooks (dead)

Claims through mother

Husband: James Burnett  
(no claim for him)Claims for self, 3 children,  
and 2 grand-children.

Children:

James Harvey Burnett 20

Ellie Harinda " 17

Sally Brate " 12

Grand children

Luella Strong 6

Minnie Lee " 3

Mother: Posey Strong (dead)

Father: Martin F. Strong

Children claim through mother

25 A

Stenographer

J. Rosenwinkel



MBR 3242,  
Name of grand-  
child

evidence: Sewella

Stroug

slip. Poulla

Strawn

~~Minnie Lee Strawn~~

evidence, Minnie

Lee, Stroug

slip Minnie Lee

Strawn

Choctaw MCR 3243

John Franklin Burnett

See MCR 3358

MCR 3243

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 15, 1901.

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In the matter of the application of John Franklin Burnett for identification of himself and his two minor children as Mississippi Choctaws.

C. R. Crenshaw attorney representing applicant.

John Franklin Burnett being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John Franklin Burnett.  
Q What is your age? A Twenty-seven years.  
Q What is your post-office address? A Tioga, Grayson County, Texas.  
Q How long have you lived in Texas? A Twenty seven years.  
Q You were born in Texas? Yes.  
Q Never had a home anywhere else? A No.  
Q What is your father's name? A James Burnett.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah Rebecca Burnett.  
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-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 Not by the Choctaw Indians she has not. We have all been taught that we was Choctaw Indians.  
Q You mean then that the people among whom you lived considered you as being Choctaw Indians but that your mother has not been recognized as such by the Choctaw tribe or by the United States? A No.  
Q Are you married? A Yes.  
Q What is your wife's name? A Deliah.  
Q Is she living? A Yes.  
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 whom you wish to make application at this time? A Yes two.  
Q Give the names and ages of these children? A Willie Ritchie.  
Q How old? A Four years past it will be five the 20th of December.  
Q Next? Bertice Ethel.  
Q How do you spell it? A I can't tell you but I have got it here (reading from slip of paper) B-e-r-t-i-o-e.  
Q How old? A Three years.  
Q These are your children? A Yes.  
Q What is the name of their mother? A Deliah.  
Q When and where were you married to her? A I was married in Grayson County, Texas.  
Q When? A The twelfth of April 1896.  
Q Did you obtain a license to marry? A Yes

#2

- Q Were you married by an ordained minister or an official? A Ordained minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? 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 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 10, 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 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 your self 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 Why I want to make application for myself and my children for a right in the Choctaw Nation.
- Q You have a written application have you? A Yes.
- Q In this written application you state that you are a descendant of a Mississippi Choctaw Indian? A Yes.
- Q That is the way you claim here now is it? A Yes?
- Q You make any claim under any of the treaties between the United States and the Choctaw Nation? A I do according to my mother's record under the treaty of eighteen hundred and thirty.
- Q You claim under the treaty of eighteen hundred and thirty? A Yes.
- Q You claim under any particular part of that treaty? A Under the whole treaty.

The law under which the Commission is acting at this time gives it the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all to the Country west of the River but some of the Indians did not want to leave their homes and come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi, so the fourteenth article was 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 Is that the provision of the treaty under which you are claiming?  
A Yes. Under the history of the family this is the one I claim under.

Within six months after the ratification of the treaty a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States but when a locating agent was sent down by the government to locate the land for these Indians it was found that there were a great many who claimed they had gone to the Indian Agent whose names were not on the list which the Indian Agent had made so under different acts Congress Commissioners were appointed and sent down into Mississippi to look into this matter and find out which of these Indians were really entitled to land under the fourteenth article of the treaty These Commissioners took up and passed on a great many claims. Some they allowed and some they 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 they were given scrip with which they could locate land on any of the public lands in 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 What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made? A Thomas Kelley and Elizabeth Kelley my great-grandfather and mother.
- Q What was your mother's father's name? A John B. Brooks.
- Q And what was your mother's mother's name? A After she had married Brooks or before?
- Q Yes? A Elizabeth I believe.
- A You are not positive about her mother's name? A No.
- Q Do you know which one of your mother's parents claimed to be Choctaw? A Which one of my mother's parents?
- Q Yes? A Why it was her mother.
- Q And what was your grandmother's father's name? A Thomas Kelley.
- Q And what was her mother's name? A Elizabeth
- Q And which one of your grandmother's parents claimed to be Choctaw? A Thomas Kelley her father.
- Q I believe your mother stated in her application that both her grandparents claimed to be Choctaw? A The history that I have don't give any direct blood of her grandmother it is just supposition that she was Indian.
- Q Have you any evidence of the marriage of your great grandfather and great grandmother? A No I have not.
- Q You think you can secure that evidence? A Yes I think so.

It will be necessary for the Commission to be supplied with evidence of the marriage of your great grandfather and great grandmother in support of your application.

- Q Did Thomas Kelley and Elisabeth Kelley live in Mississippi in eighteen hundred and thirty? A That is the history that I have upon that.
- Q Have you any evidence to show that they did? A No I have not.
- Q Do you think you can secure any such evidence? A I can try it.
- Q Well you understand that it is important in your case that you get evidence on that point? A Yes.
- Q Did Thomas or Elisabeth Kelley come west with the other Choctaws to the present Choctaw Nation between eighteen hundred and thirty three and eighteen hundred and thirty eight? A No.
- Q Did either one of them go to the United States Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there and take land in Mississippi and become citizens of the United States? A I have no record of that.
- Q Do you think you will be able to secure any evidence on that point.
- Q I could not tell you.
- Q You understand that is also a material point in your case? A Yes.
- Q Do you expect to secure any such evidence if possible? A Yes.
- Q You stated I believe that you did not know whether any of your ancestors owned land in Mississippi, Arkansas, Alabama or Louisiana? A Yes.
- Q You have no history on that point? A No I have no history.
- Q Was your grandfather or your grandmother enrolled in Mississippi? A I have no history on that.
- Q Did you ever hear anything about it? A I hear that they was.
- Q How did you hear that? A Why by people telling me.
- Q Who were these people? A Mr. Dunn told me.
- Q Do you know what his initials are? A No I don't.
- Q Where did he live? A Sherman at that time.
- Q How long ago was that? A Between three and four weeks ago.
- Q How did he happen to know anything about it? A Well him and Mr. Whiteacre claimed that they had seen a certain copy of the record.
- Q And that record said? A That Tom Kelley was on the rolls.
- Q Well who is this Whiteacre? A He lives in Sherman there Bob Whiteacre.
- Q Are they attorneys? A No I know that Whiteacre is not and I don't know that Dunn is.
- Q Did you have any correspondence with these people? A No only talking.
- Q You just talked with them? A Yes. They came out there to our place and introduced themselves and told their business that they were around collecting people that had Choctaw Indian blood in them and they told us about the record showing Thomas Kelley and that that was my mother's grandfather.
- Q How did they know that any of your ancestors were named Kelley? A I don't know.
- Q What did they want you to do? A They wanted us to make application here before the Dawes Commission to get our right.
- Q You say you think they were not attorneys; were they representing attorneys and who were they representing if you know? A I don't understand the question?
- Q I say were they representing some attorney? A They did not claim it out there but when we went to Sherman they said they were representing Poole I think.
- Q And Mr. Poole is an attorney? A Yes.
- Q Did they claim that they were working with Mr. Poole or for him?
- Q A They didn't claim that when they first came out at our place but when we got to Sherman they claimed that they were working for Pool,

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- Q Associated with him? A Yes.  
Q Did you have any conversation with them yourselves? A Mr. Pool?  
Q No, Dunn and Whiteacre? A Yes.  
Q And you don't know anything more about your great grandfather and great grandmother being enrolled than the statement made to you at that time? A No.

The Copy of Ward's register of names of Choctaws who within six months after the ratification of the treaty of Dancing Rabbit Creek signified their intention of remaining in Mississippi, examined and the names of Thomas and Elizabeth Kelley not found thereon.

List of claimants under the fourteenth article of the treaty of eighteen hundred and thirty whose claims were allowed by Commissioners and approved by the Secretary of War and by the President examined and the names of Thomas and Elizabeth Kelley n not found thereon.

- Q Is there any other statement that you would like to make at this time in support of your application? A I hardly understand that question.  
Q I mean is there anything else beneficial to your claim that you would like to say now? A No.  
Q You want to file these papers? A Yes.

Written application of John Franklin Burnett 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 John Franklin Burnett and Deliah Alexander offered in evidence marked exhibit "B", filed and made a part of the record in this case.

Affidavit of J. K. P. Bowen offered in evidence, marked exhibit "C" filed, and made a part of the record in this case.

Affidavit of D. H. Alexander offered in evidence, marked exhibit "D" filed, and made a part of th record in this case.

Affidavit of E. R. McConnell offered in evidence, marke d exhibit "E" filed and made a part of the record in this case.

Affidavit of Harvey C. Sperry offered in evidence, marked exhibit "F" filed and made a part of the record in this case.

Affidavit of J. R. Bristol offered in evidence marked exhibit "G", filed and made a part of the record in this case.

Affidavit of William H. Bean offered in evidence, marked exhibit "H", filed and made a part of the record in this case.

Affidavit of James A. Hanning offered in evidence, marke d exhibit "I" filed and made a part of the record in this case.

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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.

The applicant in this case had brown hair, brown eyes and dark complexion. His cheek bones are a trifle prominent, the' 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 although it appears from his testimony that his great grandfather lived in Mississippi in or about eighteen hundred and thirty. This applicant is a son of Sarah Rebecca Burnett whose personal appearance indicates that she might be possessed of a small amount of Indian blood.

G. Rosenwinckel 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 15, 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. Rosenwinckel*

Subscribed and sworn to before me this 1 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.



COPY.

N C R 3243

Muskogee, Indian Territory, June 16, 1902.

John Franklin Burnett,  
Tioga, Texas.

Dear Sir:

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 Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Choctaws:

Francis Marion Brooks, et al.,	N C R 3358
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3243
Sarah L. McClenden,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3387
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrous A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Rylly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary J. Cunningham, et al.,	" 3619
Maud L. Russon, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McMenemy, et al.,	" 4092

Charles L. Brooks,	M C R 4093
Nancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 4352

These applications wer 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 Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Belly Prate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomborgar, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie prooks, Price Logan Brooks, Karl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bennetty Brooks, Ambrous A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fanniw Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bombarger, Harvey C. Bombarger, Gracie M. Bombarger, Lee Gustus Bombarger, Basill Lee Bombarger, Una May Bombarger, Othel Paul Bombarger, Ava Prive Bombarger, William Rly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie

Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice P. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grocer C. Russon, Robert L. Russon, Eula M. Russon, Iela A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cera A. Moore, Richard M. Brooks, Foy E. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, --- McMenamy (infant unnamed) Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks and Willie Blackwell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1850 and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

(SIGNED)

*Tamm Dixey.*

Registered.

Acting Chairman.

Miss. Choctaw R3243  
Miss. Choctaw R3246

Muskogee, Indian Territory, July 10, 1902.

James K. Page, Postmaster,  
Tioga, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, in which you state that you have at your office registered letters addressed by this Commission to Sarah McClendon and John Franklin Burnett, whose present address is Caddo, Indian Territory, and ask to be advised whether to forward the same to these parties at their present address.

In reply to your letter you are informed that these registered letters should be forwarded to the respective parties, at their present address.

Yours truly,

---

Acting Chairman.

COPY.

M O R 3243

Muskogee, Indian Territory, October 17, 1902.

John Franklin Burnett,

Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

(SIGNED)

*Edward D. Smith*  
Acting Chairman.

No. 3243

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name John Franklin Burnett

Age 27 Blood 1/16

Post Office, Tioya, Texas

Father: James Burnett -

Mother: Sarah Rebecca Burnett -

Claims through mother

wife: Selia Burnett -  
(no claim for her)

Children:

Hellie Richard Burnett 4

Bertrice Ethel " 3

Claims for self and two children

Stenographer

J. Rosenwinkel

Ms. R. 3243

Names of children

evidence:

Willie Ritchie Burnett  
Bertrice Ethel "

slip:

Willie Richard Burnett  
Bertrice Ethel "

Choctaw MCR 3244

Andrew J. Spikes

See MCR 3248, 3249

MCR 3244



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

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

Andrew J. Spikes, et al	M.C.R. 3244
William Spikes, et al	" 3248
Marion L. Spikes, et al	" 3249

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Andrew L. Spikes, et al.

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Ateka, I.T. August 15, 1901.

3244

In the matter of the application of Andrew J. Spikes for identification of himself and his two minor children as Mississippi Choctaws.

C. R. Greshaw attorney representing applicant.

Andrew J. Spikes being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Spikes.  
Q What is your first name? A A. J.  
Q What does that "A" stand for? A Andrew J.  
Q How do you spell that? A S-p-i-k-e-s.  
Q What is your age? A Seventy-two.  
Q What is your post-office address? A Corsicana, Texas.  
Q How long have you lived there? A I have been living in Texas fifteen years.  
Q Where did you live before you lived in Texas? A In Mississippi.  
Q How long did you live in Mississippi? A All my life until I came to Texas.  
Q You were born in Mississippi? A Yes.  
Q And lived there continuously until you went to Texas? A Yes.  
Q What is your father's name? A Levi Spikes.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Charity Spikes.  
Q Is she living? A No she is dead.  
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-eighth I suppose.  
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 not that I know of.  
Q Are you married? A Yes.  
Q What is your wife's name? A Jane Spikes.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q She is a white woman and makes no claim to Choctaw blood? A No she is white.  
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 I have two.  
Q Give the names and ages of these children? A Ernestine Spikes, E-r-n-e-s-t-i-n-e.  
Q How old? A She is eighteen.  
Q Next? A Tom, sixteen.  
Q These are your children? A Yes.  
Q What is the name of their mother? A Jane.  
Q When and where were you married to Jane? A I was married in Mississippi in sixty-five.  
Q Did you obtain a license to marry? A Yes.

#2

- Q Were you married by an ordained minister or by an official authorized to perform the marriage? A Ordained minister.
- Q Have you your marriage license and certificate and desire to offer same in evidence? A Yes at home.

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 Indian Territory? A No.
- Q Have you ever applied 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 by 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 made application before this time 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 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 For my right as a Mississippi Choctaw.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes, eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A How did you ask that question?
- Q I asked if you claimed under the whole treaty or under a part of it? A I claim under the fourteenth section.
- Q Under the fourteenth article? A Yes.
- Q Do you understand the provision of that article of that treaty? Well I don't know that I do exactly.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and a few of them in the State of Alabama for the purpose of giving them land west of the Mississippi river in exchange for their land in those states and to move them all to the Country west of the river, but some of the Indians did not want to go to this new Country and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of the Indians who wished to remain in the old Choctaw Nation 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 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 is it? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian? A My grandmother was a Colson and married a Briggs. That is on my mother's side you understand.
- Q You claim your Choctaw blood through your mother? A Yes?
- Q And what is your mother's father's name? A John Briggs.
- Q And what is your mother's mother's name? A Susan Colson.
- Q Susan Briggs? A Yes.
- Q Which one of your mother's parents claimed to be Choctaw? A My grandmother, on my mother's side.
- Q Was your grandmother living in Mississippi in eighteen hundred and thirty? A Yes.
- Q Where was your mother living in eighteen hundred and thirty? A She was living in Mississippi.
- Q You yourself were born about the year 1829? A Yes.
- Q Your mother then was a married woman and the head of a family in eighteen hundred and thirty when the treaty was made? A Yes.
- Q How much Choctaw blood did your mother claim to have? A I think about one-fourth.
- Q Was she a recognized Choctaw Indian in eighteen hundred and thirty? A Yes.
- 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 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 there in Mississippi and become a citizen of the United States? A No.
- Q Are you sure of that? A I think I am,--I am not very sure about that because I was only eight years old when my mother died.
- Q Your mother must have died then about the year 1837? A Yes.
- Q Did your grandmother go to the Indian Agent there within six months after the ratification of this treaty of eighteen hundred and thirty and tell him that she wanted to stay there? A I don't think she did.
- Q Have you any evidence that your mother was a recognized Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A I can get some evidence.
- Q Have you any evidence to show whether your mother went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that she wanted to stay? A No.

- Q You think you can get any evidence on that point? A Yes I think so.
- Q Well these are both very material points in your case and if it is possible for you to secure any evidence on these points you should do it? A Yes they old people are about all gone, almost every one living of the old generation died.
- Q Did you ever hear of your grandmother being enrolled in Mississippi? A No.
- Q Did you ever hear of your mother being enrolled in Mississippi? A No.
- Q Was your mother recognized by the Choctaw Indians who lived in Mississippi? A Yes we lived right with them.
- Q Have you any evidence of that? A No I have not.
- Q Did your mother or grandmother ever own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know whether they did or not.
- Q Did you ever hear of them getting any land scrip? A No.
- Q Do you remember when the Commissioners were down there in Mississippi investigating the claims of these Indians who stayed there and who claimed that they had gone to the Indian Agent and told him that they wanted to stay in Mississippi and take land? A What time was that.
- Q Well it was between eighteen hundred and thirty seven and eighteen hundred and forty five? A Yes I heard some talk about that when I was about ten or twelve years old but I didn't pay much attention to it.
- Q Were you living in Mississippi in eighteen hundred and forty-five? A No we were living in Louisiana. My father went to Louisiana in 1842 and I stayed there a few years and then went back to Mississippi and stayed there until I came to Texas.
- Q You didn't say anything about that a little while ago when I was asking you about your residence? A No but that is the way it was.
- Q Why was it that you did not say anything about that when I asked you? A I don't know I just missed it.
- Q How long did you stay in Louisiana? A Four or five years I suppose.
- Q In what part of Mississippi did you live? A In Simpson County about forty miles below the capitol.
- Q You mean the capitol of the State? A Yes Jackson.
- Q Do you remember in 1842 that there were Commissioners in Mississippi at that time? A Yes.
- Q The latter part of 1842? A Yes that was after we moved to Louisiana.
- Q Your mother was dead at that time? A Yes.
- Q Where was your grandmother living then? A In the same County that she lived in and died.
- Q Did she go to any of these Commissioners then? A Not that I heard of.
- Q Your father did not go for your mother? A No not that I heard of.
- Q You were about sixteen years old then and you would have heard if he had gone? A Yes I was fifteen or sixteen, he never went that I heard of.
- Q On what do you base your claim then as a Mississippi Choctaw? A Well I have an interest in the Choctaw Nation.
- Q Do you think you will be able to get any witnesses before the Commission in person to testify that your mother was a recognized Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A Yes I think I can.

#5

- Q And do you think you can get any evidence to show that your mother or grandmother went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay there? A I don't whether I can or not, the records there were burned up.
- Q Do you know of any one living who knew your grandmother in eighteen hundred and thirty who could testify about that? A I don't know that I do.
- Q Do you understand that these are material points on which it would be advisable for you to secure evidence if you can? Do you understand that? A Yes.
- Q Have you any papers that you want to file at this time? A Yes.

Written application of Andrew J. Spikes offered in evidence marked exhibit "A", filed and made a part of the record in this case.

- Q Who fixed up this application for you? A Dr. Whittacre wrote it out.
- Q Who is he? A I think he is working for Pool, he wrote it out.
- Q Where? A At Sherman.
- Q Does he live at Sherman? A Yes.
- Q What are his initials? A R. P. Whittacre.
- Q Did he tell you that he was working with Pool? No he did not tell me so but I thought from the way he was working that he was. He wrote this up.
- Q Is he an attorney? A No.
- Q Did you have any correspondence with him? A No.

This applicant has gray hair and beard which seem originally to have been black, blue eyes and medium complexion. His features and general appearance are those of a white man. 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 although it appears from his testimony that his mother was living in Mississippi in eighteen hundred and thirty and that his grandmother was also living there at that time and that this applicant was born previous to the making of the treaty.

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 say that this application was made out for you at Sherman? Yes.
- Q Well you live at Corsicana? A Yes. Well I heard of the Commission going on and came up there and am acquainted with him and stayed all night with him and got him to write it up.
- Q You are personally acquainted with Whittacre? A Yes.
- Q Did you have any dealings with Mr. Pool? A No I have no attorney.

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 15, 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 1 day of November 1901.

*G. Rosenwinkel*  
Notary Public.

off  
@

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Andrew J. Spikes, et al.,	M.C.R. 3244
William Spikes, et al.,	M.C.R. 3248
Marion L. Spikes, et al.,	M.C.R. 3249.

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 Andrew J. Spikes for himself and his two minor children Ernestine and Tom Spikes; by William Spikes for himself, his wife Irena Jane Spikes, and his minor child Eller Spikes, and by Marion L. Spikes for himself and his four minor children Richard G., Florence I., Mary G. and McKinley G. Spikes 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 the applicants in M.C.R. 3244 and the principal applicant in M.C.R. 3248 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 Susan Briggs, nee Colson, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty; that the wife of the principal applicant in M.C.R. 3248 claims said rights by reason of being a descendant of James Kelly (or Kelley), Elisabeth Kelly, nee Newman, Isaac Campbell and Elisabeth Campbell, nee Stripling, all of whom are alleged to have been Choctaw Indians, degree of blood not stated; and that all the applicants embraced in M.C.R. 3249 and the minor applicant in M.C.R. 3248 claim said rights by reason of being descendants of all the above named ancestors.

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 of-

ferred 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 Susan Briggs, nee Colson, or James Kelly (or Kelley), or Elisabeth Kelly, nee Newman, or Isaac Campbell, or Elisabeth Campbell, nee Stripling, 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 Andrew J. Spikes, Ernestine Spikes, Tom Spikes, William Spikes, Irene Jane Spikes, Ellier Spikes, Marion L. Spikes, Richard C. Spikes, Florence I. Spikes, Mary O. Spikes and McKinley G. Spikes 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).

I. B. Needles.  
Commissioner.

Muskogee, Indian Territory,

(SIGNED).

C. R. Breckinridge.  
Commissioner.

APR 9 1903

Muskogee, Indian Territory, November 15, 1901.

Jerry W. Scarborough,  
Pontotoc, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant enclosing affidavits of Susan S. Burton and C. V. McKimsell and the joint affidavit of Mary Young and S. L. Young which you offer for filing in support of the application for identification as a Mississippi Choctaw of Andrew J. Spikes et al. and also advising that your present post office address is Pontotoc, Indian Territory.

The affidavits have this day been filed with the other records in this case and will receive the consideration of the Commission in the disposition of the claims of these persons as Mississippi Choctaws.

The change of your post office address has been made a matter of record with the Commission.

Yours truly,

M. C. 3244  
M. C. 188

Acting Chairman.

Muskogee, Indian Territory, December 10, 1901.

J. O. Pool,

Nacona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter from Washington, D. C., under date of the 5th instant, enclosing an affidavit of Laura Renner which you offer for filing in support of the application for identification as Mississippi Choctaws of Andrew J. Spikes et al.

The affidavit has this day been filed with the other records in this case and will receive the attention of the Commission in the disposition of the claims of these persons for identification as Mississippi Choctaws.

Yours truly,

M.C. 3244

Commissioner in Charge.

COPY.

M.C.R. 3244

Muskogee, Indian Territory, April 9, 1903.

Andrew J. Spikes,  
Corsicana, Texas.

Dear Sir:

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

Andrew J. Spikes, et al.	M.C.R. 3244
William Spikes, et al.	M.C.R. 3246
Marion L. Spikes, et al.	M.C.R. 3249

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 Andrew J. Spikes, Ernestine Spikes, Tom Spikes, William Spikes, Irene Jane Spikes, Eller Spikes, Marion L. Spikes, Richard C. Spikes, Florence I. Spikes, Mary O. Spikes and McKinley O. Spikes as Choctaw Indians entitled to rights in the Choctaw

Andrew J. Spikes, --2

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,

Chairman

Registered.

Muskogee, Indian Territory, April 9, 1903.

C. R. Crenshaw,

Attorney at law,

Sherman, Texas.

Dear Sir:

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

Andrew J. Spikes, et al.	M.C.R. 3244
William Spikes, et al.	M.C.R. 3248
Marion L. Spikes, et al.	M.C.R. 3249

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

C. R. Greshaw, --2

Andrew J. Spikes, Ernestine Spikes, Tom Spikes, William Spikes, Irene Jane Spikes, Eller Spikes, Marion L. Spikes, Richard G. Spikes, Florence I. Spikes, Mary O. Spikes, and McKinley C. Spikes 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 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)

Chairman.

Registered.



Muskogee, Indian Territory, April 9, 1903.

Mansfield, McMurray and Cornish,

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

Gentlemen:

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

Andrew J. Spikes, et al.	M.C.R. 3244
William Spikes, et al.	M.C.R. 3248
Marion L. Spikes, et al.	M.C.R. 3249

These application 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 Andrew J. Spikes, Ernestine Spikes, Tom Spikes, William Spikes, Irene Jane Spikes, Eller Spikes, Marion L. Spikes, Richard G. Spikes, Florence I. Spikes, Mary O. Spikes and McKinley G. Spikes as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

M. Mc. & C., --2

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

Respectfully,

(SIGNED)

*Samuel D. ...*  
Chairman.

COPY.

Muskogee, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Andrew J. Spikes, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

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

Andrew J. Spikes, et al., M.C.R. 3244;  
William Spikes, et al., M.C.R. 3248;  
Marion L. Spikes, et al., M.C.R. 3249.

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

Respectfully,

(SIGNED)

*Tames Dixby,*  
Chairman.

Through the  
Commissioner of Indian Affairs.

2 Encs.: M.C.R. 3244.

COPY.

D.C. 27251.  
ITD. 5400-1903.  
L.R.S.

WCF.  
WAF.

DEPARTMENT OF THE INTERIOR,

Washington, September 28, 1903.

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

Gentlemen:

April 25, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaw Indians, of Andrew J. Spikes and his minor children, Ernestine and Tom Spikes; of William Spikes, his wife, Irene Jane Spikes, and his minor child, Eller Spikes; and of Marion L. Spikes and his minor children, Richard C., Florence I., Mary O., and McKinley G. Spikes. Your decision refusing the applications was rendered April 9, 1903.

The applicants base their claims to a right to identification as Mississippi Choctaw Indians on their descent from Susan Briggs (nee Colson), or James Kelly, and Elizabeth Kelly (nee Newman), and Isaac Campbell, and Elizabeth Campbell (nee Stripling), it being alleged that said ancestors were Choctaw Indians.

The record in this case as well as the records of the Indian Office, fails to show that any one of said ancestors 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 2, 1903, the Commissioner  
of Indian Affairs recommends approval of your decision.  
is  
A copy of his letter is inclosed.

The Department has carefully considered the  
entire record, finds no reason to modify your decision,  
and hereby affirms the same.

Respectfully,

Thos. Ryan,  
Acting Secretary.

1 inclosure.

Land.  
87651.-1905.

COPY.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

Washington, July 2, 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 matter of the application of Andrew J. Spikes for the identification of himself and his two minor children, Ernestine and Tom Spikes; of William Spikes for the identification of himself, his wife Irene Jane Spikes, and his minor child Eller Spikes; and of Marion L. Spikes for the identification of himself and his four minor children, Richard C., Florence I., Mary C. and McKinley G. Spikes, all as Mississippi Choctaws.

On April 9, 1903, the Commission rendered a decision in this case finding that the evidence submitted in behalf of these applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that the principal applicant, Andrew J. Spikes, is 72 years old and that he claims to have inherited his Choctaw blood from his mother, Charity Spikes, nee Briggs, and his grandmother, Susan Briggs,

nee Colson. The names of James Kelly, Isaac Campbell, Elizabeth Stripling and Elizabeth Newman are also submitted by the applicants as having been ancestors, but it does not appear from the record evidence nor an examination of the records in this office that any of the above named persons ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land or scrip in lieu thereof thereunder.

The age of the said Andrew J. Spikes, he being 72 years old when he testified in this case, would indicate that he ought to be possessed of such information as would identify him as a Mississippi Choctaw Indian entitled to rights in the Choctaw Nation under the provisions of said article 14 if, as a matter of fact, he is entitled thereto. The fact that he is not able to furnish any facts showing that he is so entitled and the further fact that he is not supported in any way by the records in this office would seem to clearly indicate that the decision of the Commission in this case is correct, and the office recommends that it be affirmed by the Department.

Very respectfully,

W.A. Jones,  
Commissioner.

W.C.B.--S.

M.C.R.3244.

Muskogee, Indian Territory, October 10, 1903.

Andrew J. Spikes,  
Corsicana, Texas.

Dear Sir:

You are hereby notified that on the 28th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Spikes, et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

*James H. Wilson*  
Chairman.



M.C.R. 3244.

COPY:

Muskogee, Indian Territory, October 10, 1903.

C. R. Crenshaw,  
Attorney at Law,  
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 28th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Spikes, et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

*Tamie D. ...*  
Chairman.

N.C.R. 3244.

Muskogee, Indian Territory, October 10, 1903.

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

Gentlemen:

You are hereby notified that on the 28th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Spikes et al., of which decision you were advised by mail on the 9th, day of April, 1903.

Respectfully,

*James H. Hester*  
Chairman.

Andrew J. Spikes 72- $\frac{1}{8}$  Ernestine Spikes 18  
mar  
Jane Young Tom Spikes 16  
-w-

Susan Colson  $\frac{1}{2}$  Charity Briggs  
(dead) dead  
mar mar

John Briggs

Levi Spikes  
dead

William Spikes 68- $\frac{1}{8}$   
(or Bill.)  
mar

Irene Jane Kelley 57- $\frac{1}{8}$   
(or Irene Jane Kelley)

E. Klev Spikes 19

Marion L. Spikes 34- $\frac{1}{8}$   
mar

Josephine Oglesby 22  
-w-

Richard C. Spikes 11  
Florence J. " 7  
Mary O. " 4  
M. Kinley Is. " 1

Jack C. Spikes 6

William J. Spikes 24

Kate Spikes  
mar  
Chelette

Consolidated Case  
of  
Andrew J. Spikes et al

REFER TO M. C. R.

3244

Card No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

Age Sex

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Andrew J. Spikes

Age 72 Blood 1/8

Post Office, Corsicana, Texas

Father: Levi Spikes (dead)

Mother: Charity Spikes (dead)

Claims through Mother

wife: Jane Spikes ✓  
(No claim for her)

Children:

Ernestine Spikes 18

Tom " 16

Claims for self and 2 children

Stenographer

J. Rosenwinkel

Choctaw MCR 3245

Rebecca Jane Harding

See MCR 3358

MCR 3245

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 15, 1901.

3245

In the matter of the application of Rebecca Jane Harding for identification of herself and her two minor children as Mississippi Choctaws.

C. R. Grenshaw attorney representing applicants.

Rebecca Jane Harding, being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Rebecca Jane Harding,  
Q H-a-r-d-i-n-g? A Yes.  
Q What is your age? A Thirty years old.  
Q What is your post office address? A Elmview, Grayson County, Texas.  
Q How long have you lived there? A Twenty-one years.  
Q Where did you live before you lived there? A Whitesboro, Grayson County, Texas.  
Q How long have you lived in Texas? A All my life.  
Q Were you born in Texas? A Yes.  
Q And never had a home outside of the State? A No.  
Q What is your father's name? A James Burnett.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah Rebecca Burnett.  
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 How was that?  
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 not that I know of.  
Q Are you married? A Yes. (What is your husband's name? A }  
Q Is he living? A Yes. (William F. Harding. )  
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 who you wish to make application for at this time? A Yes I have two.  
Q Give the names and ages of these children? A One is eight years old the 10th of last October and one was six years old the 27th of last September.  
Q What is the name of the child eight years old? A Harvey L Harding  
Q What is the name of the child six years old? A Frank O. Harding.  
Q Frank A.? No Frank O.  
Q These are both your children? A Yes.  
Q What is the name of their father? A William F. Harding.  
Q When and where were you married to him? A Elmview, Grayson

County, Texas.

- Q When? A 24th of November 1881.
- 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 I don't understand the question.
- Q Is your name or are the names of your children on any of the tribal rolls of the Choctaw Nation Indian Territory? A Why I can't understand the question just exactly.
- Q Does your name appear on any of the tribal rolls here in the Territory? A No not that I know of.
- Q Do the names of your children appear on those rolls? A Why I said not that I knew of.
- Q Have you ever applied to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A Not before.
- Q Well this is not the Choctaw tribal authorities, this is the authorities of the United States. You have never applied to the Choctaw tribal authorities? A No I have'nt applied to the authorities.
- 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 June 10, 1896? A Not that I know of.
- Q Well that was five years ago, would you not remember if you had made such application? A No. Nobody made one for me.
- Q Well did you authorize anybody to make one for you? A No I did not authorize anybody.
- Q Have you or your children 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 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? I don't know.
- Q Well you have never made application to the Choctaw tribal authorities or the Dawes Commission? A No.
- Q Well have you any reason to think that you or your children have been admitted by a judgment of the Court on appeal from the Dawes Commission or the Choctaw tribal authorities? I think I have to have that question again.
- Q Well I asked you a few minutes ago if you or your children had been admitted to citizenship by a judgment of the United States Court in the Indian Territory on appeal from the Dawes Commission or the Choctaw tribal authorities and you said you did not know, then I said if you had never made application to the Choctaw tribal authorities or the Dawes Commission had you any reason to think that you or your children had been admitted to citizenship by a judgment of the Court on appeal from the Dawes Commission or the Choctaw tribal authorities if you had never applied to either the Choctaw tribal authorities or the Dawes Commission? A Why of course I have no reason to believe it.
- 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.
- Q What kind of an application do you want to make now? A I want to make application for the rights of citizenship.
- Q Have you a written application? A Yes.
- Q Let me see it.
- Q In your written application you claim you are a descendant of a



Mississippi Choctaw Indian. Do you claim now to be a Mississippi Choctaw? A Yes that is what I have been taught from my family history.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A How was that.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q What treaty do you claim under? A Eighteen hundred and thirty I reckon.

Q Do you claim under the whole treaty of eighteen hundred and thirty or under a part of it? A Why under the whole treaty.

Q Do you understand anything about the treaty of eighteen hundred and thirty? A No not very much.

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 of June 28, 1898, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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 authorizes 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 who lived then in Mississippi and Alabama. The State of Mississippi was being rapidly 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 best to give them land west of the Mississippi River in exchange for their land in those states and move them all West of the Mississippi River, but some of the Indians did not 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 and Alabama and article fourteen of the treaty was made a part of it for the benefit of these Indians who wanted to remain back there in the old Choctaw Nation. 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 living with him 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."

#3

That means that those Choctaw Indians who did not want to come west could go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell the Indian Agent that they wanted to stay there and they would get land for themselves and their children and if they lived on that land for five years they would get a title to it; in doing this they would not lose the privilege of a Choctaw citizen but if they ever removed would not get any part of the Choctaw yearly payments of money.

- Q Do you claim anything under this article of the treaty? A No answer.
- Q Do you make any claim under the provisions of that article of the treaty? A No answer.
- Q If you don't know you can say you don't know? A Yes I think I do.

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 there and take land in Mississippi but when a locating agent was sent down by the government to locate the land for the Indians he found that there were a great many Indians who claimed they had gone to the Agent 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 into Mississippi and investigate this matter and find out which of these Indians were entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners passed on several hundred cases, some of them they allowed and some were refused. In those cases where the claims were allowed by the Commissioners and approved by the Secretary of War and 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 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 I don't know.
- Q What was the name of your ancestors or ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A I don't understand the last part of the question.
- Q What was the name of your ancestor, -Do you know what is meant by the word ancestor? A I have an idea but am not sure.
- Q Well it means your father and mother, your grandfather and grandmother, great grandfather and great grandmother and so on, any of your foreparents back in a direct line? Now 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 Why I have been taught it was Thomas Kelly, my great grandfather.
- Q You claim your Choctaw blood through your mother? A Yes.
- Q What was your mother's father's name? A John B. Brooks.
- Q And what was your mother's mother's name? A Julia Brooks.
- Q Which one of your mother's parents claimed to be Choctaw? A My mother's ma'
- Q Well what was Julia Brooks' father's name? A Julia Brooks' father's name was Thomas Kelly.
- Q What was Julia Brooks' mother's name? A I have been taught Elisabeth.

#5

- Q Which one of your grandmother's parents claimed to be Choctaw?  
A Her father, Thomas Kelly.
- Q Have you any evidence of the marriage of Thomas and Elizabeth Kelly?

By attorney.

I expect to secure the marriage license of Thomas Kelly and Elizabeth Kelly nee Hunt, also, the marriage license, a certified copy of, John B. Brooks to Julia Ann Brooks, nee Kelly and make it a part of this record.

By the Commission

- Q Have you any evidence to show that Thomas Kelly lived in the old Choctaw Nation in eighteen hundred and thirty? A No only we have been taught from family history that that is where he lived and where he died.
- Q Do you know when he died? A When he died? A
- Q Yes? A I have been taught that he died in Mississippi.
- Q I said when he died? A No I don't know the time when he died.
- Q Have you any evidence to show that he was still living in eighteen hundred and thirty? A No only just what I have been taught that he was.
- Q You have been taught that he did not die until a latter date then eighteen hundred and thirty? A I don't remember if I ever was told.
- Q You know what Thomas Kelley's father's name was? A No.
- Q You know what his mother's name was? No.
- Q You mother stated in her application that her grandmother Elizabeth Kelly also claimed to be Choctaw? A Yes she never did say how much, she did not know how much she was.
- Q Do you know what Elizabeth Kelly's mother's name was? A No I don't.
- Q You know what her father's name was? A No.
- Q You know where Elizabeth Kelly died? A No.
- Q Have you been taught where she died? A No.
- Q You never heard of any of them owning land in Mississippi, Alabama, Arkansas, Louisiana? A No I have not been taught anything about that.
- Q Do you think you will be able to get any evidence to show whether your great grandfather Thomas Kelly lived in Mississippi, in eighteen hundred and thirty and was a recognized Choctaw Indian? A I don't know.
- Q You understand that that is a material point in your case do you? A No answer.

By attorney.

The applicant expects to secure evidence if it can be had that Thomas Kelly her great grandfather resided in the Choctaw Nation in Mississippi in eighteen hundred and thirty and prior thereto.

By the Commission.

- Q Do you think you can secure evidence to show whether your great grandfather or your great grandmother 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 don't know.
- Q You understand that that is also a material point in your case on which you should secure evidence if possible? A Yes.

#6

- Q Is there any other statement that you would like to make at this time in support of your application? A No nothing that I know anything about.
- Q Do you want to file these papers? A Yes.

Written application of Rebecca Jane Harding 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 W. F. Harding and Rebecca Burnett offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Affidavit of J. K. P. Bowen offered in evidence marked exhibit "C" filed and made a part of the record in this case.

Affidavit of J. R. Bristol offered in evidence marked exhibit "D" filed and made a part of the record in this case.

Affidavit of E. R. McConnell, offered in evidence, marked exhibit "E" filed and made a part of the record in this case.

Affidavit of D. H. Alexander offered in evidence marked exhibit "F" filed and made a part of the record in this case.

Affidavit of Harvey C. Sperry offered in evidence marked exhibit "G" filed and made a part of the record in this case.

Affidavit of James A. Hanning, offered in evidence, marked exhibit "H" filed and made a part of the record in this case.

Affidavit of Wm H. Bean offered in evidence, marked exhibit "I" filed and made a part of the record in this case.

This applicant has light brown hair, blue eyes and rather florid complexion. Her features and general appearance are those of a white woman. She 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 ancestors lived and died in Mississippi.

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.

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 15, 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 1 day of November 1901.

*G. Rosenwinkel*  
*Oliver M. ...*  
Notary Public.

COPY.

M C R 3243

Muskogee, Indian Territory, June 16, 1902.

Rebecca Jane Harding,

Elmview, 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 Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi Choctaws:

Francis Marion Brooks, et al.,	M C R 3388
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McCannell, et al.,	" 3416
Christopher G. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryle Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Buzson, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McKeagay, et al.,	" 4092
Charles L. Brooks,	" 4093

RJH 43

Nancy Arvey Winger, et al.,  
Robert A. Brooks,  
Willie Blackwell,

M C R 4350  
" 4351  
" 4352

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 Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Sally Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Hatella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucien Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Hat- tie E. Brooks, Minnie F. Brooks, Mattie I. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth Mc- Connell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bom- barger, William Ryle Brooks, Bessie Brooks, Alice Brooks, Susie

RJH #3

Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russem, Grocer C. Russem, Robert L. Russon, Lula M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cera A. Moore, Richard M. Brooks, Foy H. Brooks, John H. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, --McMenamy (infant unnamed) Charles L. Brooks, Nancy Arvey Winger, Alleta Winger, Robert A. Brooks and Willie Blackwell, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered".

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

Yours truly,

(SIGNED).

*James D. [unclear]*

Registered.

Acting Chairman.

COPY.

M O R 3345

Muskogee, Indian Territory, October 17, 1908.

Rebecca Jane Harding,

Blainey, Texas.

Dear Madam:

You are hereby advised that on the 8th day of October, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1908.

Respectfully,

(SIGNED)

*Tams Bixby.*

Acting Chairman.



No. 3245

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Rebecca Jane Harding

Age 30

Blood 1/16

Post Office, Elmview, Texas

Father: James Burnett

Mother: Sarah Rebecca Burnett

Claims through mother

Husband William F. Harding  
(no claim for him)

Children:

Harvey L. Harding	8
Frank O. "	6

Claims for self and 2 children.

Stenographer

G. Rosenwinkel

Choctaw MCR 3246

Sarah L. McClendon

See MCR 3358

MCR 3246

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 15, 1901.

3246 -

In the matter of the application of Sarah L. McClendon for identification as a Mississippi Choctaw.

Applicant represented by C. R. Crenshaw, attorney.

Sarah L. McClendon being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Sarah L. McClendon.  
Q M-c-c-l-e-n-d-o-n? A Yes.  
Q What is your age? A Twenty-two.  
Q What is your post-office address? A Tioga, Grayson County, Texas.  
Q How long have you lived there? A I have lived there twenty-one years.  
Q Were you born in Texas? A Yes.  
Q Never lived anywhere else? A No sir.  
Q What is your father's name? A James Burnett.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah Rebecca Burnett.  
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 I claim 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.  
Q Are you married? A Yes.  
Q What is your husband's name? A C. H. McClendon.  
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 make application 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 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 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 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 I don't hardly understand that.

- Q It means did a judgment of the United States Court in the Indian Territory ever reverse the decision of the Dawes Commission or the Choctaw tribal authorities and admit you to citizenship in the Choctaw Nation? A No.
- Q Have you ever before this time applied to 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 just want to make an application that my grandfather was a one-half Indian.
- Q Your grandfather was a one-half Choctaw Indian? A My great grandfather I mean.
- Q What kind of a claim are you making now? A Why I claim I am one-sixteenth Indian.
- Q Have you written application? A Yes.
- Q In this written application you claim to be a descendant of a Mississippi Choctaw Indian? A Yes.
- Q Do you claim now as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q Which one of the treaties? A Eighteen hundred and thirty.
- Q Do you claim under the whole treaty or under some particular part of that treaty? A Well I don't understand it thoroughly.

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, 1896, which is as follows:

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

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then 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 but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaw who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain there in Mississippi. After that 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 claim under the provisions of this article of this treaty?  
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 Thomas Kelly.
- Q What relation was he to you? A He is my great grandfather.
- Q What was your mother's father's name? A John B. Brooks.
- Q What was your mother's mother's name? A Julia Ann Brooks.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q What was Julia Brooks's mother's name? A Elizabeth Hunt.
- Q What was Julia Brooks' father's name? A Julia Brooks's father, his name was Thomas Kelly.
- Q Then was Elizabeth Hunt's name afterwards Kelly? A Yes.
- Q Her maiden name was Hunt and she married a Kelly? A Yes.
- Q Which one of Julia Brooks's parents claimed to be Choctaw? A Her father and mother both, her father was one-half.
- Q And you don't know how much her mother was? A No I don't know that.
- Q Have you any evidence of the marriage of your great grandfather and great grandmother? A No I don't know whether we could get any or not.

By attorney.

The applicant expects to secure certified copy of the marriage license of Thomas Kelly and Elizabeth Kelly nee Hunt and further expects to secure certified copy of marriage license of John B. Brooks and Julia Ann Brooks nee Kelly.

By the Commission.

- Q Did Thomas Kelly or Elizabeth Kelly come west with the other Choctaws between eighteen hundred and thirtypthree and eighteen hundred andthirty-eight? A If they did I don't know anything about it.
- Q Did either one of them go to the Indian Agent there in Mississippi within six months from the ratification of this treaty and tell him that they wanted to stay there and take land? A Not that I knew of.
- Q Have you any evidence to show that Thomas Kelly and Elizabeth Kelly were Choctaw Indians and lived in Mississippi in eighteen hundred and thirty? A No.
- Q Do you think you can secure evidence in that point? A I think we

can.

- Q Have you any evidence to show whether Thomas Kelly or Elizabeth Kelly went to the Indian Agent there in Mississippi within six months after that treaty was ratified and told him that they wanted to stay? A No.
- Q Do you think you can secure evidence on that point? A I Don't know if I can.
- Q You understand that both of these points are necessary to your case? A Yes.

By attorney.

The applicant expects to secure evidence to show that Thomas Kelly resided in Mississippi in the Choctaw Nation in eighteen hundred and thirty and prior thereto and died in the State of Mississippi after the ratification of said treaty. The applicant will further show by evidence if it can be had that he did or did not go to the Indian Agent and signified within six months by said treaty his intention to become a citizen of the State of Mississippi.

By the Commission.

- Q Is there any other statement that you would like to make at this time? A No.
- Q You want to file these papers? A Yes.

Written application of Sarah Louisa McClenden offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Certified copy of the marriage license and certificate between C. H. McClenden and Lula Burnett offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- Q How does it happen that the name appears in this marriage license and certificate as Lula Burnett; is that you? A Yes they always call me Lula.
- Q Then you are the person meant in this marriage license and certificate as Lula Burnett? A Yes.

Affidavit of J. K. P. Bowen offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

Affidavit of E. B. McCennell, offered in evidence, marked exhibit "D", filed and made a part of the record in this case.

Affidavit of D. H. Alexander offered in evidence, marked exhibit "E", filed and made a part of the record in this case.

Affidavit of Harvey C. Sperry, offered in evidence, marked exhibit "F" filed and made a part of the record in this case.

Affidavit of J. R. Bristol, offered in evidence, marked exhibit "G", filed and made a part of the record in this case.

Affidavit of Wm H. Bean offered in evidence, marked exhibit "H", filed and made a part of the record in this case.

Affidavit of James A. Hanning offered in evidence, marked exhibit "I" filed and made a part of the record in this case.

#6

This applicant has dark brown hair, slightly wavy, brown eyes and dark complexion. Her features and general appearance are those of a white woman. She 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, although it appears from her testimony that her ancestors lived in Mississippi about the time of this treaty.

- Q Do you know where your great grandfather died? A My mother always taught me that he died in Mississippi.  
Q You know about what time? A No I don't.  
Q Your understanding has always been that he lived and died in the State of Mississippi? A Yes.

If you wish 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, 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.

*G. Rosewinkel*

Subscribed and sworn to before me this 1 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY.

M C R 3246

Muskogee, Indian Territory, June 16, 1902.

Sarah L. McClendon,

Tioga, 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 Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Choctaws:

Francis Marion Brooks, et al.,	M C R 3388
Sarah Rebecca Burbett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher G. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrous A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher G. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3496
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Ruseon, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard H. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McManary, et al.,	" 4092
Charles L. Brooks,	" 4093



ELMO #2

Nancy Arvey Winger, et al.,  
Robert A. Brooks,  
Willie Blackwell,

M C R 4350  
" 4351  
" 4352

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 Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lewella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertive Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton D. Brooks, Mary Ann Brooks, Lyman V. Brooks, ~~William Brooks~~, Charles P. Brooks, Estella Brooks, Price W. Brooks, Alma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher C. Brooks, Charley E. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrous A. Brooks, Mattie E. Brooks, Minnie F. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Ayle McConnell, Christopher C. Bomberger, Harvey G. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Emal Lee Bomberger, Una May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Bessie Breaks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Viley Breaks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice F. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph M. Cunningham, Maud L. Russon, Grover C. Russon, Robert L. Russon, Eula M.

SI-McC 48

Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva Brooks, Minnie A. McMenemy, Lorena McMenemy, Reba McMenemy, --McMenemy (infant unnamed), Charles L. Brooks, Nancy Arvey Wininger, Alleta Wininger, Robert A. Brooks, and Willie Blackwell as Chestaw Indians entitled to rights in the Chestaw 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).

*Tamc Dixby.*

Registered.

Acting Chairman.

Miss. Choctaw R3243  
Miss. Choctaw R3246

Muskogee, Indian Territory, July 10, 1902.

James K. Page, Postmaster,  
Tioga, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, in which you state that you have at your office registered letters addressed by this Commission to Sarah McClendon and John Franklin Burnett, whose present address is Caddo, Indian Territory, and ask to be advised whether to forward the same to these parties at their present address.

In reply to your letter you are informed that these registered letters should be forwarded to the respective parties, at their present address.

Yours truly,

Acting Chairman.

COPY.

M C R 3246

Muskogee, Indian Territory, October 17, 1902.

Sarah L. McClendon,

Osado, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brooks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

(SIGN)

Acting Chairman.

No. 3246

For Identification as **Mississippi Choctaw.**

Date **AUG 15 1901**

Name *Sarah L. McClendon*

Age *22* Blood *1/16*

Post Office, *Troya, TX Texas*

Father: *James Burnett*

Mother: *Sarah Rebecca Burnett*

Claims through *mother*

Husband: *G. H. McClendon*  
(*No claim for him*)

Children:

*Claims for self only*

Stenographer

*G. Rosenwinkel*

Choctaw MCR 3247

Mary Ella Graham

See MCR 3358

MCR 3247

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 15, 1901.

3247

In the matter of the application of Mary Ella Graham for identification of herself and her minor child as Mississippi Choctaws.

C. R. Crenshaw attorney representing applicant.

Mary Ella Graham being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mary Ella Graham.  
Q What is your age? A Twenty-nine.  
Q What is your post-office address? A Rosston, Cook County, Texas.  
Q How long have you lived there? A I have lived there about ten or fifteen months.  
Q Where did you live before you lived there? A In Elmview Grayson County, Texas.  
Q How long have you lived in Texas? A Twenty-nine years.  
Q All your life? A Yes.  
Q Were you born in Texas? A Yes.  
Q What is your father's name? A James Burnett.  
Q Is he living? A Yes.  
Q What is your mother's name? A Sarah R. Burnett.  
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.  
Q Are you married? A Yes.  
Q What is your husband's name? A William D. Graham.  
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 No.  
Q Do you mean that he makes no claim to Choctaw blood? A My husband don't.  
Q Have you any children for whom you wish to make application at this time? A I have one.  
Q What is that child's name and age? A Her name is Ella A. Graham.  
Q How old? A Nine months old.  
Q You are the child's mother? A Yes.  
Q What is the name of her father? A William D. Graham.  
Q When and where were you married to him? A I was married in eighteen hundred and ninety-nine in Grayson County, Texas near Elmview.  
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 have your name placed on the tribal rolls of that Nation? 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 the Dawes Commission? 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 applied to either the Choctaw tribal authorities or the authorities of the United States, before this time, to have yourself or your child 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 want to apply as a one-sixteenth Indian by blood.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Under the treaties.
- Q Yes do you claim under any of the treaties? A I claim under eighteen hundred and thirty, the fourteenth article.
- Q Do you understand the provisions of that article of the treaty, do you know the meaning of that article of the treaty? A No answer.

Well 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 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 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 Indians who wished to stay there 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."

That means that these Choctaw Indians who wanted to stay in Mississippi would do so and if they went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay they would get land for themselves and their children from the government and if they lived on that land for



for five years they would get a title to it. In doing this they would not lose the privilege of Chectaw citizenship but if they ever removed would not be entitled to any portion of the Cheptaw yearly payments of money.

- Q That is the provision under which you now claim? A Yes.
- Q What was the name of your ancestor who lived in the old Chectaw Nation in eighteen hundred and thirty who was a recognized Chectaw Indian? A It was my great grandfather.
- Q What was his name? A Thomas Kelly.
- Q What was your mother's father's name? A John B. Brooks.
- Q What was your mother's mother's name? A Julia Brooks.
- Q Which one of your mother's parents claimed to be Chectaw? A Her mother.
- Q What was Julia Brooks's father's name? A Thomas Kelly.
- Q What was Julia Brooks's mother's name? A Elizabeth Kelly.
- Q Which one of your grandmother's parents claimed to be Chectaw? A Her father.
- Q Thomas Kelly? A Yes.
- Q How much Chectaw did he claim to be? A One-half.
- Q Did he have any Chectaw name? A Not that I know anything about.
- Q Did you ever see your great grandfather? A No I did not.
- Q Did he live in Mississippi in eighteen hundred and thirty? A Yes.
- Q Have you any evidence to show that he did? A Not only what I have been taught.
- Q Have you any evidence of the marriage of your great grandfather and great grandmother? A No only what I have been taught.
- Q Do you think you can secure any such evidence? A I think I could.

By attorney.

The applicant expects to secure certified copy of marriage certificate of Thomas Kelly to Elizabeth Kelly nee Hunt, also certified copy of marriage certificate of John B. Brooks to Julia Ann Brooks nee Kelly.

By the Commission.

- Q Did Thomas Kelly come west with the other Chectaws to the present Chectaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A No.
- Q Did he go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that he wanted to stay there and take land? A He not that I know of.
- Q You never heard? A No.
- Q Do you think you will be able to get any evidence to show that your great grandfather was a recognized Chectaw Indian and lived in the old Chectaw Nation in eighteen hundred and thirty and whether he went to the Indian Agent there and told him that he wanted to stay there in Mississippi and become a citizen of the United States? A Yes.
- Q You understand that these are material points in your case? A Yes.

By attorney.

The applicant expects to secure evidence to show that Thomas Kelly lived in the Chectaw Nation in the State of Mississippi in eighteen hundred and thirty and prior thereto and died subsequent to the ratification of the treaty of eighteen hundred and thirty in said state, she will further show by

evidence that the said Thomas Kelly did or did not go to the Indian Agent within six months required by that treaty, and signified his intention to become a citizen of the state of Mississippi.

By the Commission.

- Q Do you know whether your great grandfather Thomas Kelly ever owned any land in Mississippi, Arkansas, Louisiana or Alabama?  
 A No I do not.  
 Q You never heard? A No I never did.  
 Q Is there any other statement that you want to make at this time?  
 A No.  
 Q Do you know where your grandfather died? A I have been taught that he died in Mississippi.  
 Q Do you know when? A No.  
 Q Have you any papers that you want to file at this time? A Yes I have some papers.

Written application of Mary Ella Graham 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 W. D. Graham and Ella Burnett offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Affidavit of J. K. P. Bowen offered in evidence marked exhibit "C" filed and made a part of the record in this application.

Affidavit of J. R. Bristol offered in evidence, marked exhibit "D" filed and made a part of the record in this case.

Affidavit of E. R. McCennell offered in evidence, marked exhibit "E" filed and made a part of the record in this case.

Affidavit of D. H. Alexander offered in evidence, marked exhibit "F" filed and made a part of the record in this case.

Affidavit of Harvey C. Sperry offered in evidence, marked exhibit "G" filed and made a part of the record in this case.

Affidavit of James A. Hanning offered in evidence, marked exhibit "H" filed and made a part of the record in this case.

If you wish 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 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.

- Q Were you acquainted with your grandmother? A No.  
 Q Did you ever see your grandmother? A No I never seen her.  
 Q You never seen her? A No.  
 Q Did you ever see your grandfather? A Yes.  
 Q Did you ever talk with him about your grandmother? A Yes I heard him speak about grandmother lots of times.  
 Q What did he tell you about her people? A Why he talked about her people being part Indian?

#5

- Q What did he tell you about where your grandmother's people lived? A Why he told me they were living in Mississippi when she was small.
- Q Where did he tell you that he and your grandmother were married? A He told me they were married in-----I can't call the name.--- I know it but cannot think of it. --In Surry County, Surry County North Carolina.
- Q Did he name any Court-house there where they were married? A No I can't recollect.
- Q Did you ever hear your grandfather say where Thomas Kelly died? A I heard him say that he died in Mississippi.
- Q When did he tell you that he died? A I can't hardly recollect it has been so long ago.
- Q Did you know that you had any right here in the Territory? A No sir, I never knew that there was any right here.
- Q When were you first apprised of the fact that you might have a right in the Territory under the treaty of eighteen hundred and thirty? A Some time in July.
- Q Some time in July of this year? A Yes, of this year.
- Q You never knew it before that? A Never knew it before that I had any right in the Chectaw Nation in the Indian Territory.

This applicant has brown hair, brownish-gray eyes and moderately dark complexion. Her cheek bones are somewhat prominent but her features and general appearance are those of a white woman. She 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 although it appears from her statement that her great grandfather lived and died in Mississippi.

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 15, 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 1 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY.

M O R 2247

Wadswagon, Indian Territory, June 1<sup>st</sup>, 1902.

Mary Ella Graham,

Roseton, 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 Francis Marion Brooks, et al., embracing the following applications for identification as Mississippi

Choctaws:

Francis Marion Brooks, et al.,	M O R 3358
Suzan Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClendon,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3357
Hamilton D. Brooks, et al.,	" 3359
Price W. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McCannell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3518
Mary A. Cunningham, et al.,	" 3612
Maud L. Kussom, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John A. Brooks, et al.,	" 4091
Minnie A. McManamy, et al.,	" 4092

MRS #2

Charles L. Brooks,  
Nancy Arvey Wininger, et al.,  
Robert A. Brooks,  
Willie Blackwell,

M C R 4098  
" 4350  
" 4351  
" 4352

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 498) which is as follows:

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Francis Marion Brooks, Lyman M. Brooks, Julia M. Brooks, Walter Marion Brooks, Sarah Rebecca Burnett, James Harvey Burnett, Ollie Clarinda Burnett, Selly Brate Burnett, Lowella Strong, Minnie Lee Strong, John Franklin Burnett, Willie Ritchie Burnett, Bertice Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding, Frank O. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bombarger, Hamilton D. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley Brooks, Charles P. Brooks, Estella Brooks, Price W. Brooks, Elma Dean Brooks, Jessie Brooks, Price Logan Brooks, Earl Leon Brooks, Nellie Brooks, Christopher G. Brooks, Charley H. Brooks, Clara Ellen Brooks, Henderson Rome Brooks, Arthur G. Brooks, Andrew J. Brooks, Lucion Claude Brooks, Jesse James Brooks, Myrtle Elizabeth Brooks, Bernetty Brooks, Ambrose A. Brooks, Hattie E. Brooks, Minnie F. Brooks, Mattie B. Brooks, Gracie S. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher C. Bombarger, Harvey C. Bombarger, Garole M. Bombarger, Lee Gustus Bombarger, Basil Lee Bombarger, Una May Bombarger, Ethal Paul Bombarger, Ava Prive Bombarger,

100 #3

William Ryly Brooks, Bessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John H. Brooks, Wiley Brooks, Dovie Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Minnie L. Kennedy, Alma Pauline Kennedy, Eunice T. Kennedy, Mary A. Cunningham, Elsie Cunningham, Joseph V. Cunningham, Maud L. Russon, Grover O. Russon, Robert L. Russon, Mula M. Russon, Iola A. Moore, Burt Moore, Minnie E. Moore, Edwice O. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John H. Brooks, Eva Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, --McMenamy (infant unnamed), Charles L. Brooks, Nancy Arvey Winger, Allota Winger, Robert A. Brooks and Willie Blacke well as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830 and that the applications for their identification as such should be refused, and it is so ordered. "

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

Yours truly,

(SIGNED)

*Tams Dixby.*

Acting Chairman.

Registered.

COPY.

M O R 3247

Muskogee, Indian Territory, October 17, 1902.

Mary Ella Graham,  
Roseton, Texas.

Dear Madam:

You are hereby advised that on the 9th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Francis Marion Brocks, et al., of which decision you were advised by registered mail on the 16th day of June, 1902.

Respectfully,

(SIGNED)

*James Dixey.*  
Acting Chairman.

No. 3247

For Identification as a Mississippi Choctaw.

Date AUG 10 1901

Name Mary Ella Graham

Age 29 Blood 1/16

Post Office, Rosston, Texas

Father: James Burnett

Mother: Sarah A. Burnett

Claims through mother

husband, Am. V. Graham  
(no claim for him)

Children:

Ella A. Graham 9/16

Claims for self and  
child

Stenographer

G. Rosenwinkel



Choctaw MCR 3248

William Spikes

See MCR 3244

MCR 3248

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 15, 1901.

3248

In the matter of the application of William Spikes for identification of himself, his wife and his minor child as Mississippi Choctaws.

applicant not represented by attorney.

William Spikes being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Spikes.  
Q What is your first name? A William Spikes.  
Q What is your age? A Sixty-eight.  
Q What is your post-office address? A Colfax, Louisiana.  
Q How long have you lived there? A I have been there, well, I have lived in Louisiana ever since I have been eight or nine years old.  
Q Where did you live before you lived in Louisiana? A I lived in Mississippi.  
Q Were you born in Mississippi? A Yes.  
Q And lived there until you went to Louisiana? A Yes.  
Q What is your father's name? A Levi Spikes.  
Q Is he living? A No.  
Q What is your mother's name? A Charity Spikes.  
Q Is she living? A No.  
Q Through which one of your parents do you claim your Choctaw blood? A My grandmother on my mother's side.  
Q How much Choctaw blood do you claim? A I suppose about one-eighth.  
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 wife's name? A Irene Jane Spikes.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A Yes.  
Q Do you claim she is an Indian? A Yes.  
Q How much Choctaw blood does she claim? A About one-eighth.  
Q How old is she? A Fifty-seven years old.  
Q What is her father's name? A James Kelly.  
Q Is he living? A What?  
Q Is your wife's father living? A No.  
Q What is her mother's name? A Margaret Kelly.  
Q Is she living? A No.  
Q Through which one of your wife's parents does she claim her Choctaw blood? A Through her grandfather and grandmother both.  
Q Well which one of her parents? A Her grandmother.  
Q Well now, does she claim through her father or mother? A Claims through both.  
Q Your wife claims through both her father and her mother? A Yes.  
Q How much Choctaw blood did James Kelly have? A I suppose about one-eighth.  
Q How much Choctaw blood did Margaret Kelly claim? A I think about the same.

#2

- Q Have you any evidence of the marriage of your wife's father and mother? A Which.
- Q Have you any evidence of the marriage of your wife's father and mother? A I do not know that I have right here.

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

- Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? A I have one under twenty-one.
- Q What is that child's name and age? A Eller Spikes.
- Q How do you spell that? A E-l-l-e-r.
- Q How old is Eller? A Nineteen.
- Q You are the father of this child? A Yes.
- Q What is the name of her mother? A Irene Jane Spikes.
- Q When and where were you married to her? A I was married in sixty-one.
- Q Where? A Wynne Parish, Louisiana.
- Q Have you your marriage license and certificate? A Yes.
- Q Do you wish to offer it in evidence? A I will have to get some evidence.
- Q You mean that you have to get some evidence of your marriage? A No not of the marriage but of the other.
- Q I was asking you about evidence of your marriage? A Yes they are at home.
- Q Do you wish to offer them in evidence? A Yes.

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 and your minor child.

- Q Are the names of yourself, your wife or your child 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 of the Indian Territory to have yourself or your wife or your child admitted or enrolled as members of that tribe? A No.
- Q Did you or did any one for you or your wife or your child in 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10 th, 1896? A No.
- Q Have you or your wife or your child 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 child 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 applied before this time to either the Choctaw tribal authorities or the authorities of the United States to have yourself, your wife or your child 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 want to make application as a Mississippi Choctaw? A
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A If I understand I claim under the treaty of eighteen hundred and thirty.

#3

- Q Under the treaty of eighteen hundred and thirty? A Yes.  
Q Do you claim under any particular part of that treaty or under the whole treaty? A I don't know which would be right.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898, commonly known as the Curtis Bill which is as follows:

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

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians, who lived then 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 but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of these Indians who wished 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 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 claim under this article of this treaty? 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 were recognized Choctaw Indians? A John Briggs was my grandfather's name.  
Q John what? A John Briggs.  
Q Your mother's father? A Yes Susan Colson was his wife.  
Q Which one of your mother's parents claimed to be Choctaw? A My grandmother.  
Q Are you the oldest one of your mothers children? A No my brother that was here and I have one sister older than him?  
Q What is your brother's age? A None?  
Q Age? A Seventy-two I believe.

- Q Is that sister older than your brother? A No I believe she is betwixt us.
- Q Your brother then was born prior to the year eighteen hundred and thirty? A Yes.
- Q Your mother then must have been a married woman and the head of a family in eighteen hundred and thirty when this treaty was made A I suppose so.
- Q Was she living in Mississippi in eighteen hundred and thirty? A Yes.
- Q Have you any evidence to show that your mother was living in Mississippi in eighteen hundred and thirty? A None only what my brother knows.
- Q Have you any outside evidence? A I don't know if there are any old people living yet or not that would know.
- Q Do you understand that it is very important that you should have evidence to show whether your mother was living in Mississippi in eighteen hundred and thirty? A Yes I expect it would be necessary to get proof that she was.
- Q Do you expect to try to get such proof? A Yes I am going to try.
- Q Did your mother come west to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight with the other Choctaw Indians? A I think she did that was my understanding.
- Q That she came west to the present Choctaw Nation Indian Territory? A Yes that was my understanding.
- Q Your mother? A Yes.
- Q I said did she come to the present Choctaw Nation in the Indian Territory with the other Choctaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A Yes with her father and mother.
- Q Well did her father and mother come to this Indian Territory? A No not this, I thought you said Mississippi?
- Q Then you mean that your mother came to the Choctaw Nation in Mississippi? A Yes.
- Q Where did she come from to Mississippi? A I don't know but I suppose she was right there.
- Q Well if you don't understand the questions ask about them and be sure that you understand them before you answer them. Then your mother did not come to the present Choctaw Nation in the Indian Territory? A No she died in Mississippi.
- Q When did she die? A I don't know.
- Q Do you remember your mother? A No I was only two or three years old when she died.
- Q Then she has been dead about sixty-five years? A About that time.
- Q Did she die in Mississippi? A Yes.
- Q That was before you moved to Louisiana? A Yes.
- Q Did your mother 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 about that? A No I never did.
- Q Are you going to try to secure any evidence as to whether she did or not? A I am going to try.
- Q You understand that is one of the important points in your case? A Yes.
- Q Did your mother own any land in Mississippi, Arkansas, Louisiana, or Alabama? A No not that I know of.
- Q Do you own any land in Louisiana? A Yes.
- Q How did you get that land? A I bought it.
- Q You did not locate it with scrip? A No.
- Q Did you ever hear if your mother got any scrip? A I never heard that she did.
- Q You understand what is meant by scrip

#5

- Q You understand what is meant by scrip? 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 You say your wife claims her Choctaw blood through both parents? A Yes.
- Q What was her father's father's name? A James Kelly. Her grandfather's name was the same as her father's.
- Q And what was her father's mother's name? A Campbell.
- Q Was that her given name? A I have forgot what her given name was.
- Q Which one of your wife's father's parents claimed to be Choctaw? A I think Stripling was the name.
- Q Stripling was the name of whom? A Her grandmother married a Stripling.
- Q I think you said her grandfather's name was James Kelly? A May be I am mistaken, let me see, Newman was the name?
- Q Did you say that James Kelly was your wife's father's name? A Yes.
- Q Now what was James Kelly's father's name? A James Kelly.
- Q Now what was James Kelly's mother's name? A Newman was the name.
- Q You know what her given name was? No.
- Q She married Kelly? A Yes.
- Q Do you know which one of James Kelly's parents claimed to be Choctaw? A James Kelly her father was born and raised there.
- Q You don't understand what I am trying to ask you. I asked you was James Kelly's father James Kelly or his mother, whose name you don't know Choctaw? A I think it was the Newman.
- Q You are not positive about that? A I think that is right but I won't say for certain.
- Q Well now what was the name of Margaret Kelly's father? A Margaret Kelly was the wife of James Kelly the youngest one.
- Q Well what was her father's name? A He was a Stripling.
- Q Do you know what his first name was? A No I don't.
- Q Do you know what Margaret Kelly's mother's name was? A No I don't know her given name.
- Q Do you know which one of Margaret Kelly's parents was Choctaw? A My wife's mother was the one that they claimed Choctaw.
- Q I think that you said your wife claimed through both parents? They do but I can't remember the other name.
- Q Do you remember if it was Margaret Kelly's father or mother who claimed to be Choctaw? A It was her mother.
- Q But you don't know what her mother's name was? A No.
- Q Do you know what was the name of your wife's ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Them two James Kelly's is the only ones I ever heard spoke of.
- Q Did they live in the Choctaw Nation in eighteen hundred and thirty? A I am not able to say whether they did or not.
- Q You say James Kelly your wife's father is dead? A Yes.
- Q You know how old he would be if he were living now? A No I don't.
- Q Do you know whether he was a recognized Choctaw Indian? A No I don't.
- Q Can you get any evidence on that point? A I don't know I will try.
- Q Do you know whether James Kelly, 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 don't know.
- Q Do you think you can get any evidence on that point? I don't know whether I can or not.

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- Q You understand that these are material points in your case do you? A Yes I understand that it is necessary.
- Q Did either one of the James Kelly's come west to this Choctaw Nation in the Indian Territory with the other Choctaw Indians between eighteen hundred and thirty three and eighteen hundred and thirty eight? A I don't think they did, they lived up there in Wynne Parish, Louisiana, one of them.
- Q Did you know them? A No I did not know them personally. I heard that they came there.
- Q Have you any papers that you would like to file now? A Yes.

Written application of Bill Spikes offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

If you wish to offer any further evidence in support of your application, either the testimony of witnesses in person before the Commission, 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.

This applicant has straight brownish gray hair, blue eyes 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, although it appears from his testimony that his ancestor lived and died in Mississippi.

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 15, 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 4 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY.

M.C.R. 3248

Muskogee, Indian Territory, April 9, 1903.

William Spikes,

Colfax, Louisiana.

Dear Sir:

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

Andrew J. Spikes, et al.	M.C.R. 3244
William Spikes, et al.	M.C.R. 3248
Marion L. Spikes, et al.	M.C.R. 3249

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 Andrew J. Spikes, Ernestine Spikes, Tom Spikes, William Spikes, Irene Jane Spikes, Eller Spikes, Marion L. Spikes, Richard G. Spikes, Florence I. Spikes, Mary O. Spikes and McKinley G. Spikes as Choctaw Indians entitled to rights in the Choctaw



William Spikes, --8

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)

Chairman.

Registered.

N. C. R. 3248.

COPY:

Muskogee, Indian Territory, October 10, 1903.

William Spikes,

Colfax, Louisiana.

Dear Sir:

You are hereby notified that on the 28th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Spikes, et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

*James Dickey.*  
Chairman.

For Identification as a Mississippi Choctaw.

Date **AUG 15 1901**

Name *William Spikes*

Age *68* Blood *1/8*

Post Office, *Culfax, La*

Father: *Levi Spikes (dead)*

Mother: *Charity Spikes (dead)*

Claims through *mother 57*

wife. *Irene Jane Spikes 1/8*

Father: *James Kelly (dead)*

Mother: *Margaret Kelly (dead)*

*Wife claims through both parents*

Children:

*Eller Spikes 1/4*

*Claims for self wife and one child*

Stenographer

*G. R. S. ...*

Choctaw MCR 3249

Marion L. Spikes

See MCR 3244

MCR 3249

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 15, 1901.

3249

In the matter of the application of Marion L. Spikes for identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Marion L. Spikes being first duly sworn testified as follows?

Examination by the Commission

- Q What is your name? A Marion L. Spikes.  
Q M-a-r-i-o-n? A Yes.  
Q What is your age? A Thirty-four.  
Q What is your post office address? A Colfax, Louisiana.  
Q How long have you lived there? A I have lived in Louisiana all my life.  
Q You were born in Louisiana? A Yes.  
Q Never lived outside of the State? A No.  
Q What is your father's name? A Bill Spikes.  
Q Is he living? A Yes.  
Q What is your mother's name? A Irene Jane Spikes.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood? A I claim it under both from what I have been taught.  
Q Have you any evidence of your father's and mother's marriage? A None only just what they told me.  
Q Can you secure such evidence? A Yes.  
Q Will you do that and send it to the Commission? A Yes.  
Q How much Choctaw blood do you claim? A I don't hardly know, one-eighth I guess.  
Q Has your father or 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 How is that?  
Q Has your father or 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 wife's name? A Josephine Oglesby.  
Q Josephine Spikes? A Yes.  
Q Is she living? A Yes.  
Q Do you make any application for your wife? A No.  
Q She is white and makes no claim to Choctaw blood? A No she don't.  
Q Have you any children for whom you wish to make application at this time? A Four.  
Q Give the names and ages of these children? A Richard G., eleven years, Florence I., age seven.  
Q Next? A Mary G., age four.  
Q Next? McKinley G., age one.

- Q These are your children? A Yes.
- Q What is the name of their mother? A Josephine Oglesby or Spikes.
- Q When and where were you married to her? A Colfax, Louisiana.
- Q When? A In 1888 I believe, I am not certain.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A Official.
- Q Justice of the Peace? A Yes.
- Q Have you your marriage license and certificate and wish to offer same in evidence? A Not with me but I will file them.
- Q You will file them? A Yes.

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 any of your children on the tribal rolls of the Choctaw Nation Indian Territory? A No.
- Q Have you ever applied 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 eighteen hundred and ninety-six 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 or your children 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 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.
- Q What kind of an application do you want to make now? A I want to make application on eighteen hundred and thirty and the fourteenth amendment.
- Q Do you mean the fourteenth article of the treaty of eighteen hundred and thirty? A Yes the fourteenth article of the treaty of eighteen hundred and thirty.
- Q Do you understand the provisions of the fourteenth article of the treaty? A Well I have heard you state it here until I believe I understand it.
- Q Well just state what you understand by that fourteenth article of the treaty of eighteen hundred and thirty? A I don't understand all of it. I understood you to say that under this act they gave them this land out here in exchange for that over there, it was my understanding, west of the Mississippi River.

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 but some of the Indians did not want to leave their homes there in Mississippi and Alabama and the others would not sign any treaty until some provision was made for those who wanted to remain in Mississippi and Alabama so

article fourteen was made a part of the treaty for the benefit of these Choctaws who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

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

That means that those Choctaw Indians who did not want to come west if 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 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. In doing this they would not lose the privilege of a Choctaw citizen but if they ever removed they would not get any part of the yearly payments of Choctaw money.

- Q That is the provision under which you are claiming at this time?  
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 My grandmother.
- Q What was her name? A Briggs.
- Q That is your father's mother? A Yes on my father's side.
- Q You know what your father's mother's name was? A Charity.
- Q Charity Spikes? A Yes Spikes.
- Q What was it you said your grandmother's name was? A Briggs.
- Q Was Charity Spikes, Briggs before she was married? A Yes.
- Q Is that who you mean when you said your grandmother Briggs?  
A Yes.
- Q Well do you know what your mother's father's name was? A My mother's father's name was James Kelly.
- Q Do you know what your mother's mother's name was? A She was a Campbell, I can't remember her given name.
- Q Do you know which one of your mother's parents claimed to be Choctaw? A Kelly and Campbell both.
- Q Both your mother's parents claimed to be Choctaw? A Yes.
- Q Do you know the name of James Kelly's father? A Do I know the name of James Kelly's father? A
- Q Yes? A I have heard my mother say it was James Kelly.
- Q Do you know the name of James Kelly's mother? A No.
- Q Do you know which one of James Kelly's parents claimed to be Choctaw? A No.
- Q Do you know what was the name of the father of this grandmother Campbell who married a James Kelly? A No I do not.

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- Q Do you know what her mother's name was? A I have heard it but can't remember it just now.
- Q Do you know which one of her parents claimed to be Choctaw? A No.
- Q Do you know whether any of your ancestors, this grandmother Charity Spikes or your grandmother and your grandfather on your mother's side came west to the present Choctaw Nation between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A I could not say.
- Q You never heard? A No I never heard.
- Q Do you know if any 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 there in Mississippi? A No.
- Q You never heard anything about that? A No.
- Q Do you know whether any of them owned land in Mississippi, Arkansas, Louisiana or Alabama? A I have heard my mother say that James Kelly owned land in Alabama.
- Q Do you know what part of Alabama? A I have heard that it was in the Southern part of Alabama.
- Q Do you know how he owned that land? A No I don't know.
- Q You know where he got it? A No.
- Q Do you know whether any of your ancestors were ever enrolled among the Choctaws in Mississippi? A No I don't.
- Q You never heard anything about that? A No.
- Q Do you expect to secure such evidence as you can to show whether any of your ancestors were living in Mississippi in eighteen hundred and thirty and were Choctaw Indians and went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay? A I expect to get some evidence.
- Q You expect to get evidence on these points? A Yes.
- Q You understand that these are material points in your case? A Yes.
- Q Have you any papers that you want to file now? A Yes.

Written application of Marion L. Spikes offered in evidence, marked exhibit "A" filed and made a part of the record in this case.

Affidavit of Bill Spikes offered in evidence marked exhibit "B" filed and made a part of the record in this case.

- Q Would you like to have your father identify you as his son? A A That is it.
- Q I mean orally before the Commission? A Yes.
- Q Do you understand that oral testimony of witnesses before the Commission carries more weight than depositions or affidavits? A Yes.
- Q Is there anything more that you would like to say at this time? A Nothing that I know of.

applicant excused.

William Spikes called as a witness in behalf of the applicant, being first duly sworn testified as follows:

- Q What is your name? A William Spikes.
- Q What is your age? A Sixty-eight.
- Q What is your post-office address? A Colfax, Louisiana.
- Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
- Q Are you acquainted with Marion L. Spikes who has just made



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application here for identification as a Mississippi Choctaw?

A Yes.

Q What relation are you to him if any? A I am his father.

Q He gets his Choctaw blood through you and through his mother?

A Yes.

Witness excused and applicant recalled.

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.

This applicant has brown hair, mustache and blue eyes, slightly florid complexion. His features and general appearance are those of a white man and he shows no traces of Indian blood. 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, although it appears from his testimony that his ancestors lived in Mississippi the date of the making of this treaty.

Q Do you know, were any of these ancestors whom you claim through, Choctaw Indians and lived in Mississippi in eighteen hundred and thirty? A My grandmother Briggs died in Mississippi.

Q That is Charity Spikes? A Yes.

Q When she was your grandmother she was Charity Spikes? A Yes.

Q Do you know when she died? A No.

Q Do you know anything about any of the others? A My grandmother died in Louisiana.

Q Which grandmother? A On my mother's side.

Q Your grandmother Kelly? A Yes.

Q What about your grandfather? A I could not tell you where he died? A

Q Did you ever know any of these grandparents? A No I never seen them.

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 15, 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 1 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY.

M.C.R. 3249

Muskogee, Indian Territory, April 9, 1903.

Marion L. Spikes,  
Colfax, Louisiana.

Dear Sir:

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

Andrew J. Spikes, et al.,	M.C.R. 3244
William Spikes, et al.	M.C.R. 3248
Marion L. Spikes, et al.	M.C.R. 3249

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 Andrew J. Spikes, Ernestine Spikes, Tom Spikes, William Spikes, Irene Jane Spikes, Eller Spikes, Marion L. Spikes, Richard C. Spikes, Florence I. Spikes, Mary O. Spikes and McKinley O. Spikes as Choctaw Indians entitled to rights in the Choctaw

Marion L. Spikes, --2

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)

*W. L. Spikes*  
Chairman.

Registered.

N.O.R. 3249.

COPY:

Muskogee, Indian Territory, October 10, 1903.

Marion L. Spikes,  
Colfax, Louisiana.

Dear Sir:

You are hereby notified that on the 28th, day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Andrew J. Spikes, et al., of which decision you were advised by registered mail on the 9th, day of April, 1903.

Respectfully,

*James D. Dancy*  
Chairman.

No. 3249

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name *Marion L Spikes*

Age *34* Blood *1/8*

Post Office, *Culfox La*

Father: *Bill Spikes*

Mother: *Irene June Spikes*

Claims through both parents  
wife; *Josephine Spikes*  
(*210 claim for her*)

Children:

<i>Richard C Spikes</i>	<i>11</i>
<i>Florence D</i>	<i>7</i>
<i>Mary D</i>	<i>4</i>
<i>M<sup>c</sup>Kinley D</i>	<i>1</i>

*Claims for self and 4 children*

Stenographer

*Rosenvinkel*

Choctaw MCR 3250

Fannie Walker

See MCR 2606

MCR 3250

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Meridian, Mississippi, August 14 1901.

In the matter of the application of Fannie Walker, for the identification of herself and four minor children as Mississippi Choctaws.

Fannie Walker, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Fannie Walker.  
Q What is your age? A Twenty eight years old.  
Q What is your post office address? A Meridian, Mississippi.  
Q How long have you lived in Meridian? A I have been living thirteen years right close by.  
Q Where were you born? A In Alabama.  
Q What place? A Sumter county.  
Q How old were you when you left Alabama? A I was a small child.  
Q You came from Alabama to Mississippi? A Yes sir, and I have been here ever since.  
Q Did you always live in the same place in Mississippi? A No sir. I lived about thirty miles from here in Neshoba county and I grew up to be a young girl and married and came down here.  
Q From Neshoba county you came to this county Lauderdale? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A Alfred Johnson.  
Q Has he been before the Commission? A Yes sir.  
Q Is Alfred Johnson who appeared before the Commission at Meridian June 8, 1901, your father? A Yes sir.  
Q Have any others of your relatives appeared before the Commission? A No more than him and my brother and sister's child.  
Q Your brother's name is what? A Solomon Johnson.  
Q He also appeared before the Commission at Meridian, Mississippi, June 8, 1901? A Yes sir; and my sister's child is Emma Brooks.  
Q Emma Brooks appeared before the Commission July 30, 1901? A Yes sir.  
Q Do you wish the testimony in those cases to be considered in connection with your application? A Yes sir.  
Q How much Indian blood did your father have? A My father said his father was an Indian.  
Q How much Indian blood did your father have? A Half.  
Q What is the other half--what is his other blood? A Darkey.  
Q One half negro? A Yes sir.  
Q Was he a slave before the war? A Yes sir, I heard him say he was a slave. His father was not a slave but he was. He said his father was free.  
Q What was your father's father's name? A Tom Johnson.  
Q He was not a slave? A He said he was not.  
Q How much Indian blood did he have? A I couldn't tell you.  
Q Did you ever hear? A I couldn't tell you how much he had.  
Q Didn't you ever hear anybody say? A No sir, no further than I heard my father say.  
Q What did your father say about his father having Indian blood? A I heard him say his father was an Indian.

Fannie Walker-----2.

- Q Pull blood or a half or three quarters? A I couldn't tell you. I just heard him say his father was an Indian.
- Q Is your mother living? A No sir, she is dead.
- Q What was her name? A Elizabeth Johnson.
- Q How much if any Indian blood did she have? A Her mother was an Indian.
- Q How much did your mother have? A I couldn't tell you how much she had.
- Q Did she have any Choctaw blood? A I heard my father say she had Choctaw blood.
- Q How much? A By her mother being an Indian, I guess she was one half.
- Q What was her other blood? A Darkey.
- Q Was she a slave before the war? A Yes sir.
- Q How much Choctaw blood do you claim? A I just claim part from my foreparents.
- Q How much do you claim? A My father says he is one half.
- Q And you say your mother was one half? A Yes.
- Q And how much do you claim? A I claim one third of a part.
- Q Don't you know how much you claim if your father has one half and your mother had one half? A I would be one half.
- Q You were born in Alabama? A Yes sir.
- Q Where was your father born? A I couldn't tell you where he was born.
- Q Where was your mother born? A I couldn't tell you that either. My mother died when I was little.
- Q Did she live in Alabama? A Yes.
- Q And died there? A My mother died in this country--my father is living.
- Q You claim through your father and mother? A Yes sir, by what they tell.
- Q Were your father and mother married? A I couldn't tell you. I heard that they lived together.
- Q In slavery days would they be married under a license--was that the custom for slaves to be married in that way? A He said they asked the old boss.
- Q I am talking to you about their being married under a license and by an ordained minister? A I couldn't tell you about that.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Bell Walker.
- Q Is he living? A Yes sir, he is living.
- Q What is his blood? A Negro.
- Q Do you make any claim for him? A No sir.
- Q What is the name of your oldest child and unmarried that you want to make application for? A Lillie B. Joseph.
- Q How old is Lillie B.? A She is eleven years old.
- Q What is the name of the next? A Annie Joseph.
- Q How old is Annie? A She is nine years old.
- Q Have you any other children? A Yes.
- Q What is the next one? A McArthur Walker.
- Q How old is McArthur Walker? A Going on five years old.
- Q What is the name of the next? A Oscar Walker.
- Q How old is Walker? A Two years.
- Q The father of Lillie B. and Annie Joseph is dead? A Yes sir, he is dead.
- Q What was his blood? A Negro.
- Q What was his name? A Jim Joseph.



Fannie walker----3.

Q When and where were you married to your first husband, Jim Joseph?

A I married about six miles from here.

Q Were you married by a minister? A Yes sir, Parson Blanks.

Q How long has your first husband been dead? A Eight years.

Q How long have you been married to Walker? A Six years.

Q In what county were you married to Walker? A Lauderdale county-- both times.

Q Is your name or the name of any one of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.

Q Do you know whether your father or mother through whom you claim your right to be identified as a Mississippi Choctaw ever went to the Indian Territory to be enrolled or were ever recognized by the Choctaw Nation in Indian Territory as members of that nation? A No sir.

Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No, never has made none before this.

Q Did you or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself or any of these children under the act of Congress of June 10, 1896? A No sir.

Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this for yourself or children to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q This is your first application? A Yes sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights for yourself and children in the Choctaw lands in Indian Territory under the provisions of the fourteenth article of the treaty between the United States and the Choctaw tribe of Indians concluded at Dancing Rabbit Creek in Mississippi on September 27th, 1830? A Yes sir.

Q This article will be read to you in order that you may more distinctly understand the authority under which you make your claim. You understand what a treaty is? A Yes sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows: Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said 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 art-

Fannie Walker-----4.

icle 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 article? A Yes sir.
- Q What was your father's father's name? A Tom Johnson.
- Q He was not a slave? A No sir.
- Q Do you know what his father's name was? A No sir.
- Q Did you ever see Tom Johnson, your grandfather? A No sir.
- Q Where did he live? A I couldn't tell you where he lived.
- Q You never saw him? A No sir.
- Q And you don't know whether he was a full blood Choctaw Indian or not? A No sir, I couldn't tell you.
- Q Did he have an Indian name? A Not as I know of.
- Q What was your mother's father's name? A Charles.
- Q How much Indian blood did he have? A I couldn't tell you.
- Q You don't know anything about his blood? A No sir, it takes my father to tell that.
- Q What was your mother's mother's name? A Dilly.
- Q How much Choctaw blood did she have? A I couldn't tell you any farther than what I heard my father say.
- Q I thought you said she was a full blood? A I heard my father say she was half.
- Q Your mother's mother was half Choctaw? A Yes.
- Q And how much was your mother's father? A I couldn't tell you how much he was.
- Q You said a whole ago your mother was half Choctaw? A That was what my father said.
- Q And now you say your mother's mother was half blood Choctaw? A Yes sir.
- Q And you don't know how much your mother's father was? A No sir.
- Q How do you know your mother was half Choctaw? A The old man said her mother was half Choctaw.
- Q Whose mother was half Indian? A His wife's mother--my father said my mother was half.
- Q Was your mother's father a slave before the war? A Yes sir, he was a slave.
- Q Was your mother's mother a slave before the war? A I couldn't tell that.
- Q Do you know of anybody that could give any further information in regard to your ancestry present before the Commission now? A No, no further than my brother here.
- Q Does he know anything more about it than you do? A Yes sir, and my father do too.
- Q Your father has appeared before the Commission? A Yes sir.
- Q Do you want to refer to the testimony given by your father in his application on June 8, 1901? A Yes sir.
- Q And do you want to refer also to the testimony given by your brother Solomon Johnson in his application on the same date? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors were living in the Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A No sir, I couldn't tell you.
- Q Do you know whether any of your Choctaw 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

Fannie Walker-----5.

the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A No sir.

Q Do you know of anybody that would be likely to know whether they went or not? A No sir.

Q Do you know whether within six months after the ratification of the treaty of Dancing Rabbit Creek any one of your Choctaw ancestors signified to the United States Indian Agent for the Choctaws 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 Choctaw ancestors owned any improvements on land embraced in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I couldn't tell you.

Q Are you acquainted with any person who might know whether any of your ancestors owned any improvements in Mississippi or Alabama in 1830? A No, just my father.

Q Do you know whether any of your Choctaw ancestors ever received any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830? A No sir.

Q Do you know whether any of your Choctaw ancestors appeared before either the Commission appointed under the act of Congress approved March 3rd, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and made efforts to establish their rights to land under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you understand what I mean when I ask you if any of your ancestors appeared before either of these Commissions? A No sir.

In order that you may understand that, an explanation will be given. You claim to be descended from Mississippi Choctaw ancestors, and in order that you may have the right to be identified as a Mississippi Choctaw, it will be necessary that you show that your Choctaw ancestors complied with the provisions of article fourteen of the treaty of 1830 which was read to you. It is a provision of that article of that treaty that your Choctaw ancestors through whom you claim now the right to be identified should have within six months after the ratification of the treaty of 1830 gone to the United States Indian Agent, Colonel Ward, and told him they intended to stay in Mississippi and take land there and become citizens of the states. If you cannot prove that they did that, but can prove that afterwards in 1837 or 1842 they went before either of these two Commissions appointed by Congress and satisfied these Commissions that they had complied with the provisions of article fourteen of the treaty of 1830, then you can establish your right to be identified now before the Commission. That is what I mean when I ask the question if they appeared before either of these Commissions, in 1837 or 1842. There were thousands of Indians who went to Colonel Ward within six months after the ratification of the treaty of 1830 and declared their intentions before him to become citizens of the United States, but of whom he made no record whatever. This caused a great deal of dissatisfaction and complaints, and the matter came to the ears of Congress, and these Commissions were appointed.

Q Do you know whether any of your ancestors appeared before either of these two commissions? A I couldn't tell you that.

Fannie Walker-----8.

Q Do you know whether any of your Choctaw ancestors ever received any scrip from the United States government under the act of Congress of August 23, 1842? A No sir.

Q Do you know what I mean by scrip? A No sir.

The Commission appointed by the act of Congress approved August 23, 1842, whenever it identified a claimant who appeared before it as one who had complied with the provisions of article fourteen but who had had his land taken away from him by some governmental act before that time, issued to such applicant scrip which was a certificate, and whatever applicant received scrip could choose land either in Mississippi, Louisiana, Alabama or Arkansas, from vacant government land. The scrip gave them the right to select the amount of land named in the scrip or certificate.

Q Do you know whether any of your ancestors received such scrip? A No sir.

Q Any further statements you want to make in support of this application? A No sir.

Q Have you any documentary evidence of any kind that you want to file now with the Commission to substantiate this claim which you make? A No sir.

A reasonable time will be allowed this applicant in which to file such documentary evidence or introduce other evidence, as she may desire in support of the application which she makes for herself and children.

Q Do you know whether any of your Choctaw ancestors ever received any benefits under any other article of the treaty of Dancing Rabbit Creek than the fourteenth article or under the supplement of that treaty? A No sir.

Q Do you desire to have your brother called to testify in this case? A Yes sir.

Solomon Johnson, 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 Solomon Johnson.

Q What is your age? A Forty years old.

Q What is your residence? A Meridian, Mississippi.

Q How long have you lived here? A Fifteen years.

Q What is your occupation? A Silversmith.

Q Do you know this applicant? A Yes sir.

Q What kin is she to you? A My own dear sister.

Q Tell what you know about her having Choctaw blood? A She comes under the same recommendation I come under.

Q What recommendation do you refer to? A In and to by my father. My father--you understand that his father was Indian. His father was Injun and his mother was half Injun. His father was named Tom, and he was bred and born in Alabama. They moved from there and lived here in Neshoba county.

Fannie Walker-----7.

- Q How much Choctaw blood do you claim your sister, this applicant, has? A I reckon one quarter.
- Q How much did you claim when you were here before the Commission? A I think I claimed one quarter.
- Q She says that she has one half? A Well, she never met nothing like this before in her life.
- Q Do you think she has one half Choctaw blood? A No sir, she is just the same as I am.
- Q Your father's name was Alfred Johnson? A Yes sir.
- Q Was he a slave before the war? A Yes sir.
- Q How much Choctaw blood did he have? A He had one half.
- Q How much did your mother have? A She had some, but I never did testify to that.
- Q You couldn't say how much? A No.
- Q Your sister said your mother had one half? A That is by being young and not knowing.
- Q You don't think that is right? A No sir, I wouldn't testify to my grandmother how much she had.
- Q Your grandmother on whose side? A On my mother's side.
- Q Your grandfather on your mother's side--how much Choctaw blood did he have? A I don't know whether he had any or not.
- Q You don't know very much about your grand father or grandmother do you? A Yes sir.
- Q Your father's grandfather how much Choctaw blood did he have? A He was whole Indian.
- Q How do you know he was? A He said so.
- Q Did you know him? A I knew my grandfather, Tom Johnson.
- Q Did he have curly hair? A He was a natural Indian.
- Q Did he have curly hair? A No sir--did you say curly hair.
- Q Did your grandfather have curly hair? A No, sir, he was an Indian.
- Q Are you quite sure he didn't have curly hair? A He had Indian hair.
- Q It you remember whether it was curly or straight? A If it was kinked all up, it was Indian.
- Q Was it straight? A Yes sir, it was straight just like the Indian hair.
- Q Was it long and straight? A Yes sir, it was straight and black too.
- Q Did he have any negro blood in him at all? A No sir, not my grandfather, he was a free man.
- Q Was his wife a slave? A Yes sir.
- Q Was she a negro? A She was half.
- Q Do you know anything about Tom Johnson's father? A No sir, that is too far back--no further than that he was an Indian.
- Q Do you know whether any of your ancestors complied with the provisions of article fourteen of the treaty of 1830? A No sir, I don't know.
- Q Do you know whether any of your ancestors ever owned any land which the government gave to them as Choctaw Indians? A No sir, they never did.
- Q Did they ever get any scrip from the government? A No sir.
- Q Did they ever own any improvements on land as Choctaw Indians previous to 1830? A No sir, like they was on it, and they said they driv them off.
- Q Did they ever claim or receive any land under the fourteenth article of the treaty of 1830, and did they go to the United States In-

Fannie Walker-----8.

Indian agent and tell him they wanted to take land here? A Yes, I know they did.

Q How do you know it? A Because I know he didn't go there.

Q How do you know he went to the Indian Agent? A I know he didn't if he had I would have known it.

Q I will ask that question again: Do you know whether your grandfather Tom Johnson, whom you claim was a full blood Choctaw Indian, went to Colonel Ward, the United States Indian Agent in the year 1830, and within six months after the ratification of the treaty of 1830, and told him that he wanted to stay in Mississippi and take land there; do you know that? A No sir.

Q Then you don't know anything about that part? A No sir.

Q Do you know whether Tom Johnson or any of your ancestors went before the Commission of 1837 or the Commission of 1842 and proved that they had rights under article fourteen of the treaty of 1830?

A No sir.

Q Is there anything further you want to say in support of this application of your sister? A No sir.

Q You have told all you know? A Yes sir, I have told the truth as far as I know.

(Witness excused).

This applicant has the appearance of being a negro. She has no knowledge of the Choctaw language and no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

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 14th 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 22nd day of August, 1901.

*[Signature]*

Notary Public.

Muskogee, Indian Territory, April 9, 1903.

Fannie Walker,  
Meridian, Mississippi.

Dear Madam:

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

Alfred Johnson,	M.C.R. 2606
Solomon Johnson, et al.,	M.C.R. 2608
Fannie Walker, et al.,	M.C.R. 3250

These application 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 Alfred Johnson, Solomon Johnson, Sylvester Johnson, Hazzekiah Johnson, Iva Johnson, Onie Johnson, Fannie Walker, Lillie B. Joseph, Annie Joseph, McArthur Walker and Oscar Walker 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)

*Tame D. D. D.*

Chairman.

Registered.



COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

WM. O. BEALL,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3250

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 30, 1904.

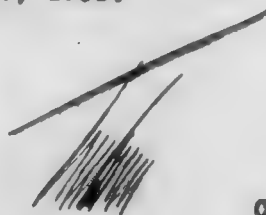
Fannie Walker,

Meridian, Mississippi.

Dear Madam:

You are hereby notified that on the 9th day of April, 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 Alfred Johnson, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

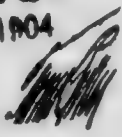
Respectfully,



Chairman.

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

JUN 7 1904



CHAIRMAN.

MERIDIAN  
MAY 4  
2-PM  
1904  
MISS.



Department of the Interior.

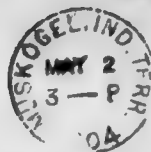
Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.

*MCB*  
*3250*

Fannie Walker,

Meridian, Mississippi.



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

**FILED**  
MAY 26 1903

*[Handwritten signature]*

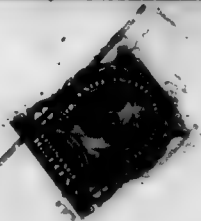
CHAIRMAN

*2011 P 22*  
*82/4*

*505*



*Reg 2047*



Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

*10/12*

Fannie Walker,

Meridian, Mississippi.

1282

No. 3250

For Identification as a Mississippi Choctaw.

Date AUG 11 1901

Name Fannie Walker

Age 28 Blood 1/2

Post Office, Meridian, Miss

Father: Alfred Johnson <sup>1/2 choct., 1/2 neg.</sup> slave l

Mother: Elizabeth <sup>1/2 choct., 1/2 neg.</sup> " slave, d

Claims through both parents,  
Husband  
Bill Walker - negro

No claim for husband

Children:

Lillie B. Joseph 11

Annie Joseph 9

McArthur Walker, 5

Oscar " 2

Jim Joseph (w) d. was  
father of first 2 children

Claim for self & 4 children.

Stenographer H.C. Risher

Choctaw MCR 3251

Lou Rogers

MCR 3251

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

-1-

In the matter of the application of Lou Rogers for  
identification as a Mississippi Choctaw, N C R 3251.

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

Original application of Lou Rogers  
to the Daves Commission for identi-  
fication as a Mississippi Choctaw..... 1  
Decision of the Commission refusing the  
application of Lou Rogers for identifi-  
cation as a Mississippi Choctaw..... 6

\*\*\*\*\*



Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3251

In the matter of the application of Lou Rogers for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Lou Rogers being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A My name now is Rogers.  
Q What is your given name? A Lou Rogers.  
Q L-o-u? A Yes.  
Q R-o-g-e-r-s? A Yes.  
Q What is your age? A Forty-eight.  
Q What is your post-office address? A Sherman,  
Texas? A Yes.  
Q Have you a street number? A Yes 810  
Q What? A Throckmorton.  
Q How long have you lived there? A Where I am living now?  
Q Well at Sherman? A I have been living there twelve years.  
Q How long have you lived in Texas? A All my life.  
Q Were you born in Texas? A Yes.  
Q And lived there all your life? A Yes.  
Q What is your father's name? A Erb Prater.  
Q How do you spell that? A R-r-b P-r-a-t-e-r is the way he  
spelled his last name.  
Q Is he living? A Yes.  
Q What is your mother's name? A Kittier, K-i-t-t-i-e-r-y.  
Q Prater? A Yes.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim your Choctaw blood?  
A From her side.  
Q How much Choctaw blood do you claim? A One-eighth.  
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 Married?  
Q Yes? A Yes.  
Q What is your husband's name? A Rogers.  
Q Well what is his given name? A B. G. His first name is Samuel.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No just for myself.  
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 alone? A Yes.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
Indian Territory? A I don't understand.  
Q Is your name on any of the tribal rolls of the Choctaw Nation  
Indian Territory? A No I have got a cousin that is here who  
was a Prater she is on the roll somewhere. She is a Prater,  
befers she was married.  
Q What is her name now? A

- Q What is her name now? A Spears, Kinetta Spears.
- Q Is her name on the regular Choctaw rolls? A I don't know, she has done got her claim here.
- Q How do you know that? A She wrote us.
- Q Was she admitted by the Court? A Well I know very little about it only that she has got a claim and is living here in the Choctaw somewhere.
- Q Do you know when she got her claim? A No it has been ever two years ago that I know. She wrote to my brother about it. Her first name ought to have been Sallie but we always called her Kinetta when we was raised together and I don't remember what her first name was but it ought to have been Sallie.
- Q Is your name on any of the tribal rolls? A No my name is not.
- 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 June 10, 1896? A No.
- Q Why did you not apply then? A I don't know.
- 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 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? No.
- Q This is the first application of any kind you have ever made? A Yes.
- Q How do you want to make application now? A I don't know whether I can tell you or not.
- Q Well what makes you think you have a right to make application now? A Well because I was part Indian?
- Q What kind of Indian? A Choctaw.
- Q How do you know that? A Well my great grandmother was; My grandmother was one-half Indian.
- Q Do you make any claim under any of the treaties between the United States and the Choctaw Indians? A If I made any.
- Q Do you make any now, because of any of the treaties made between the United States and the Choctaw Indians? A Yes.
- Q Which one of the treaties do you claim under? A I don't know.
- Q What do you claim to be now? A Well I don't know how.
- Q Well do you claim as a Mississippi Choctaw? A Yes.

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, which is as follows:

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

and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. The State of Mississippi was being rapidly filled up with white people and it was very hard for the government to protect the Indians in their tribal government so the United States thought it would be best to remove them all 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 in Mississippi and the others would not sign any treaty until something was done for those of their number who wanted to remain in Mississippi, so article fourteen was inserted into the treaty for the benefit of these Indians who wanted to stay there 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 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 this treaty? A I can't tell.

Within six months after the ratification of this treaty a great many Indians went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land and become citizens of the United States, but when a locating Agent was sent down 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 there whose names did not appear on the list which the Indian Agent had made so under different acts of Congress Commissioners were appointed to go down into Mississippi and investigate this matter and find out which of these Indians were really entitled to land there under the fourteenth article of the treaty? These Commissioners took up and passed on several hundred 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 which the Indians claimed had not already been sold it was given to them. If it had been sold they were given scrip. This scrip could be used in buying land from any of the public lands in the States of Mississippi, Louisiana, Arkansas or Alabama?

Q Did any of your ancestors own land in any of these States? A I don't understand what you said.

- Q Did any of your ancestors own land in Mississippi, Arkansas, Louisiana or Alabama? A Yes, they owned land in Mississippi.
- Q Which one of your ancestors owned land in Mississippi? A A My aunt's did, you see my father used to own land in Mississippi.
- Q Do you know what is mean by the word ancestor? A No I don't.
- Q It means your father and mother, grandfather and grandmother great grandfather or great grandmother and so on back. Any of your direct foreparents? A Yes I understand now.
- Q You say your father owned land in Mississippi? A Yes.
- Q Well your father did not claim to be Indian? A No but my mother was living when he owned it.
- Q How did he get that land? A He bought it. The moved to Texas before they had any family is the reason I know so little about it. I was born and raised here in Texas.
- Q What was the name of your ancestor who lived in the old Cheetaw Nation in eighteen hundred and thirty when this treaty was made? A It was Hendricks.
- Q What was his given name? A Jane.
- Q Jane Hendricks? A Yes.
- Q What relation was she to you? A My grandmother.
- Q What was your mother's father's name? A My mother, why is name was Joe.
- Q Joe Hendricks? A No Joe Prater, she was a Prater.
- Q Was your mother's name the same before she was married as it was afterwards? A Yes she married her own cousin. Yes my mother was a Prater and married a Prater.
- Q Well then what was her mother's name? A Jane
- Q Jane Prater? A Yes.
- Q Did you ever know your grandmother? A No I never seen any one of my grandmothers.
- Q How old is your mother? A She is sixty-seven years old.
- Q Was she the eldest one of her mother's children? A No she was not, I don't know she was not the oldest though.
- Q You know how many there were older than she? A No I don't.
- Q You know what your grandmother's name was in eighteen hundred and thirty? A Well I don't know how long she had been married. I never heard my mother say how long her mother had been married.
- Q You don't then if your mother's name was Jane Hendricks or Jane Prater in eighteen hundred and thirty? A No I don't know but I think she was a Prater then, because my mother was sixty-seven. -----She was a Jane Prater and I know she was married before eighteen hundred and thirty.
- Q How much Cheetaw blood did your grandmother Jane Prater claim? A One-half.
- Q Did she have a Cheetaw name? A Her name was Hendricks, I don't know if that was Indian or not.
- Q You never knew her by any other name than Hendricks and Prater? A No.
- Q Did your grandmother come west with the other Cheetaw Indians to the present Cheetaw Nation between eighteen hundred and thirty and eighteen hundred and thirty eight? A No she moved from Mississippi to South Carolina.
- Q Do you know when she moved? A No I don't.
- Q Do you know when your father and mother went to Texas? A We have lived in Texas fifty-one years.
- Q How much? A They have been in Texas fifty-one years, a little over fifty-one years.
- Q Did your grandmother still live in Mississippi when they moved to Texas? A No in South Carolina.

- Q You don't know how long she had been in South Carolina when they moved to Texas? A No.
- Q Have you any evidence to show that your grandmother was a Choctaw Indian and lived in Mississippi in eighteen hundred and thirty? A Why I guess I can get evidence.
- Q What kind of evidence do you think you can get? A Well enough to prove that I----
- Q Well what kind of evidence, people living who knew your grandmother? A Yes people back there.
- Q Who knew your grandmother in eighteen hundred and thirty? A I don't know whether there is anybody living who know her in eighteen hundred and thirty.
- Q Did your grandmother go to the Indian Agent there in Mississippi within six months after the treaty was made and tell him that she wanted to stay in Mississippi and take land there? A I can't say that because I don't know.
- Q You never heard anything about that? A No.
- Q Did your grandmother own any land in Mississippi? A I don't know whether she owned land there or not I suppose she did but don't know.
- Q Now it is important in your case that you get 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 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 there. Do you think you can get evidence on these points? A I don't know. I will try, of course I don't know.
- Q Do you know whether your grandmother ever got any scrip or not? A No I don't know that either. It was seventy years ago and there are not many people that live that long.
- Q Have you any papers that you want to file now? A What?
- Q Have you any papers that you want to file now? A No.
- Q Is there anything else that you would like to say in support of your application? A I don't know what else I can say.

If you wish to offer any further evidence in support of your application either the testimony of witnesses before the Commission in person, 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.

This applicant has brown hair, eyes and rather dark complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood. She 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 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 16, 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 1 day of November 1901.

*Clare Mitchell Wood*  
Notary Public.

*C. W.*

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

-1-

In the matter of the application of Lou Rogers for identification as a Mississippi Choctaw, M - C - R - 3251.

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

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Lou Rogers 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 also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of Jane Prater (nee Hendricks), who is alleged to have been a half blood Choctaw Indian and to have resided in Miss-

issippi in eighteen hundred and thirty.

It further appears, from the evidence submitted in support of said application and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear, from the testimony and evidence offered in support of said application or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jane Prater, (nee Hendricks), 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 Lou Hegers as a Choctaw Indian entitled to rights in the Choctaw

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.  
Acting Chairman.

(SIGNED) T. B. Needles.  
Commissioner.

(SIGNED) C. R. Breckinridge.  
Commissioner.

Waskage, Indian Territory,

OCT 31 1907



COPY.  
Muskogee, Indian Territory, October 31, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lou Rogers, an applicant to the Commission for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

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

M. McM. & C.-----2.

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

Respectfully,

SIGNED

Acting Chairman.

M.C.R. 3251.

COPY

Muskogee, Indian Territory, October 31, 1902.

Lou Rogers,  
#810 Throckmorton St.,  
Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 31st day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Lou Rogers, an applicant to the Commission for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

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

L. R. -----2.

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

Respectfully,

(SIGNED)

*James H. H. H.*

Registered.

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lou Rogers, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 31st, 1902.

The Commission has the honor to report that the 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,

RECORDED.

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 3251.

Acting Chairman.

D.C. 6257-1903.  
ITD. 1556-1903.  
L.R.S.

(Copy)

EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 3, 1903.

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification of Lou Rogers as a Mississippi Choctaw, including your decision of October 31, 1902, denying her application.

The applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of one Jane Prater (nee Hendricks), alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Jane Prater or an ancestor less remote complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 10, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed. The Department finds no reason to modify your decision and it is accordingly affirmed.

Respectfully,

THOS. RYAN, Acting Secretary.

1 inclosure.

Land  
69835-1902.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, Feb. 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Lou Rogers for the identification of herself as a Mississippi Choctaw.

The testimony in this case shows that the applicant bases her claim to identification as a Mississippi Choctaw under this application because of her descent from Jane Prater (nee Hendricks), who, it is alleged, was a Choctaw Indian and a resident of the Choctaw Nation at the time of the making of the Choctaw treaty of 1830.

The commission rejected the applicant because the name of the ancestor, through whom she claims, did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Jane Prater (nee Hendricks), and

-2-

it is discovered that her name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

A. C. TONNER,

Acting Commissioner.

(W.C.B.)

P.



COPY.

M.C.R. 3251.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Cheetaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Cheetaw of Lou Rogers, of which decision you were advised by mail on the 31st day of October, 1902.

Respectfully,

(SIGNED)

*Tams Bixby.*

Chairman.

M.C.R. 3261.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Lou Rogers,

210 Throckmorton St.,

Sherman, Texas.

Dear Madam:

You are hereby notified that on the 3rd day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 31st day of October, 1902.

Respectfully,

signed

*Jams Bixby.*  
Chairman.

No. 3251

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name Lou Rogers

Age 48 Blood 1/8

Post Office, Sherman, Texas

Father: Erb Crater (dead) <sup>910 Brocknorton St.</sup>

Mother: Kitney Crater

Claims through mother

Husband: D. G. Rogers  
(no claim for him)

~~Children:~~

Claims for self alone

Stenographer

G. Rosenwinkel  
A+L

Choctaw MCR 3252

Addie Garland

See MCR 2921

MCR 3252

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

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

Addie Garland, et al.,  
Alice Ely, et al.,

M C R 3252  
M C R 2921

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 Addie Garland, et al., to the Dawes Commission for identification as Mississippi Choctaws.	1
Original application of Alice Ely, et al., to the Dawes Commission for identification as Mississippi Choctaws.	7
Affidavit of John Lewis in support of appli- cation.	11
Affidavit of John Albertson in support of application.	12
Final decision of the Commission refusing the consolidated application of Addie Garland, et al., for identification as Mississippi Choctaws.	13

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3252

In the matter of the application of Addie Garland for identification of herself and her two minor children as Mississippi Choctaws

Applicant not represented by attorney.

Addie Garland being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Addie Garland.  
Q How do you spell that? A A-d-d-i-e G-a-r-l-a-n-d.  
Q What is your age? A Thirty-four the third day of last September  
Q What is your post-office address? A Retor, Texas.  
Q How long have you lived there? A In Texas.  
Q Yes? A Well I have lived within two or three miles of there for eight years.  
Q Well how long have you lived in Texas? A Eight years the 22nd of July  
Q Where did you live before you lived in Texas? A In Tennessee.  
Q How long did you live in Tennessee? A I was born and raised there  
Q And lived there until you went to Texas? A Yes.  
Q What is your father's name? A My father's name is John Inman.  
Q How do you spell that? A I-n-m-a-n.  
Q Is he living? A No.  
Q What is your mother's name? A Her present name now?  
Q Yes? A Sarah Milburn.  
Q Is she living? A Yes she was the last I heard.  
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 My grandfather, I have always been taught, was a full blood.  
Q Well how much do you claim? A Well I claim 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 No married.  
Q Yes? A Yes.  
Q What is your husband's name? A Jim Garland.  
Q Is he living? A Yes.  
Q Do you make application for your husband? A No just for myself and children.  
Q Your husband is a white man and makes no claim to Choctaw blood? A Yes he is a white man.  
Q Give the names and ages of your children? A The names and ages?  
Q Yes? A The oldest one is Tom he was sixteen the twenty-third of April, and the youngest Ernest, he was fifteen the 30th day of January.  
Q Are these all the children you have? A Yes.  
Q You are the mother of these two children? A Yes.  
Q What is the name of their father? A Jim Garland.  
Q When and where were you married to him? A In Kingston, Tennessee  
Q When? A Well I lost my people and was going on thirteen when I married. I have been married going on twenty-one years. Then

- was I married in 1880,--No was it not about '79.
- Q You say you have been married twenty-one years? A Yes I think gain on twenty-one.
- Q Is your name or are the names of your children 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 in Indian Territory to have yourself or your children enrolled as members of that tribe? A No I never.
- Q Did you or did any one for you or your children in 1896 apply to the Dawes Commission for citizenship in the Cheetaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Cheetaw Nation by the Cheetaw tribal authorities or the Dawes Commission? A No.
- Q Have you or your children 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 have yourself or your children admitted or enrolled as citizens of the Cheetaw 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 make application that I am entitled to be a Mississippi Cheetaw.
- Q You claim as a Mississippi Cheetaw? A Yes my sister has been here before, she claimed through Daniel Coleman. She could not remember, of course she knew that both grandparents had Indian blood but she could not remember the names of her great grandparents.
- Q What is your sisters name? A Ely, Alice Ely. (Alice Ely et al M.C. 2921)
- Q Do you claim under any of the treaties between the United States and the Cheetaw Indians? A I claim under the eighteen thirty and the eighteen sixty-six..
- Q What do you claim under the treaty of eighteen hundred and thirty do you know? A No I don't know, I don't want to tell a story.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898, commonly known as the Curtis act 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."

- Q A I don't claim under any treaty, any special article I mean.

In eighteen hundred and thirty the United States wanted to make a treaty with the Cheetaw Indians who lived then 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 but some of the Indians 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 in Mis-

Mississippi so article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi. Article fourteen of the treaty of eighteen hundred and thirty provides:

"Each Chectaw 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 Chectaw citizen but if they ever remove are not to be entitled to any portion of the Chectaw annuity."

That means that these Chectaws who wanted to stay in Mississippi could do so if 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 and take land there, and they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this, they would not lose the right of Chectaw citizenship but if they ever removed would not get any part of the Chectaw yearly payments of money.

- Q De you claim anything under the provisions of this article of this treaty? A Why I claim the same money that some of the rest of them claims don't they.
- Q I am not saying anything about the rest of them. I want to know whether you claim anything under this article that I have just explained to you? A I don't know whether I do or not I don't understand it.

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 and take land there but when an Agent was sent down by the government to locate the land for these Indians he found that there were a great many who claimed they had gone to the Indian Agent 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 into Mississippi and investigate and find out which of these Indians were really entitled to land there in Mississippi under the fourteenth article of the treaty of eighteen hundred and thirty. These Commissioners took up and passed on several hundred cases. Some of them they allowed and some were refused. In these 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 they were given scrip with which they could locate 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 No.



- Q Do you know what is meant by the word ancestor? A Why of course I do, my ancestors are my uncles and aunts, my father and mother, and my relations, my ancestors would be my grandparents and my children.
- Q Your ancestors means your father and mother, your grandfather and grandmother, your great grandfather and great grandmother or any of your foreparents in a direct line back? A Yes.
- Q Do you know, did any of them own any land in Mississippi? A A Not that I know of.
- 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? A Why my grandmother Bennet was my grandmother and my grandmother Johnson was my great grandmother.
- Q What was your mother's father's name? A My mother's father was Daniel Coleman.
- Q What was your mother's mother's name? A Mary Johnson.
- Q Mary Coleman? A Well she married a Coleman, she was a Johnson.
- Q Well when she was your grandmother she was Mary Coleman? A Yes.
- Q Which one of your mother's parents claimed to be Choctaw? A My grandfather and grandmother both.
- Q Your mother claimed her Choctaw blood through both parents? A Yes.
- Q What was your grandfather's father's name? A Well I don't know what his given name was his other name was Coleman.
- Q Well what was your grandfather's mother's name? A Her name was Nancy Bennett, grandmother Johnson was my grandmother and grandmother Bennett was my great grandmother and grandmother Johnson's name was Mary and grandmother Bennett's name was Nancy.
- Q What was your grandfather Coleman's mother's name? A Well I don't know what her name was, her given name? I don't know my grandfather Coleman's mother's or father's name. You asked me this awhile ago.
- Q You don't know your grandfather Coleman's father and mother's given names? A No I don't.
- Q What was your grandmother Coleman's father's name? A His name was Bill.
- Q Bill what? A Bill Johnson, No Bill Bennett.
- Q Well now what was your grandmother Coleman's mother's name? A My grandmother Coleman, why she was a Johnson too.
- Q Well what was her mother's name? A I don't know her given name.
- Q Who was that Mary Johnson you were talking about? A That was my grandmother.
- Q Well now was that Mary Coleman? A Yes that was Mary Coleman.
- Q Now what was your grandmother's name, your mother's mother? A My mother's mother's name was Mary Coleman.
- Q And what was your mother's father's name Daniel Coleman.
- Q And your mother claims her Choctaw blood through both parents? A Yes.
- Q And you don't know the name of Daniel Coleman's father and mother? A No.
- Q And what was the name of Mary Coleman's father? A Bill Bennett.
- Q And what was the name of Mary Coleman's mother? A Nancy Bennett
- Q Well then what makes you call your grandmother Mary Johnson? A She was Johnson before she married.
- Q How does it happen that your grandmother's name was Mary Johnson before she was married when her father and mother's names were Bennett? A Well they are her grandfather and grandmother.
- Q What was Mary Coleman's father's name? A His name in the place of Bill Bennett was Bill Johnson.
- Q Now what was Mary Coleman's mother's name? A Her name was Nancy Johnson.

- Q How which one of Mary Coleman's parents was Choctaw? A It was her mother.
- Q Then Nancy Johnson was your great grandmother? A Yes, No she was, Yes my great grandmother, and Mary Coleman my grandmother.
- Q How who were these Bennetts that you have been talking about all the time? A Grandmother's grandmother.
- Q Your great great grandmother? A Yes.
- Q How old is your mother? A I am thirty-four and I was born the day she was twenty.
- Q About fifty-four then? A Yes.
- Q Is her mother living? A No.
- Q Do you know how old her mother would be if she were living now? A No I don't.
- Q Well which one of these ancestors whose names you have given lived in the old Choctaw Nation in eighteen hundred and thirty? A Well my grandfather lived there part of the time, I don't know whether it is eighteen hundred and thirty or not, he was a roving Indian he did not stay in one place.
- Q How much Choctaw blood did your grandfather have? A I have always been taught that he was full.
- Q How much Choctaw blood did your grandmother have? A My grandmother was one half.
- Q And do you think your grandfather and grandmother were living in eighteen hundred and thirty? A How long has that been?
- Q Seventy years? A Of course they were because I remember grandmother.
- Q How long ago do you remember her? A I remember her when I was about three years old and that has been about twenty-nine years has it not.
- Q Well how old was your grandmother when you remember her? A Well she looked to be about fifty, she had gray hair.
- Q Do you know whether your grandmother's name was Coleman or Johnson in eighteen hundred and thirty? A Why her name was Coleman, no it must have been Johnson, if it has been seventy years ago.
- Q You think your grandmother was not married in eighteen hundred and thirty? I expect she was too because my grandmother has children way older than my mother, she must have been married about that time I guess. She would be about one-hundred.
- Did your grandfather or grandmother go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi and take land there? A I don't know whether they did or not, My grandmother did not I know.
- Q Did they come west to the present Choctaw Nation in Indian Territory between eighteen hundred and thirty-three and eighteen hundred and thirty eight with the other Choctaws? A I don't know whether they did or not, my grandmother did not.
- Q Have you any evidence to show that your grandfather and grandmother were living in the old Choctaw Nation in eighteen hundred and thirty? A No I have not.
- Q Can you get any? A That they were living there?
- Q Yes, that they were living in the old Choctaw Nation in eighteen hundred and thirty? A I don't know.
- Q Can you get any evidence to show that they were Choctaw Indians? A I think I can.
- Q You think you can get any evidence to show that they went to the Indian Agent there within six months after the ratification of the treaty and told him that they wanted to stay? A I don't know whether I can or not.

#6

Q These are all important points in your case and if you can secure evidence on them you should do that. No answer.

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 Do you expect to bring witnesses before the Commission in person? A Would not affidavits do?

Q It would be better to bring your witnesses in person before the Commission to be examined but the Commission will accept affidavits or depositions if you cannot bring your witnesses here.

Q Have you any papers that you want to file now? A No.

Q Is there anything else that you would like to say in support of your application? A No.

This applicant has brown hair, brown eyes and dark complexion and her face is broad, her cheek bones a trifle prominent but features and general appearance are those of a white person and would not indicate that she is possessed of the amount of Chectaw blood claimed by her, one fourth, although she may be possessed of a small amount of Indian blood. She 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 although it appears from her testimony that her grandparents 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 16, 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    day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

14  
14  
COPY.

*H.A.S.  
C.W.*

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

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

Addie Garland, et al.,  
Alice Nly, et al.,

M C R 3252  
M C R 2921

--- 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 Addie Garland for herself and her two minor children, Tom and  
Ernest Garland; and by Alice Nly for herself and her minor child,  
Lela Nly, under the following provision of the act of Congress ap-  
proved June 22, 1898, (30 Stat., 495):

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

It also appears that all of said applicants claim rights  
in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nancy Bennett, who is alleged to have been possessed of some Choctaw Indian blood, degree thereof not stated, and Daniel Coleman, (or Colman) who is alleged to have been an one-half blood Choctaw Indian, and both to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that name 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 Nancy Bennett, or Daniel Coleman (or Colman), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of

Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 815).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Addie Garland, Tom Garland, Ernest Garland, Alice Ely and Lela Ely 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,

*James Dixby.*

Acting Chairman.

*T. B. Needles.*

Commissioner.

*C. R. Breckinridge.*

Commissioner.

Waskage, Indian Territory,

FEB 6 1903

POOR ORIGINAL -  
BEST AVAILABLE COPY

Addie Virginia Garland, et al.

VS

The Choctaw Nation.

TO THE HONORABLE SECRETARY OF THE INTERIOR, and to  
THE COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

In the matter of the consolidated case of Addie Virginia  
Garland, Alice Eli, and Lola Eli, for identification and enrollment,  
as Mississippi Choctaws.

Comes now Addie Virginia Garland, Tom Garland, Earnest  
Garland, Alice Eli, now Alice Brewer, Lola Eli, now Lola Mathews,  
and respectfully petitions your Honor, E.A. Hitchcock, Secretary  
of the Interior, for his supervisory authority, to the end that  
their case may be reopened, reconsidered, readjudicated and for  
enrollment, upon the citizenship rolls of the Choctaw Nation,  
Indian Territory,

And as grounds for same,

Applicants respectfully represent, that they are Choctaw  
Indians by blood, that they are the direct lineal descendants of  
Daniel Coleman, and his wife Mary Johnson, who were both Mississippi  
Choctaw Indians, and residents of the state of Mississippi in 1830,  
at the time of the Treaty of the United States Government, with  
the Choctaw Tribe of Indians, commonly called the Banding Rabbit  
Creek Treaty, that said Daniel Coleman, and his wife Mary Coleman,  
now Johnson, had born unto their said union several children to  
wit:-- Eliza, Densie, Jane, Jessie, and Sarah Coleman, the last  
above named Sarah Coleman, was legally married to John Westley  
Imman, a white man, and they are the parents of Addie Virginia  
Garland, and Alice Eli now Alice Brewer. And Lola Eli now Lola  
Mathews is the daughter of Alice Eli, and Tom Garland and Earnest  
Garland are the sons of Addie Virginia Garland.

That these applicants Addie Virginia Garland, Lola Eli Mathews,  
and Tom Garland and Earnest Garland, are all residents of the

**POOR ORIGINAL -  
BEST AVAILABLE COPY**

Choctaw Nation, Indian Territory.

Applicants respectfully represent, that they moved to, and became resident citizens of the Indian Territory, in May 1904, that they have been actual, bona fide, and continuous residents of the Indian Territory ever since.

That they knew nothing of the Act of 1898, requiring application to be made to the Commission to the Five Civilized Tribes, within Ninety (90) days, of the existence of such an act, neither of the creation of the Commission to the Five Civilized Tribes, nor its existence at said time, and of course made no application, but upon information received that it was their duty in order to sustain their Tribal relations, to make application to the Commission to the Five Civilized Tribes for enrollment, that they at the very first opportunity availed themselves of said opportunity, and made said application.

Applicants claim because of the fact, that they are descendants of Mississippi Choctaw Indians, and because of the fact that they are Indians by blood, and that their rights through their ancestors, being guaranteed unto them, by the United States of America, in the Treaty of 1830, and said obligations were renewed in the Treaty of 1866, and because of the fact that they are wards of the Government, and should not be discriminated against, and because of their being illiterate and ignorant of the Acts of Congress, and of the Act of 1902, to which they were not a party, that they are entitled to be enrolled upon the legal rolls, as Choctaw Indians and citizens of the Choctaw Nation, Indian Territory, and applicants claim that the laws of the Government, and the solemn Treaty pledge of 1830 and 1866, has guaranteed to them their rights and that the laws of Congress up to 1902, have respected their rights, by declaring in ever act of Congress, even in that of 1898, "that nothing herein shall militate against rights of a Choctaw Indian conferred by Treaty".

Therefore, applicants prays, your Honor that their case may be reopened, and that they be guaranteed, a reasonable time to introduce more testimony, and for a readjudication of this case, and for enrollment as Choctaw Indians of said Tribe, as guaranteed to them in the decision of the Attorney General, recently rendered, and approved by your Honor in the long case.



POOR ORIGINAL -  
BEST AVAILABLE COPY

UNITED STATES OF AMERICA  
CHOCTAW NATION  
INDIAN TERRITORY.

Personally appeared before me the undersigned authority Addie Virginia Garland, who after being by me duly sworn according to law on oath states:- That she is the principal applicant in the foregoing case titled Addie Virginia Garland et al., VS The Choctaw Nation, that she has read the foregoing petition and that the facts contained therein, are true and correct to the best of her knowledge, that this petition is not made for delay but that justice may be done.

That a copy of this motion and petition, has been served upon the Attorneys for the Choctaw and Chickasaw Nation to wit:- Mansfield, McMurray and Cornish, by due course of mail, directed to them at So. McAlester, Indian Territory, their present post-office.

The register receipt of the Post Master, for the letter containing copy of said motion and petition is hereto attached, and made part of this petition for proof of service.

*Addie Virginia Garland*

Subscribed and sworn to before me, by Addie Virginia Garland, as being true and correct to the best of her knowledge, on this the 25 day of June 1906.

*W. Hardy*  
Notary Public

POOR ORIGINAL -  
BEST AVAILABLE COPY

UNITED STATES OF AMERICA  
CHOCTAW NATION  
INDIAN TERRITORY.

personally appeared before me the undersigned authority, Mrs. Lela Mathews nee Eli, who after being by me duly sworn according to law, on oath states:- That she is one of the applicants in the foregoing petition titled Addie Virginia Garland et al., VS The Choctaw Nation, that she has read the foregoing motion and petition, and the facts contained therein are true and correct to the best of her knowledge.

---

Subscribed and sworn to before me by Mrs. Lela Mathews, nee Eli, as being true and correct to the best of her knowledge, on this the \_\_\_\_\_ day of June 1906.

---

COPY.

M.C.R. 3252

Muskogee, Indian Territory, February 6, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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

Addie Garland, et al.,  
Alice Ely, et al.,

M.C.R. 3252  
M.C.R. 2921

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 Addie Garland, Tom Garland, Ernest Garland, Alice Ely and Lela Ely 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

Ex. McM. & Co.,-3

forwarded to the Secretary of the Interior through the Commissioner  
of Indian Affairs.

Respectfully,

(SIGNED)

*C. R. Breckinridge.*  
Commissioner in Charge.

COPY.

M.C.R. 3252

Muskogee, Indian Territory, February 6, 1903.

Addie Garland,  
Ester, Texas.

Dear Madam:

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

Addie Garland, et al.,  
Alice Ely, et al.,

M.C.R. 3252  
M.C.R. 2921

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 Addie Garland, Tom Garland, Ernest Garland, Alice Ely and Lela Ely 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."

Addie Garland,-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,

*C. R. Breckinridge.*

Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, February 21, 1903.

The Honorable,  
The Secretary of the Interior.

Sir:

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

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

Addie Garland, et al.,  
Alice Ely, et al.,

M.C.R. 3252  
M.C.R. 2921

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,

*Tamm Dixby*  
Chairman.

Through the  
Commissioner of Indian Affairs.  
2 inclosures: M.C.R. 3252

Land  
15,861-1903.

COPY.

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs,  
Washington.

March 18, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the unsolidated application for identification as Mississippi Choctaws, of the following parties: Addie Garland, for herself and her two minor children, Tom and Ernest Garland; Alice Ely for herself and her minor child, Lola Ely, wherein a decision adverse to the applicants was rendered by the commission on February 6, 1903.

The testimony in this case shows that the applicants base their claim to identification as Mississippi Choctaws under this application because of their descent from Nancy Johnson nee Bennett, Mary Coleman nee Johnson and Daniel Coleman, who, it is claimed, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty of 1830.



The Commission rejected the applicants because the name of the ancestor through whom they claim did not appear among the names of those who complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830.

An examination has been made of the records of this office, and it is discovered that the names of the alleged ancestors, Nancy Johnson, nee Bennett, Mary Coleman nee Johnson, and Daniel Coleman, do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very respectfully,

(Signed) A. G. TONNER,

Acting Commissioner.

(H.B.H.)

P.

I.T.D. 3062-1903.  
D.C. 11660-1903  
L.R.S.

COPY  
P.H.E.

DEPARTMENT OF THE INTERIOR  
WASHINGTON

April 20, 1903.

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

Gentlemen:

February 24, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Addie Garland (M.C.R. 3252), for herself and her two minor children, Tom and Ernest Garland; and of Alice Ely for herself and her minor child, Lela Ely, including your decision of February 6, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Nancy Bennett, who is alleged to have been possessed of some Choctaw Indian blood, degree thereof not stated, and Daniel Coleman (or Colman, who is alleged to have been an one-half blood Choctaw Indian, and both to have resided in Mississippi in 1830.

The record fails to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians,

er that their alleged ancestor ever complied or attempted to comply, in person or by proxy, with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

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

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

Respectfully,

(Signed) THOS RYAN,  
Acting Secretary.

1 inclosure.

M.C.R. 3252

COPY.

Muskogee, Indian Territory, April 30, 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 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 Addie Garland, et al., of which decision you were advised by mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

*Jame Bixby.*

Chairman.

M.C.R. 3252

COPY.

Muskogee, Indian Territory, April 30, 1903.

Addie Garland,

Noter, Texas.

Dear Madam:

You are hereby notified that on the 28th 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 Addie Garland, et al., of which decision you were advised by registered mail on the 6th day of February, 1903.

Respectfully,

(SIGNED)

*Jame Bixby.*  
Chairman.

Muskogee, Indian Territory, July 9, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Addie Garland, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of February 6, 1903, adverse to the applicants, was, on February 24, 1903, forwarded the Department.

April 20, 1903 (I T D 3062-1903), the Department affirmed the decision of said Commission rendered February 6, 1903.

June 26, 1906, this office received from J. O. Pool, attorney at law, Mocona, Texas, a petition of Addie Virginia Garland for a reopening and readjudication of the above case. The petition is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner  
of Indian Affairs.

Max 9/4

M C R 3252

Muskogee, Indian Territory, July 9, 1906.

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

Dear Sir:

Receipt is hereby acknowledged of your letter dated at South McAlester, Indian Territory, June 25th, 1906, enclosing petition of Addie Garland for reopening and readjudication of her Mississippi Choctaw case. Said petition has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

MOR 3252.

Muskogee, Indian Territory, July 12, 1906.

Addie Virginia Garland,  
South McAlester, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter without date by reference from the Secretary of the Interior, wherein you request that favorable consideration be given your application for identification as a Mississippi Choctaw.

In reply you are advised that under date of June 25, 1906, J. O. Pool, Attorney at Law, Nocona, Texas, filed with this office a petition for re-opening and readjudication of your claim. The same was on the 9th instant, transmitted to the Secretary of the Interior, and when the Department passes upon said motion your attorney will be notified of such action as may be taken.

Respectfully,

Commissioner.



( C O P Y )

Land  
25614-1903.  
50949-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of April 20, 1903,  
( I.T.D. 3062-1903), I have the honor to transmit herewith  
the petition of Addie Virginia Garland, praying for a re-  
opening and readjudication of the consolidated Mississippi  
Choctaw case of Addie Garland, et al. The record in the  
case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

~~RECORDED~~

( C O P Y )

D.C. 48735-1906.

G.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I.T.D. 3062-1903  
2570-1906.

20570

November 3, 1906.

L R S

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

Sir:

July 9, 1906, you transmitted a petition for a reopening of the consolidated Mississippi Choctaw case of Addie Garland, et al., wherein the Department on April 20, 1903 ( I.T.D. 3062), refused to identify said applicants as such.

Applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Bill Bennett and Nancy Bennett, and also Daniel Coleman and his wife, Mary Coleman, nee Johnson, neither one of whom is shown, or is it claimed, complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or became beneficiaries thereunder under subsequent legislation relative thereto.

The principal applicants were born and raised in Tennessee and removed to the State of Texas about 1893, where

they remained about eight years. It is shown that Mary Coleman, nee Johnson, died in Tennessee about 1882.

The Department sees no reason to disturb its decision of April 20, 1903, refusing to identify applicants as Mississippi Choctaws, and said motion for a reopening and reconsideration filed on their behalf is hereby denied.

You will advise attorney for moving parties of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) R. A. Hitchcock,

Secretary.

Through the Commissioner  
of Indian Affairs.

B inc. to Ind. Of.

( C O P Y )

D.C.48738-1906.

G.R.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

LLB

I.T.D. 3062-1903  
2570-1906.

November 3, 1906.

20570

L R B

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

Sir:

July 9, 1906, you transmitted a petition for a re-opening of the consolidated Mississippi Choctaw case of Addie Garland, et al., wherein the Department on April 20, 1903 ( I.T.D. 3062), refused to identify said applicants as such.

Applicants claim rights to Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Bill Bennett and Nancy Bennett, and also Daniel Coleman and his wife, Mary Coleman, nee Johnson, neither one of whom is shown, or is it claimed, complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or became beneficiaries thereunder under subsequent legislation relative thereto.

The principal applicants were born and raised in Tennessee and removed to the State of Texas about 1893, where

they remained about eight years. It is shown that Mary Coleman, nee Johnson, died in Tennessee about 1882.

The Department sees no reason to disturb its decision of April 20, 1903, refusing to identify applicants as Mississippi Choctaws, and said motion for a reopening and reconsideration filed on their behalf is hereby denied.

You will advise attorney for moving parties of this action.

The record has this day been returned for the files of the Indian Office.

Respectfully,

(Signed) E. A. Hitchcock,  
Secretary.

Through the Commissioner  
of Indian Affairs.

5 inc. to Ind. Of.

( COPY )

Land  
25514-1903.  
59949-1906.

DEPARTMENT OF THE INTERIOR  
OFFICE OF INDIAN AFFAIRS,  
WASHINGTON.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of April 20, 1903,  
( I.T.D. 3062-1903), I have the honor to transmit herewith  
the petition of Addie Virginia Garland, praying for a re-  
opening and readjudication of the consolidated Mississippi  
Choctaw case of Addie Garland, et al. The record in the  
case is also inclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

REMARKS

MCR 3252

COPY

Muskogee, Indian Territory, November 16, 1906.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen :--

There is enclosed herewith copy of Departmental letter of November 3, 1906, denying the motion filed by J. O. Pool, Attorney at Law, South McAlester, Indian Territory, on June 26, 1906, for a re-opening and re-consideration of the consolidated Mississippi Choctaw case of Addie Garland, et al.

Respectfully,

SIGNED *Wm. L. Dixey*  
Commissioner.

JWH 16-1

MOR 3252

COPY

Muskogee, Indian Territory, November 16, 1906.

J. O. Pool,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir :--

There is enclosed herewith copy of Departmental letter of November 3, 1906, denying the motion filed by you in this office June 26, 1906, for a re-opening and re-consideration of the consolidated Mississippi Choctaw case of Addie Garland, et al.

Respectfully,

SIGNED *Tams Bixby*  
Commissioner.

JWH 16-2



MOR 3252

COPY

Muskogee, Indian Territory, November 16, 1906.

Addie Virginia Garland,

South McAlester, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the petition filed in this office June 26, 1906, by J. O. Pool, Attorney, praying for a re-opening and re-adjudication of the consolidated Mississippi Choctaw case of Addie Garland, et al.

Respectfully,

SIGNED *Richard L. ...*  
Commissioner.

MCR 3252

COPY

Muskogee, Indian Territory, November 16, 1906.

Chief Clerk,  
Choctaw Land Office,  
Atoka, Indian Territory.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 3, 1906, denied the petition filed in this office June 26, 1906, by J. O. Pool Attorney, praying for a re-opening and re-adjudication of the consolidated Mississippi Choctaw case of Addie Garland, et al.

This case includes the following persons:

Addie Garland  
Tom Garland  
Ernest Garland,  
Alice Ely  
Lela Ely

It does not appear that there are any proceedings now pending in the above consolidated case.

Respectfully,

SIGNED *Wams Bixby.*  
Commissioner.

CARD No.

NAME

RESIDENCE  
DISTRICT

POST OFFICE

AGE

SEX

REFER TO M. C. R. 3252

*Addie Garland, et al.*

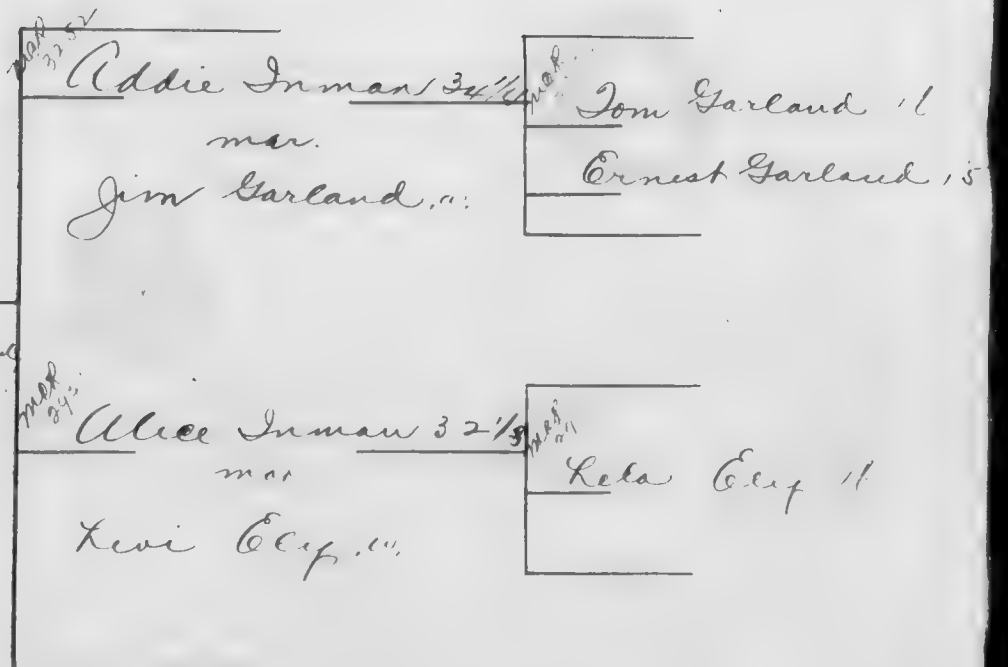
*Consolidated Case*

Nancy Bennett  
mother of

Nancy Johnson  
mar  
Bill Johnson

Mary Johnson  
mar  
Daniel Coleman

Sarah Coleman  
mar  
① John Inman, dead  
② \_\_\_\_\_ Milburn



No. 3252

**For Identification as a Mississippi Choctaw.**

Date **AUG 16 1901**

Name *Addie Garland*

Age *34* Blood *1/4*

Post Office, *Ector, Texas*

Father: *John Inman (dead)*

Mother: *Sarah Milburn*

Claims through *mother*

*husband, Jim Garland -  
(no claim for him)*

Children:

*Tom Garland 16*

*Ernest " 15*

*Claims for self and  
2 children.*

Stenographer

*G. Rosenwinkel*

Choctaw MCR 3253

Clara Wagoner

See MCR 2564

MCR 3253

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

5253

In the matter of the application of Clara Wagener for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Clara Wagener being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Clara Wagener.  
Q W-a-g-n-e-r? A No, W-a-g-o-n-e-r.  
Q What is your age? A Twenty-nine.  
Q What is your post-office address? A Sherman is my post-office now.  
Q Have you any street number? A I don't know I just got there last Saturday.  
Q Sherman, Texas? A Yes.  
Q You say you have just lived there a week? A I got there last Saturday.  
Q Where did you live before you lived there? A In Kentucky.  
Q How long did you live in Kentucky? A I was born and raised in Kentucky.  
Q And lived there until you came to Texas? A Yes.  
Q What is your father's name? A William Pelly Sledge.  
Q Is he living? A Yes.  
Q What is your mother's name? A Elizabeth Sledge.  
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.  
Q Are you married? A Yes.  
Q What is your husband's name? A George Robert Wagener.  
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 make application 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 citizen of that tribe? A No.  
Q Did you or did any one for you in 1896 make application to the Daves Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A I don't know.  
Q Did you make any such application? A No.  
Q Did you authorize anyone to make such application for you?  
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 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 I think not.
- Q Have you ever applied 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 For a Mississippi Choctaw, is that what you mean?
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Not only that I learned that some land was due me, something of that kind.
- Q Do you know what a treaty is? A Well I don't know exactly.
- Q Do you know what an agreement is? A I don't know whether I do.
- Q Do you know what a contract is? A Yes if anybody made a contract for land or anything.
- Q Well an agreement is like a contract in a sense. It is where two people promise each other that they will do certain things? A Yes.
- Q Well when two Nations make an agreement or contract that contract is also a treaty? A Yes.
- Q Now do you claim at this time under any of the treaties between the United States and the Choctaw tribe of Indians? A No I don't reckon I do. Of course I get in sort of like Aunt Annie Harmon.

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 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 seventh eighteen hundred and thirty and 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 rapidly being filled up with white settlers and the United States found it very hard to protect the Choctaws in their tribal government there in that State and thought it would be best to give 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, but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Indians 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 Do you claim anything under the provisions of this article of this treaty? A No I guess not.
- Q What was the name of your ancest or who lived in Mississippi in eighteen hundred and thirty? A Barsheba.
- Q Barsheba what? A Barsheba Barton.
- Q What relation was she to you? A She was my great great grandmother.
- Q Your mother is living now? A Yes.
- Q And you claim through your mother? A Yes.
- Q How old is she? A She is about fifty-eight I reckon.
- Q What was your mother's mother's name? A Betsy Rose, Elizabeth some called her.
- Q What was your mother's father's name? A Hijah Rose.
- Q Which one of your mother's parents claimed to be Choctaw? A My mother's parents?
- Q Yes? A Why it is my mother's father that claims to be Choctaw.
- Q Have you any evidence of the marriage of your mother's father and mother? A Evidence of that?
- Q Yes? A Their marriage did you say?
- Q Yes? A Of my mother's father and mother?
- Q Yes? A No I have not.
- Q Do you think you can secure evidence of their marriage? A Well I don't know if I can.

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

- Q A Of grandfather and grandmother's marriage?
- Q Yes.
- Q What was your grandfather's father's name? A Well I declare I forgot, he died before I could remember.
- Q What was his mother's name? A His mother?
- Q Yes? A Charity Rose, Charity Barton before she was married.
- Q Do you remember your grandfather? A Grandfather Rose?
- Q Yes? A Yes but he died about six or seven years ago and he was ninety years old when he died.
- Q Your grandfather then must have been born before the year eighteen hundred and thirty? A Well I don't know about that.
- Q If he died six or seven years ago and was about ninety when he died, he would be about ninety seven now? A Yes.
- Q Well eighteen hundred and thirty was only seventy years ago. Then your grandfather Ahijah Rose was twenty six or twenty seven years old when that treaty was made? A I don't think he was hardly that old.
- Q Well about how old do you think he was in eighteen hundred and

- thirty? A Well that must have been about how it was.
- Q Do you know whether your grandfather Ahijah Rose was married in eighteen hundred or not? A No I don't.
- Q You know how old he was when he married? A No I don't.
- Q Do you know whether your grandfather Ahijah Rose went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that he wanted to stay there and take land? A No I don't.
- Q Do you know whether he 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 I do not know.
- Q Do you know how long your grandfather Ahijah Rose lived in Mississippi after that treaty was made? A No I don't.
- Q Do you know whether he was living in Mississippi when that treaty was made? A No I don't know whether he was or not.
- Q Do you know whether you can get any evidence to show where your grandfather was living in eighteen hundred and thirty when this treaty was made? A Yes I can get evidence. I cannot get it today but I can get it.
- Q What kind of evidence can you get? A Well to show whether he was there or not.
- Q Well I mean can you bring witnesses before the Commission to show that? A I could if they were here but they ain't here.
- Q You don't know very much about your ancestors? A They died before I knowed much about it.
- Q You never heard anything about whether your grandfather owned any land in Mississippi, Alabama, Louisiana or Arkansas? A No he never owned any land there.
- Q Did he live in Kentucky? A Yes.
- Q Did he go from Mississippi to Kentucky? A He went from Illinois to Kentucky.
- Q Do you know when he went to Kentucky? A No I don't.
- Q You don't know what year or what part of his life he went to Kentucky? A It was when my mother was a small girl.
- Q Did he go from Mississippi to Illinois? A No I think he went from Kentucky to Illinois and then back to Kentucky.
- Q Well did he go from Mississippi to Kentucky in the first place or was he born in Kentucky? A Well he was born in Kentucky.
- Q Your grandfather was born in Kentucky. A I think so.
- Q It is very important that you secure evidence to show whether your grandfather was a Choctaw Indian and lived in the Choctaw Nation in eighteen hundred and thirty and whether he went to the Indian Agent within six months after the ratification of this treaty and told him that he wanted to stay and become a citizen of the United States and take land there and whether he ever owned any land in Mississippi, Arkansas, Louisiana and Alabama. A No he never owned any there.
- Q Well you understand that it is important that you secure evidence on these points that I have just named to you? A Yes.

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.

- Q Have you any papers that you want to file now? A No.

The applicant in this case has brown hair, gray eyes and rather fair complexion. Her features and general appearance are those of a white woman. She 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 and does not know whether her grandfather lived in Mississippi in eighteen hundred and thirty when the treaty was made and it appears from her testimony that he was born in Kentucky.

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 16, 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 16 day of November 1901.

*G. Rosenwinkel*  
*Clara Mitchell Wood*  
Notary Public.

COPY.

Muskogee, Indian Territory, September 4, 1902.

Clara Wagoner,

Sherman, Texas.

Dear Madam:

You are hereby advised that on the 4th day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Annie Harmon, et al., embracing the following applications for identification as Mississippi Choctaws:

Annie Harmon,	H C R	2564
George W. Harmon, et al.,	"	2565
Billie Harmon, et al.,	"	2567
Rosa Mercer, et al.,	"	2568
Phenie Covey, et al.,	"	2565
Mollie Howdeshell, et al.,	"	2570
Ida Stone, et al.,	"	2573
Mattie Owens,	"	2569
Wash Sledge, et al.,	"	2571
William Sledge,	"	2572
Virginia Harmon, et al.,	"	3197
Lena Akers,	"	3196
Clara Wagoner,	"	3253
Letia Balkinship, et al.,	"	3198
Victoria B. Dennis, et al.,	"	3842

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Annie Harmon, George W. Harmon, Leora Harmon, Ira Harmon, Leslie Harmon, Rhea Harmon, Billie Harmon, Eula Harmon, Eura Harmon, Cora Harmon, Eddie Harmon, Rosa Mercer, Ada Mercer, Jemie Mercer, Ina Mercer, Phenie Covey, Eva Covey, Eula Covey, Clifford Covey, Bannie Covey, Mollie Howdeshell, Earl Howdeshell, Ohmer Howdeshell, Herbert Howdeshell, Ida Stone, Mary Stone, Hubert Stone, Genie Stone, Carl Earnest Stone, Mattie Owens, Wash Sledge, Sherman Sledge, William Sledge, Virginia Harmon, Agnes Harmon, Edna Harmon, Vera Harmon, Jewel Harmon, Lena Akers, Clara Wagoner, Letia Blankinship, Mora Blankinship, Jewel Blankinship, Victoria G. Dennis, Oma Pauline Dennis, Moma F. Dennis, William R. Dennis and Hattie Bell Dennis 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.W.-----S.

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

Yours truly,

(SIGNED).

*James Dixby.*

Acting Chairman.

Registered.

M.C.R. 3253

COPY.

Muskogee, Indian Territory, February 26, 1903.

Clara Wagoner,

Sherman, Texas.

*Re-mailed July 10-03 to Lebanon Mt.*

Dear Madam:

You are hereby notified that on the 13th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Annie Harmon, et al., of which decision you were advised by registered mail on the 4th day of September, 1902.

Respectfully,

*Tame Dixby*

Chairman.

M C R 3253

Muskogee, Indian Territory, July 10, 1903.

Clara Waggoner,  
Lebanon, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of June 2, 1903, in which you ask to be advised if you can file on certain land.

In reply you are informed that on February 13, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw, of which departmental action you were duly advised on February 26, 1903, at Sherman, Texas your last known post office address. Said letter was returned to this office marked "unclaimed" and is this day remailed you at Lebanon, Indian Territory.

The Commission now considers your case closed.

~~Respectfully,~~

Commissioner in Charge.



No. 5253

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name Clara Haggover

Age 29 Blood  $\frac{1}{16}$

Post Office, Sherman, Texas

Father: Wm. Pelly Sledge

Mother: Elizabeth Sledge

Claims through mother

Husband: Geo. Rob. Haggover  
(no claim for him)

Children:

Claims for self alone.

Stenographer

G. Rosenfeld  
(S. D.)

MR 2253

Name of applicant

evidence. Clara Wagoner

slip. Clara Wagoner.

Choctaw MCR 3254

Elizabeth Brown

See MCR 2709

MCR 3254

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3254

In the matter of the application of Elisabeth Brown for identification of herself and her six minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Elisabeth Brown being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Elisabeth Brown.  
Q Elisabeth what? A Elisabeth Brown.  
Q What is your age? A Forty-one.  
Q What is your post-office address? A Tellico, Texas.  
Q How long have you lived there? A Five years.  
Q How long have you lived in Texas? A I have lived there thirty-five years.  
Q Where did you live before you lived there? A In Alabama.  
Q How long did you live in Alabama? A Seven years.  
Q Where did you live before you lived in Alabama? A I was born there and lived there until I went to Texas.  
Q What is your father's name? A James McCullough.  
Q Is he living? A No.  
Q What is your mother's name? A Sarah McCullough.  
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 way or enrolled by the Choctaw tribal authorities or the authorities of the United States as a member of the Choctaw tribe of Indians? A No.  
Q Are you married? A Yes.  
Q What is your husband's name? A John Brown.  
Q He is 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 under twenty-one years of age and unmarried for whom you wish to apply? A I have six.  
Q Give the names and ages of these children? A Samuel Murray.  
Q How old is he? A Eighteen.  
Q Next? A Robert W. Murray fifteen, Maude A. Murray thirteen.  
Q Next? A Ernest D. Murray, ten.  
Q Next? A Etta Murray, seven.  
Q What is the name of the father of these children? A J. T. Murray.  
Q Is he living? A No.  
Q He was a white man? A Yes.  
Q Have you any other children? A Yes one here.  
Q What is his name? A John C. Brown.  
Q How old? A Five weeks.

- Q What is the name of the father of this child? A John Brown.
- Q You are the mother of all these children? A Yes.
- 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 applied 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 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 by 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 your 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 do you want to make now? A I come in under the Randolph head.
- Q Do you claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A No.
- Q Well what makes you think you have a right to make application then? A Why I claim under eighteen hundred and thirty.
- Q Well I asked you if you claimed under any of the treaties and you said no? A Well I did not understand it.
- Q Do you claim then under the treaty of eighteen hundred and thirty? A Yes.
- Q Do you claim under the whole treaty or under some particular part of it? A I claim under the whole treaty.

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 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 a report to the Secretary of the Interior."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all to the Country west of the River but some of the Indians did not want to come west and the others would not sign any treaty until some provision was made for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of 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 Do you claim under this article of this treaty? A Why I don't claim under any.
- 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 Why as far back as I have any record of it was Randolph my great grandmother.
- Q What was her given name? A Sarah Randolph.
- Q What was your mother's mother's name? A Sarah Haggard.
- Q What was your mother's father's name? A Noah Haggard.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q How old would your mother be if she were living now? About seventy-five I guess.
- Q Well your grandmother Sarah Haggard must have been a married woman and the head of a family in eighteen hundred and thirty when this treaty was made was she not? A I don't know.
- Q You say your mother would have been about seventy-five years? A Yes.
- Q Well this treaty was made only about seventy-one years ago? A Yes.
- Q Then your mother's mother must have been a married woman and the head of a family in eighteen hundred and thirty, is that not correct? A I guess it is.
- Q Did your grandmother live in Mississippi in eighteen hundred and thirty? A I don't know.
- Q Do you know where she lived? A No.
- Q Do you know where she ever lived? A No I don't.
- Q Did you ever see your grandmother? A No.
- Q You never heard where your grandmother lived? A Why she lived in Alabama I suppose when my mother was married.
- Q You know where your mother was born? A No.
- Q You never heard her say? A No my mother died when I was quite small.
- Q What was your grandmother's father's name? A I don't know his given name Randolph was his name.
- Q What was your grandmother's mother's name? A Sarah.
- Q Randolph? A Yes.
- Q Which one of your grandmother's parents claimed to be Choctaw? A It was her mother.
- Q Did Sarah Randolph live in Mississippi in eighteen hundred and thirty? A A I don't know.

- Q Did Sarah Haggard come west to the present Choctaw Nation here in the Indian Territory with the other Choctaws between eighteen hundred and thirty-three and eighteen hundred and thirty eight?  
A I don't 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 in Mississippi? A I don't know.
- Q Will you be able to get any evidence to show whether she did or did not? A I might get some evidence, I have some with me but not to that effect.
- Q Have you any evidence to show where your grandmother lived in eighteen hundred and thirty? A No.
- Q Can you get any evidence on that point? A I may get some.
- Q Can you get any evidence to show that your grandmother was a Choctaw Indian? A Yes I can get that.
- Q Do you understand that it is important to your case that you get proof to show where your grandmother was living in eighteen hundred and thirty and to show that she was a Choctaw Indian and to show that she did or did not go to the Indian agent there within six months after the treaty was ratified and told him that she wanted to stay there in Mississippi and take land. Do you understand that it is important that you secure evidence on these points? A I don't know that it is.
- Q Well do you understand that you have to get evidence to show whether or not your grandmother was a Choctaw Indian and where she lived in eighteen hundred and thirty and whether she went to the Indian Agent there in Mississippi and told him that she wanted to stay there in the State of Mississippi. Do you understand that these are all important points in your case and that you should secure proof on these points? A Yes I understand that.
- Q Do you think you will be able to get any evidence to show any of these things? A Yes.
- Q Do you expect to bring your witnesses before the Commission in person to testify? A No we will send written evidence.
- Q Will you get depositions of your witnesses? A No affidavits.
- Q Can you bring your witnesses before the Commission in person to testify? A No I can't.
- Q Why not? A They are too far off.
- Q Where do they live? A Some in Texas, and some in Alabama.
- Q Well it would be better for your case if your witnesses were brought before the Commission in person to testify, but if you can't do that the Commission will accept their depositions or affidavits. Have you any papers that you want to file now? A Yes.
- Affidavit of Annie M. Mitchell offered in evidence marked exhibit "A" filed and made a part of the record in this case.
- Q Who is Annie M. Mitchell? A She is a friend of ours who lives in Alabama.
- Q Did she know your grandfather and grandmother? A I don't know whether she knew my grandfather and grandmother, she knew my father and mother.
- Q In this affidavit it is stated that she knows Elizabeth Ellen Brown the grand daughter of Noah and Sarah Haggard, having known her from early life. You say you don't know whether she knew your grandfather and grandmother? A I don't know whether she knew them or not.
- Q How long had your grandmother been dead when you began to remember? A I don't know.

#5

Q You never heard anything about it? A No.

Affidavit of W. H. McCullough offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Q Who is W. H. McCullough? A He is my brother.

Q You understand that you are in the position of an applicant for valuable property rights and that in a case of that kind even the sworn statement of an interested party carries very little weight unless supported by outside evidence? A Yes.

Q Now do you think you will be able to get any such evidence in support of these points? 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.

This applicant has brown hair, blue eyes and rather dark complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood. She 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 and does not know whether the ancestor through whom she claims lived in the old Choctaw Nation 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 16, 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 11 day of November 1901.

*Lara Mitchell Wood*  
Notary Public.



COPY.

M.C.R. 3254

Muskogee, Indian Territory, February 10, 1903.

Elizabeth Brown,  
Tellico, Texas.

Dear Madam:

You are hereby advised that on the 10th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Whitley, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Whitley, et al.,	M.C.R. 2709
Archibald D. Whitley,	M.C.R. 2710
William Henry McCullough,	M.C.R. 2996
Elizabeth Brown, et al.,	M.C.R. 3254
James J. Murray,	M.C.R. 3255.

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 Sarah Whitley, Alice Whitley, James Whitley, Ellis Whitley, Ira Whitley, Archibald D. Whitley, William Henry McCullough, Elizabeth Brown, Samuel Murray, Robert W. Murray, Maude A. Murray, Ernest D. Murray, Etta Murray, John C. Brown and James J. Murray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

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

Respectfully,

(SIGNED).

*Tams Bixby.*  
Acting Chairman.

Registered.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

73  
REFER IN REPLY TO THE FOLLOWING  
M.C.R. 3254

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 10, 1903.

Elizabeth Brown,  
Tellico, Texas.

Dear Madam:

You are hereby notified that on the 23rd 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 Sarah Whitley, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,



commissioner in charge.

M C R 3254

Muskogee, Indian Territory, May 7, 1906.

W. T. Culbertson,

Kiowa, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 2nd instant, requesting to be advised the status of one John M. Brown and his wife Elizabeth as Mississippi Choctaws.

You are advised that the records of this office show that on August 16, 1901, Elizabeth Brown, then forty-one years of age, of Telico, Texas, daughter of James McCullough and Sarah McCullough, and wife of John Brown, appeared before the Commission to the Five Civilized Tribes at Atoka, Indian Territory, and made application for the identification of herself and her six minor children, Samuel Murray, Robert W. Murray, Maude A. Murray, Ernest D. Murray and Etta Murray, and John G. Brown, as Mississippi Choctaws, but no claim was made for John Brown, the husband of the applicant, as Elizabeth Brown stated that he was a white man and possessed no Indian blood.

February 10, 1903, the above application was denied by a decision of the Commission to the Five Civilized Tribes rendered on that date, and said decision was affirmed by the Secretary of the Interior on May 23, 1903.

W T C 2

You are advised that the case above referred to is considered closed, and it is not believed that any of the applicants therein are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

No. 3254

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name Elizabeth Brown

Age 48 Blood 1/16

Post Office, Felice, Texas

Father: James M. Cullough (dead)

Mother: Sarah " (dead)

Claims through mother

Husband: John Brown  
(no claim for him)

Children:

Samuel Murray 18

Robert W. " 15

Maud A. " 13

Ernest D. " 10

Etta " 7

Father: J. T. Murray (dead)

John C. Brown 5 wks

Claims for self and 6 children.

Stenographer

G. Rosenwinkel

3254

File

REC'D  
1903  
SPECIAL  
SPECIAL  
REC'D  
1903  
JUL 18 AM  
REC'D  
1903

TEX.  
JUL 18 AM

JUL 18 AM

MUSROGEE  
AUG 23  
8 AM

REC'D  
1903  
JAN 17  
MERTON TEX.

COM...  
AUG 1903

*[Handwritten signature]*

General Office M. O. A.  
Advising that Sec. of Int. has  
upheld Commission's decision

Elizabeth Brown,

~~Tulaco, Texas.~~

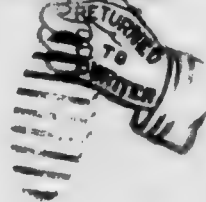
Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

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OFFICIAL BUSINESS

Penalty for private use, \$300.



*Andrew...*



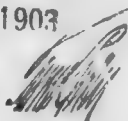
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DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

APR 7 1903



CHAIRMAN

*E. O. Rife*

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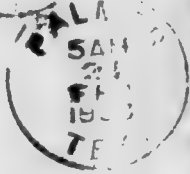
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICE

Penalty for private use, 30c.



2059

Forwarded

Elizabeth Brown,

~~Tolliver, Tenn.~~

~~Elizabeth~~

Received  
G.M.

Choctaw MCR 3255

James G. Murray

See MCR 2709

MCR 3255

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Wtaka, I.T. August 16, 1901.

3255

In the matter of the application of James G. Murray for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

James G. Murray being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James J. Murray.  
Q M-u-r-r-a-y? A Yes.  
Q What is your age? A Twenty-two.  
Q What is your post-office address? A Tellico, Texas.  
Q How long have you lived there? A Five years.  
Q How long have you lived in Texas? 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 James T. Murray.  
Q Is he living? A No.  
Q What is your mother's name? A Elizabeth Brown.  
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-thirty-second.  
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 No.  
Q You are making this application for your self 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 in In-  
dian Territory to be enrolled as a member of the Choctaw tribe?  
A No.  
Q Did you or did any one for you or your children in eighteen hun-  
dred 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 the authorities of the  
United States? 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 applied 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.

#2

- Q What kind of an application do you want to make now? A As a Mississippi Choctaw.
- Q What makes you think you have a right to claim as a Mississippi Choctaw? A Why that's what I have been taught.
- Q You have been taught that you are a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.
- Q What one? A Eighteen hundred and thirty.
- Q Do you claim under any particular part of that treaty or under the whole treaty? A I suppose I claim under the whole treaty.

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 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."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those states and move them all to the Country west of the Mississippi River but some of the Indians did not 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, so article fourteen was made a part of the treaty for the benefit of these Indians who did not want to come 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 Do you claim anything under this article of this treaty? A No.
- Q What was the name of your ancestor who lived in Mississippi in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Randolph.
- Q What was the given name? A Sarah.

- Q\* What relation was she to you? A My great grandmother.
- Q What was your mother's mother's name? A McCullough.
- Q What was her first name? A Sarah McCullough.
- Q What was your mother's father's name? A James McCullough.
- Q Which one of your mother's parents claimed to be Choctaw? A Her Mother.
- Q What was Sarah McCullough's father's name? A Haggard, Noah Haggard.
- Q What was your grandmother's mother's name? A Sarah Haggard.
- Q Then Sarah Haggard was your great grandmother? A Yes.
- Q Well who was this Sarah Randolph you were talking about? A She was my great great grandmother.
- Q Your great grandmother's mother? A Yes.
- Q Now which one of these ancestors lived in Mississippi in eighteen hundred and thirty? A Why my great great grandmother if any one was.
- Q How old is your mother? A Forty-one.
- Q Is your grandmother living now, your mother's mother? A No.
- Q You know how long she has been dead? A About thirty-nine years I think.
- Q You know how old she was when she died? A No.
- Q You have no idea? A No.
- Q From your mother's testimony it appears that her grandmother your great grandmother was a married woman and the head of a family in eighteen hundred and thirty when this treaty was made. Do you know anything about that? A No.
- Q Your mother knows more about these things than you do? A Yes.
- Q Did Sarah Haggard your great grandmother live in Mississippi in eighteen hundred and thirty? A I don't hardly know.
- Q Do you know whether any of your ancestors ever lived in Mississippi? A Yes.
- Q Which one of them lived in Mississippi? A My grandfather and grandmother lived there so I have been told and moved from Mississippi to Alabama.
- Q Your grandfather and grandmother? A Yes.
- Q That is James and Sarah McCullough? A Yes.
- Q Do you know when they left there? A No I do not.
- Q Did Sarah Haggard 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 don't know.
- Q Did she go to the United States 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 in Mississippi and become a citizen of the United States? A I don't know.
- Q Was she a recognized member of the Choctaw tribe at that time? A I don't know that either.
- Q Do you expect to be able to get any evidence on these points? A Yes I think I will.
- Q Just name the points on which you expect to get evidence? A Why I will try to find out when they were there and when they left.
- Q Do you expect to find out anything about whether your great grandmother 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 Yes I expect I can.
- Q You understand that these are material points in your case? A Yes.
- Q Did your great grandmother own any land in Mississippi, Arkansas, Louisiana or Alabama? A No.
- Q Did your grandmother own any land in any of these States? A No.
- Q Have you any papers that you want to file at this time? A No.

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Q Is there anything else that you would like to say? A I suppose not.

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.

This applicant has brown hair, blue eyes and dark complexion. His features and general appearance are those of a white man and he shows no traces of Indian 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 does not know whether 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 16, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in in said cause on said date of August 1901.

*G. Rosenwinkel*

Subscribed and sworn to before me this 1 day of November 1901.

*Clara Mitchell Wood*  
Notary Public.

COPY.

M.C.R. 3255

Muskogee, Indian Territory, February 10, 1903.

ly  
James J. Murray,  
Tellico, Texas.

Dear Sir:

You are hereby advised that on the 10th day of February, 1903 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Whitley, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Whitley, et al.,	M.C.R. 2709
Archibald D. Whitley,	M.C.R. 2710
William Henry McCullough,	M.C.R. 2996
Elizabeth Brown, et al.,	M.C.R. 3254
James J. Murray,	M.C.R. 3255.

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 Sarah Whitley, Alice Whitley, James Whitley, Ellis Whitley, Ira Whitley, Archibald D. Whitley, William Henry McCullough, Elizabeth Brown, Samuel Murray, Robert W. Murray, Maude A. Murray, Ernest D. Murray, Etta Murray, John G. Brown and James J. Murray as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."



J.J.M.-----2

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

Respectfully,

SIGNED,

*Tame Dixie.*  
Acting Chairman.

Registered.

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

ALLIRON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3255

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 10, 1903.

James J. Murray,  
Tellico, Texas.

Dear Sir:

You are hereby notified that on the 23rd 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 Sarah Whitley, et al., of which decision you were advised by registered mail on the 10th day of February, 1903.

Respectfully,



Commissioner in Charge.

No. 3255

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name James E. Murray

Age 22 Blood 1/32

Post Office, Tellico, Texas

Father: James T. Murray (dead)

Mother: Elizabeth Brown

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

G Rosegrubel

Wet 3255

Name of applicant

evidence:

James J. Murray

slip.

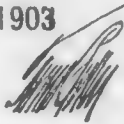
James G. Murray

2/21/03

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

FILED

APR 7 1903



CHAIRMAN

PALMER, TEX.  
FEB 22 7 PM  
REC'D. 1903

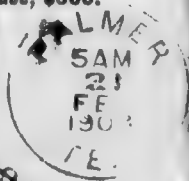
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MAR 25 1903  
MUSKOGEE, IND. TER.



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



34  

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255-

James J. Murray,

Tullico, ~~Tenn.~~

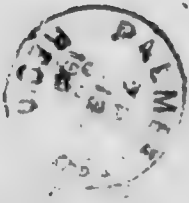
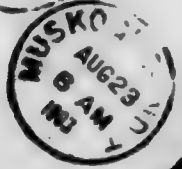
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*Warrant J.P.*

~~James J.~~

32587

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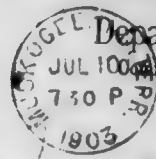


DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE ...  
**FILED**  
AUG 27 1903

General Office MCA  
Advising that Sec. of Int. has  
affirmed Commission's decision

James J. Murray,

~~\_\_\_\_\_~~  
And more  
unclaimed

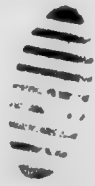


Department of the Interior.

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.





Choctaw M.C.R. 3256

Walter Harris

See MCR 2920

MCR 3256

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3256

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

Applicant not represented by attorney.

Walter Harris being first duly sworn testified as follows.

Examination by the Commission

- Q What is your name? A Walter Harris.  
Q What is your age? A Forty-five.  
Q What is your post-office address? A Austin, Arkansas.  
Q How long have you lived there? A About twenty-five years.  
Q Where did you live before you lived there? A Alabama and Mississippi.  
Q Well which one did you live in first? A I was born in Mississippi.  
Q How long did you live in Mississippi? A About five years I reckon.  
Q And moved from there to Alabama? A Yes.  
Q And how long did you remain in Alabama? A Until seventy-six and then I moved to Arkansas. I might say right there if it is necessary, when I left Alabama I went back into Mississippi and stayed there twelve months and then went to Arkansas.  
Q And you have been living in Arkansas ever since? A Yes ever since.  
Q What is your father's name? A Petty Harris.  
Q How do you spell that? A P-e-t-t-y-.  
Q Is he living? A No.  
Q What is your mother's name? A Hannah Elizabeth Harris.  
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 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 What is your wife's name? A Delia Harris.  
Q Do you make any application for your wife? A I do not.  
Q She is living? A Yes.  
Q She is a white woman and makes no claim to Choctaw blood? A A She does not.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? A Yes six.  
Q Give the names and ages of these children? A Bertha, nineteen. Myrtle, fifteen, Mamie, thirteen, Hemer.  
Q H-e-m-e-r? A Yes.  
Q How old? A He is eight.  
Q Next? A Hesen.  
Q How do you spell that? A H-e-s-e-a.  
Q How old? A Six.  
Q Next? A Zulah.  
Q How do you spell that? A I-u-l-a-h.  
Q How old? A She is two years old.

- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Delia Harris.
- Q When and where were you married to her? A How many have I married?
- Q When and where were you married to her? A In Arkansas.
- Q When? A In seventy-eight.
- Q Did you obtain a license to marry? A Yes.
- Q Were you married by an ordained minister or an official? A A By an official.
- Q Justice of the Peace? A Yes.
- Q Have you your marriage license and certificate and do you wish to offer them in evidence? A Not here but I can produce them?

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 A A certificate from the clerk of the County of the marriage license, is that what you mean.
- Q Yes a certified copy will do all right? A Yes that is the way I understood it.
- Q Is your name or are the names of your children on any of the tribal rolls of the Chectaw Nation in Indian Territory? A They are not.
- Q Have you ever applied to the Chectaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A I have not.
- Q Did you or did any one for you or your children in 1896 make application to the Dawes Commission for citizenship in the Chectaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your children been admitted to citizenship in the Chectaw Nation by the Chectaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your children been admitted to citizenship in the Chectaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Chectaw tribal authorities or the Dawes Commission? A We have not.
- Q Have you ever applied to either the Chectaw tribal authorities or the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Chectaw Nation? A Have not.
- Q Is this the first application of any kind you have ever made? A Yes.
- Q What kind of an application do want to make now? A Application as a Mississippi Chectaw.
- Q What makes you think you have a right to make application as a Mississippi Chectaw? A My grandmother taught me that she was a Mississippi Chectaw Indian.
- Q You make any claim under any of the treaties between the United States and the Chectaw Indians? A Ask that question again so that I can fully understand it.
- Q Do you make any claim under any of the treaties between the United States and the Chectaw Indians? A I make claim on all that the Mississippi Chectaws are entitled to under the treaty of eighteen hundred and thirty.
- Q Do you claim under the whole treaty or under some particular part of that treaty? A I would not claim under any particular article but I claim under all that is applicable to the Mississippi Chectaws under the treaty of eighteen hundred and thirty.

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, which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty and 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. 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 west of the Mississippi River in exchange for their land in those States and move them all to the Country west of the River but some of the Indians did not want to come west and the others would not sign any treaty until something was done for those Choctaws who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who did not want to come 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 or her 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 I make no claim under it.
- Q On what do you base your claim for identification as a Mississippi Choctaw? A On my mother's side, she taught me she was a Mississippi Choctaw.
- Q What do you mean by a Mississippi Choctaw? A Well a Mississippi Choctaw Indian.
- Q Well what is that? A Well it is a tribe of people that is different from the chief class of people that they call Mississippi Choctaws, in other words Indians.
- Q Well what distinguishes a Mississippi Choctaw Indian from any other Choctaw Indian? A Well I suppose the Choctaw Nation is a different Nation and that was the Choctaw Nation.

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- Q You don't claim then as a descendant of a Chectaw Indian who stayed in Mississippi when the treaty of eighteen hundred was made and went to the Indian Agent there and told him that they wanted to stay in Mississippi? A No I don't know that they came that.
- Q What makes you think that you are a Mississippi Chectaw Indian? A Well I understood that there had been a treaty made by the Mississippi Chectaw Indians in eighteen hundred and thirty.
- Q Well all the Chectaws were originally Mississippi Chectaws and lived in that State, some few of them in Alabama? A Yes my grandmother moved from Mississippi to Alabama.
- Q What was your grandmother's name? A What you want to know it before she was married or after?
- Q After she was married? A Darkus Henry.
- Q Your mother's mother? A Yes.
- Q What was your mother's father's name? A Silas Henry.
- Q Which one of your mother's parents claimed to be Chectaw? A Her was that?
- Q Which one of your mother's parents claimed to be Chectaw? A Her mother.
- Q Did your grandmother Darkus Henry live in Mississippi in eighteen hundred and thirty? A That is what I have been taught. I don't know but I was taught by her that she at one time lived there.
- Q Well did she live in Mississippi in eighteen hundred and thirty? A I don't know I would not say about that.
- Q How old would your mother be if she were living now? A She was about sixty years old when she died and if she would be living now that would make her about one-hundred.
- Q Your grandmother then was about thirty years old in eighteen hundred and thirty? A She was about sixty years old when she died.
- Q Well did she die about forty years ago? A She has been dead about thirty I think.
- Q Well then she must have been born about 1810? A I don't know when she was born.
- Q Well if she would be about ninety years old if she were living now would she not have been born about 1810? A Somewhere along there I suppose.
- Q What was your grandmother's father's name? A I don't know.
- Q What was her mother's name? A I don't know.
- Q You don't know the names of your ancestors further back than your grandfather and grandmother? A That is as far back as I can go.
- Q Well then what made you ask me before if I wanted to know the name of your grandmother before she was married? A Because I knew what her name was before she was married.
- Q What was it? A Fields.
- Q Then her father's name must have been Fields was it not? A Yes I just happened not to think of it when you asked the question.
- Q Was your grandmother's name then Darkus Fields or Darkus Henry in eighteen hundred and thirty? A I don't know because I don't know how long she had been married.
- Q Do you know how old she was when she was married? A No.
- Q Did your grandmother come west with the other Chectaw Indians between eighteen hundred and thirty-three and eighteen hundred and thirty eight? A No.
- Q Do you know if she lived in Mississippi at that time? A I don't know whether she did or not.
- Q Do you know whether she was born in Mississippi or not? A No I do not.

#5

- 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 there and take land and become a citizen of the United States? A I don't know.
- Q How much Chectaw blood did your grandmother claim to have? A She claimed to be a quarter Chectaw.
- Q Was she a recognized Chectaw Indian? A I don't know whether she was or not.
- Q Well what makes you think then that you have a right to be identified as a Mississippi Chectaw when you don't know that your grandmother lived in Mississippi in eighteen hundred and thirty and don't know whether she was a recognized Chectaw Indian? A A Recognized by who?
- Q By the Chectaw tribal authorities? A I don't know whether she was or not.
- Q You don't know whether she was a recognized Chectaw Indian or not? A By the authorities no I don't.
- Q You don't know whether your grandmother was a recognized Chectaw Indian or not you say and you don't know whether she lived in Mississippi in eighteen hundred and thirty or not, and you don't know whether she went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him and she wanted to stay and take land. Now what makes you think you have a right to be identified as a Mississippi Chectaw? A She claimed to be a Mississippi Chectaw that is all I knew and by the treaty of eighteen hundred and thirty I heard her say there would some time be something coming to us children.
- Q Did you ever hear her say anything about whether she lived in Mississippi at the time when that treaty was made? A No I have not heard her say anything about the treaty but she was living there at some time.
- Q You have seen your grandmother? A Yes.
- Q Did you ever hear her say whether her father and mother were living there at that time when the treaty was made? A No I never heard her say.
- Q Well do you think you will be able to get any evidence to show whether your grandmother was living in Mississippi in eighteen hundred and thirty or not and whether she was a recognized Chectaw Indian or not and whether she went to the Indian Agent there or not within six months after the treaty was ratified and told him that she wanted to stay? A I think I can.
- Q You understand that these are very important points in your case? A Yes.
- Q And that you should secure evidence on these points if you possibly can? A Well there has been evidence produced here by my brother and I would use the same witnesses or would they have to be produced again by me.
- Q Did your brother produce any evidence on these points about which I have questioned you? A No.
- Q Well why do you want to use his evidence then? A I did not say that I wanted to use it I only asked whether I could use it.
- Q Well the same evidence in substance could be used but if it doesn't show up any of these points why do you want to use it? A I don't know that I do want to use it, I don't know what his evidence was.
- Q Did your grandmother own land in Mississippi, Arkansas, Louisiana or Alabama? A I have no knowledge of it.
- Q You never heard? A No.

- Q Did you ever hear your grandmother say anything about getting any scrip from the government? A I heard her say that it would be under the treaty that was made. I was small then, and only remember the talk she had with the others. She said her grandchildren would get something from the government some day. She did not know that she would ever get anything.
- Q Did your grandmother ever say anything about having been enrolled in Mississippi? A No I never heard anything of it.
- Q You understand do you the importance of trying to get evidence on these points on which you have been questioned? A Yes.
- Q Do you understand that you are in the position of an applicant for valuable property rights and that in a case where valuable property rights are at stake the sworn statement of an interested party will carry very little weight unless supported by outside evidence, that is persons who are not interested in the case. Do you understand that? A Yes.
- Q And you understand that you have produced no evidence here now and that on many of the vital points in your case you have no knowledge? A No I have no knowledge of them.
- Q You understand then that it is very important to your case to secure evidence on these points of what you know and have been taught, to fill in where you did not know? A Yes.
- Q Do you think you can bring any witnesses before the Commission to testify in person on these points? A No I could not do this because some are in Arkansas and some in Alabama.
- Q Could you take them to the office of the Commission in Meridian? A That would be as difficult as it would be to bring them here.
- Q Well you understand that the oral testimony of witnesses carries greater weight than depositions or affidavits? A Yes.
- Q If you can't bring these witnesses here can you get their depositions? A I can get affidavits.
- Q Can't you get depositions? A I suppose so.

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 Have you any papers that you want to file now? A No.

This applicant has brown hair and mustache and dark eyes and dark complexion. His features and general appearance are those of a white man and he shows no traces of Indian blood. 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 and does not know whether his ancestors through whom he claims lived in Mississippi in eighteen hundred and thirty. He does not know the names of his ancestors further back than his 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 August 16, 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 1 day of November 1901.

*G. Rosenwinkel*  
*Clara Mitchell Wood*  
 Public.

CCrY.

M C R 3256

Muskegee, Indian Territory, August 26, 1902.

Walter Harris,  
Austin, Arkansas.

Dear Sir:

You are hereby advised that on the 26th day of August 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Pettie E. Harris, et al., embracing the following applications for identification as Mississippi Choctaws:

Pettie E. Harris, et al.,	M C R 3256
Walter Harris, et al.,	M C R 3256

These applications were made under the provision of the act of Congress of June 20, 1896 (29 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



V E-2,

Pettie E. Harris, Leslie O. Harris, Lola I. Harris, Lillian V. Harris, Lloyd Harris, Douglass Harris, Anise Harris, Fay Harris, Walter Harris, Bertha Harris, Myrtle Harris, Mamie Harris, Homer Harris, Nessen Harris, and Sulah Harris, 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,

(S)

James H. ...

Acting Chairman.

Registered.

C O P Y.

Department of the Interior,  
OFFICE OF INDIAN AFFAIRS,

Land  
51548---1902.

Washington, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit herewith for your consideration, record of the Commission to the Five Civilized Tribes, in the matter of the consolidated applications of Pettie Z. Harris, for himself and his seven minor children, Leslie O., Lela I., Lillian V., Lloyd, Douglass, Annie and Fay Harris, and by Walter Harris, for himself and his six minor children, Bertha, Myrtie, Mamie, Homer, Hosea and Zulah Harris, wherein a decision adverse to the applicants was rendered by the Commission on August 26, 1902.

The record in this case shows that the parties base their claims to identification on their descent from-----Fields, first name unknown, mother of Dorcas Fields, who married a Henry, who they claim was a member of the Choctaw tribe of Indians in Mississippi in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejected the applicants on the ground that its records fail to show that the ancestor through whom the applicants claim was one of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

There was a William Fields who was a beneficiary under the 19th article of the Choctaw treaty who sold his reservation and went west in the first Choctaw emigration arriving in the Choctaw Nation February 11, 1832. There was no person of the name of Fields or of the surname of Henry who complied or attempted to comply with the provisions of the 19th article of the Choctaw treaty of 1832.

These being the facts it is evident that the decision of the Commission adverse to the applicants was correct, and I therefore recommend that it be approved.

Very respectfully,

W.A. Jones,  
Commissioner.

H.B.H. (H)

C O P Y.

6051

J.W.H.

D.C. 2824

DEPARTMENT OF THE INTERIOR.

FHE.

W A S H I N G T O N.

I.T.D. 7277-1902.  
502-1903.

January 26, 1903.

IRS.

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

Gentlemen:

August 26, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Pettie Z. Harris (M.C.R. 2920), for himself and his seven minor children, Leslie O. Lela I., Lillian V., Lloyd, Douglass, Anise, and Fay Harris, and of Walter Harris for himself and his six minor children, Bertha, Myrtie, Mamie, Homer, Hosea and Zulah Harris, including your decision of said date refusing to identify them as such.

It seems that the principal applicants are brothers; the other applicants are their children. Said brothers attempt to trace their Choctaw blood through their mother, Hannah E. Harris, whose maiden name was Henry, to their grandmother, ~~Bertha Henry~~, nee Fields, a 1/4 blood Choctaw who was born about 1810, and who was married in Mississippi in 1827 to one Silas Henry, and removed from there to Green county Alabama.

The testimony does not show whether this family continued to reside in Mississippi until the treaty of 1830.

The applicant, Pettie Z. Harris, testifies that his grandmother told him that she appeared before the Indian Agent in Missis-

issippi (probably in 1830), and told him . . . she wished to remain in that State, but that the agent was drunk and rejected her. Among the papers in the case is the deposition of one Mrs. M.J. Parr, who states that Dorcas Henry did not go west with the rest of the Indians after the treaty of 1830, but that she went to the agent in Mississippi and told him that she wished to remain there.

It is noted that Mrs. Parr does not show in her deposition from what source she derived her information; nor does she show whether the applicant attempted to comply with article fourteen of the treaty of 1830, or to take advantage of the provisions of article 19 of said treaty.

There is also filed in the case the affidavit of Mrs. Alice Fleming, who, after stating the family history of these applicants as heretofore given, said that Dorcas Henry was a relative of Daniel and Wm. Fields.

From your decision of August 26, 1902, it seems that the records in your possession contain nothing of advantage to these applicants relative to compliance on the part of their alleged ancestors with the provisions of article fourteen of the treaty of September 26, 1830.

In his letter of January 17, 1903, the Commissioner of Indian Affairs reported as to the information furnished by the records in his office, stating that

"There was a William Fields who was a beneficiary under the 19th article of the Choctaw treaty who sold his reservation and went west in the first Choctaw emigration arriving in the Choctaw Nation February 11, 1832. There was no person of the name of Fields or of the surname of Henry who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830."

and recommended that your action be approved.

In view of the facts as stated above, it is evident that the

-5-

testimony now before the Department is not sufficient to warrant the identification of these applicants as Mississippi Choctaws.

Your decision is hereby approved. A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.  
Acting Secretary.

1 inclosure.

COPY.

M.C.R. 3256.

Muskogee, Indian Territory, February 5, 1903.

Walter Harris,  
Austin, Arkansas.

Dear Sir:

You are hereby notified that on the 26th 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 Pettie Z. Harris, et al., of which decision you were advised on the 26th day of August, 1902, by registered mail.

Respectfully,

(SIGNED).

*C. R. Breckinridge.*  
Commissioner in Charge.

No. 3256

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name Walter Harris

Age 45 Blood 1/16

Post Office, Austin Ark.

Father: Petty Harris (dead)

Mother: Hannah E. Harris (dead)

Claims through mother

wife: Delia Harris  
(no claim for her)

Children:

<u>Bertha Harris</u>	<u>19</u>
<u>Myrtle</u> "	<u>15</u>
<u>Winnie</u> "	<u>13</u>
<u>Horner</u> "	<u>8</u>
<u>Hosea</u> "	<u>6</u>
<u>Grillah</u> "	<u>2</u>

Claims for self and 6 children

Stenographer

G. Rosenwinkel



Choctaw MCR 3257

Jane A. Eads

See MCR 3258, 3259, 3260

MCR 3257

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

---o---

In the matter of the application of Jane A. Eads, et al.,  
for identification as Mississippi Choctaws, consolidating the applic-  
ations of-

Jane A. Eads, et al	M.C.R. 3257
Mattie Nevills, et al	• 3258
Etta McCarver, et al	• 3259
John W. Eads	• 3260

List of papers forwarded to the Secretary of the Interior  
comprising the record in the consolidated case of  
Jane A. Eads, et al.

	(Page)
Original application of Jane A. Eads, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	1
Application of Jane A. Eads .....	6
Affidavit of John Albertson .....	7
Affidavit of Tobias Edwards .....	8
Affidavit of John Lewis .....	9
Original application of Mattie Nevills, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	10
Application of Mattie Nevills .....	15
Copy of affidavit of Tobias Edwards .....	16
Original application of Etta McCarver, et al., before the Dawes Commission for identification as Mississippi Choctaws .....	17

	(Page)
Application of Etta McCarver .....	21
Copy of affidavit of Tobias Edwards .....	22
Original application of John W. Eads before the Dawes Commission for identification as a Mississippi Choctaw .....	23
Application of John W. Eads .....	28
Copy of affidavit of Tobias Edwards .....	29
Copy of affidavit of John Lewis .....	30
Decision of the Commission denying the application of Jane A. Eads, et al., for identification as Mississippi Choctaws .....	31

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Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3257

In the matter of the application of Jane A. Eads for identification of herself and her five minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Jane A. Eads being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Jane A. Eads.  
Q How do you spell that last name? A E-a-d-s.  
Q What is your age? A Fifty-one.  
Q What is your post-office address? A Sterrett.  
Q Indian Territory? A Yes.  
Q How long have you lived there? A I have been there about two weeks.  
Q Where did you live before you lived there? A In Fannin County Texas.  
Q How long did you live in Texas? A Eighteen years.  
Q Where did you live before you lived in Texas? A In Tennessee.  
Q How long did you live in Tennessee? A About twelve years I think.  
Q Where did you live before you lived in Tennessee? A Indiana.  
Q How long did you live in Indiana? A Twenty-years.  
Q Were you born in Indiana? A Yes I was born and raised there until I was twenty years old.  
Q What is your father's name? A Joshua Tam.  
Q How do you spell that last name? A T-a-m.  
Q Is he living? A No sir.  
Q What is your mother's name? A Ridgway Michael.  
Q What was her name when she was your mother? A Michael Tam.  
Q How do you spell that first name? A M-i-c-h-e-e-l.  
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 I claim 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 I don't know.  
Q Are you married? A Yes.  
Q What is your husband's name? A John C. Eads.  
Q Is he living? A Yes;--there he is--  
Q Do you make application for your husband? A Just me and my children.  
Q Your husband is a white man and makes no claim to Choctaw blood? A No he don't.  
Q How many children have you under twenty one years of age and unmarried? A I have five.  
Q Give the names and ages of these children? A Under age?  
Q Yes and unmarried? A Lula.  
Q How old? A Nineteen.  
Q Next? A Burton.  
Q B-u-r-t-o-n? A Yes.  
Q How old? A Sixteen.

#2

- Q Next? A Charles.  
Q How old? A Thirteen.  
Q Next? A Effie.  
Q E-f-f-i-e? A Yes.  
Q How old? A Eleven.  
Q Next? A Arthur.  
Q A-r-t-h-u-r? A Yes.  
Q How old? A Eight.  
Q You are the mother of these children? A Yes.  
Q What is the name of their father? A John E. Bads.  
Q When and where were you married to him? A In Tennessee, Merris-  
town.  
Q When? A In Seventy-one.  
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 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 ever been admitted to citizenship in  
the Choctaw Nation by the Choctaw Tribal Authorities or the Dawes  
Commission? A We are living at Sterrett.  
Q Well, have you ever been admitted to citizenship in the Choctaw  
Nation by the Choctaw Tribal Authorities or by the Dawes Commis-  
sion? A I don't know.  
Q That means that is your name or your children's names on any of  
the Tribal rolls? 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 before this time applied to either the Choctaw  
Tribal Authorities or the Authorities of the Choctaw States  
to have yourself 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 do you want to make now? A Why for  
the rights we have in the Choctaw Nation as Choctaws.  
Q Do you claim to be Choctaw? A Yes.  
Q What kind of a claim do you make to rights in the Choctaw Nation  
A Why we want what is owing to the Choctaws.  
Q What makes you think that you have a right in the Choctaw Na-  
tion? A Well my grandmother was a Choctaw on her mother's side.  
Q Do you make any claim under any of the treaties between the  
United States and the Choctaw Indians? A I don't know.  
Q Do you claim as a Mississippi Choctaw? A Yes my grandmother  
was a Mississippi Choctaw.

The law under which the Commission is acting at this time is found in section twenty-one of the act of Congress of June 28, 1898 which is as follows:

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

This law gives the Commission the right to determine the identity of 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 who then lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River and moving them all to the Country west of the Mississippi River but some of the Indians did not want to go west and the other Indians would not sign any treaty until something was done for those Choctaw who wanted to remain in Mississippi, so article fourteen was made a part of the treaty for the benefit of those Choctaws who did not want to come 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 Do you claim anything under this article of the treaty? A Yes.
- Q What was the name of your ancestor or ancestors who lived in the old Choctaw Nation in eighteen hundred and thirty when this treaty was made? A Jane Johnson, was my grandmother's name.
- Q Your mother's mother? A Yes.
- Q What was your mother's father's name? A Jim Ridgway.
- Q Then your mother's mother's name was Jane Ridgway? A Yes after she was married.
- Q How old would your mother be if she were living now? A She would have been ninety-six as well as I recollect.
- Q Your mother must have been born about the year 1804 or 5 then? A Yes I think some where along there.
- Q Are you the oldest one of your mother's children? A No I am the youngest.
- Q How much elder than you was your mother's eldest child. It is hard to tell. There were seven of us children There was about two years between each of the children.
- Q Well then about fifteen years older than you? A Yes I think it was about that if not longer.
- Q Do you know about what time your mother was married? A No I do not.
- Q Well your oldest brother or sister would be about 66 or 7 if he or she were living now? A Yes that is about his age.
- Q Do you know whether your mother was ~~living~~ married before the year 1830? A No I do not.
- Q You don't know whether her name was Micheel Tam or Micheel Ridgway in eighteen hundred and thirty? A No I could not tell. I was small and can't remember.
- Q Did you ever hear about how old your mother was when she married? A She was twenty-six.

- Q Then she must have been married somewhere about the year 1830? Yes I suppose she was. I don't know anything about the marriage.
- Q Was your mother born in Mississippi? A I don't even know that. My grandmother lived there but I don't know whether my mother was born there
- Q Do you know where your oldest brother was born? A No.
- Q Do you know where your mother was married? A No I don't.
- Q Do you know whether your mother was living in Mississippi in eighteen hundred and thirty? A No I do not.
- Q Do you know whether your grandmother was living there at that time? A No I could not tell you that.
- Q How much Choctaw blood did your mother claim to have? A She was one half Choctaw.
- Q How much Choctaw did your grandmother claim to have? A She was a full blood.
- Q Did she have any Choctaw name? A Her name was Johnson.
- Q Did you ever see your grandmother? A No I never did.
- Q Did she talk Choctaw? A I don't know.
- Q Did your mother talk Choctaw? A No she died when I was small I don't know about my mother's people at all.
- Q Was your mother a recognized member of the Choctaw Tribe of Indians in eighteen hundred and thirty? A I don't know that.
- Q Was your grandmother a recognized member of the Choctaw Tribe in eighteen hundred and thirty? A Yes I reckon she was.
- Q Do you know when your grandmother died? A No she has been dead several years.
- Q Did she die before you were born? A No.
- Q Do you know where she died? A No.
- Q Did your mother or your grandmother come to the present Choctaw Nation in the Indian Territory with the other Choctaw Indians between eighteen hundred and thirty-three and thirty eight? Not that I know of. She was in Mississippi that is all that I know
- Q Did either your mother or grandmother go to the Indian Agent there in Mississippi within six months after the ratification of this treaty of 1830 and tell him that they wanted to stay there and take land and become citizens of the United States? A I don't know that even.
- Q Do you think you can get any evidence on either of these points? A I think I can get the evidence.
- Q To show that your mother and grandmother lived in Mississippi in 1830 and were recognized Choctaw Indians? A Well my grandmother was. I don't know about my mother but I think I can get that evidence about my grandmother.
- Q Well do you think you can get evidence to show whether your mother was married before 1830? A I don't know whether I can get that or not.
- Q Did your mother ever claim that she had been enrolled in Mississippi? A I don't know she died when I was so small.
- Q Can you get evidence to show whether your mother or grandmother went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to take land? I think I can get that about my grandmother I don't know about my mother
- Q Did your mother or grandmother own any land in Mississippi? A I don't know that.
- Q Did they own any land in Alabama, Arkansas or Louisiana? A I say about that.
- Q You never heard anything about it? A No.
- Q Did they ever get any scrip? A I don't know that either.
- Q You understand do you the importance of having evidence to show whether your grandmother or mother were living in Mississippi

- in eighteen hundred and thirty and were recognized Choctaws and whether either one of them went to the Indian Agent there within six months and told him that they wanted to stay? A Yes
- Q You expect to secure such evidence if possible? A Yes.
- Q You understand that you are in the position of an applicant for valuable property rights and unless you can secure outside evidence your statement will carry very little weight? A Yes.
- Q Do you think that you can secure witnesses in person before the Commission to testify on these points? A I don't think that I can get them to come here.
- Q Where do they live? A Why my brothers and sisters live in Indiana.
- Q Well don't you understand that it is necessary for you to have outside evidence on these points. That means evidence of parties not interested? A I understand.
- Q Well your brothers and sisters would be interested? Now are there any witnesses living who could testify on these points who are not interested? A Yes I think I can get some evidence.
- Q Well do you understand that it would be very much better for your case if you could bring witnesses here in person before the Commission? A Yes.

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 this case.

This applicant has slightly curly grayish black hair and brown eyes, dark complexion. Her features and general appearance are those of a white person and she shows no traces of Indian blood. She 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 but states in her testimony that her grandmother lived in Mississippi but she does not know that she lived 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 16, 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 4th day of October 1901.

*Charles H. Sawyer*

Notary Public.



J. F. M.  
J. R. B.  
C. . . . .

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

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In the matter of the application of Jane A. Bada, et al.,  
for identification as Mississippi Choctaws, consolidating the appli-  
cations of-

Jane A. Bada, et al	M. C. R. 3257
Mattie Nevills, et al	" 3258
Etta McCarver, et al	" 3259
John W. Bada	" 3260

--: 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 A. Bada for herself and her five minor children, Lula,  
Burton, Charles, Effie and Arthur Bada; by Mattie Nevills for herself  
and her two minor children, Marie and Otha Nevills; by Etta McCarver  
for herself and her minor child, Effie McCarver, and by John W.  
Bada for himself, under the following provision of the act of Con-  
gress approved June 28, 1898 (30 Stat., 498):

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

(2)

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 Jane Ridgway (nee Johnson), who is alleged to have been a full blood Choctaw Indian and to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

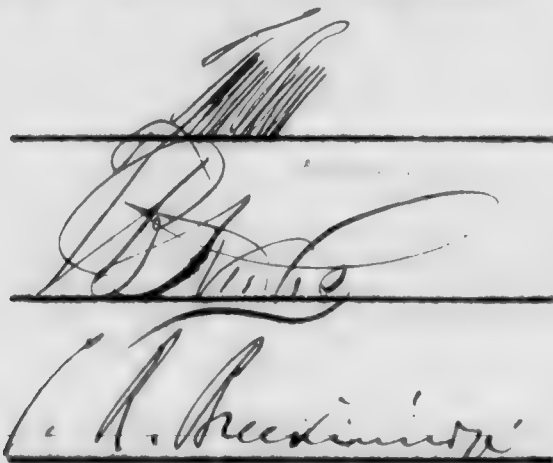
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jane Ridgway (nee Johnson), 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,

(3)

or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1857 (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 A. Eads, Lula Eads, Burten Eads, Charles Eads, Effie Eads, Arthur Eads, Mattie Nevills, Marie Nevills, Otha Nevills, Etta McCarver, Ruffie McCarver and John W. Eads, 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,



Commissioners.

Waskagee, Indian Territory,

JUL 16 1902

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COPY.

M.C.R. 3257.

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 A. Bads, 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 A. Bads, et al.,	M.C.R. 3257
Mattie Nevills, et al.,	" 3258
Etta McCarver, et al.,	" 3259
John W. Bads,	" 3260

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

Respectfully,

(SIGNED)

*James Bixby.*  
Acting Chairman.

Through the Commissioner of  
Indian Affairs.

1 enclosure.

COPY.

H.C.R. 3867.

Muskogee, Indian Territory, July 16, 1902.

Jane A. Bado,

Sterrett, Indian Territory.

Dear Madam:

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

Jane A. Bado, et al.,	H.C.R. 3857
Hattie Nevills, et al.,	" 3858
Etta McGarver, et al.,	" 3859
John W. Bado,	" 3860

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 A B B

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane A. Nads, Lula Nads, Burton Nads, Charles Nads, Effie Nads, Arthur Nads, Mattie Nevills, Marie Nevills, Otha Nevills, Neta McCarver, Bessie McCarver and John W. Nads, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1850, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*Tams Bixby.*

Acting Chairman.

Registered.

COPY.

M.C.R. 3357.

Muskogee, Indian Territory, July 16, 1902.

Manfield, Mottarray & 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 A. Eads, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane A. Eads, et al.,	M.C.R. 3357
Hattie Neville, et al.,	" 3358
Etta McCarver, et al.,	" 3359
John W. Eads,	" 3360

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 concluded as follows:

C o p y.

DEPARTMENT OF THE INTERIOR.

Land.  
42734--1902.

Office of Indian Affairs,

Washington, Oct. 13, 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 the record relative to the consolidated case of Jane A. Eads, et al., applicants for identification as Mississippi Choctaws claiming rights under the 14th article of the treaty of 1830.

Jane A. Eads applies for the identification of herself and her five minor children, Lula, Burton, Charles, Effie and Arthur Eads; Mattie Nevills applies for herself and her two minor children Rurie and Otha Nevills; Etta McCarver applies for herself and her minor child Reffie McCarver; and John W. Eads applies for himself.

On July 16, 1902, the Commission held that the parties above named were not entitled to identification.

The applicants in this case claim descent from Jane Ridgeway, nee Johnson, grandmother of principal applicant. Micheel Tam was the mother of principal applicant. There is some doubt as to said mother's maiden name, but it was Micheel or Ridgway.

The applicants are not of full blood, and the records of the office do not show that any one by the name of Jane Ridgeway, nee



K NOL & C

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane A. Eads, Lula Eads, Burton Eads, Charles Eads, Effie Eads, Arthur Eads, Mattie Nevills, Rurie Nevills, Otha Nevills, Etta McCarver, Reffie McCarver and John W. Eads, 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)

*Tame Dixby.*

Acting Chairman.

Johnson or Micheel Tam, nee Ridgway or Micheel, received a patent to land under the 14th article of the treaty of 1830; that they complied or attempted to comply with the provisions of said article of the treaty; or that they applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had.

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

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

G.A.W. (S).

C o p y. D.C. 20,444

EAF.

DEPARTMENT OF THE INTERIOR.

ITD. 6371-1902.

W a s h i n g t o n, October 27, 1902.

L.R.S.

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

Gentlemen:

July 16, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Jane A., Lula, Burton, Charles, Effie and Arthur Eads; of Mattie, Rurie and Otha Neville; of Etta and Reffie McCarver; and of John W. Eads.

The applicants claim to be descendants of one Jane Ridgeway (nee Johnson), alleged to have been a full blood Choctaw Indian residing 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 Jane Ridgeway or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat. 180) and August 23, 1842 (5 Stat., 513). You refused the applications July 16, 1902.

Forwarding the papers October 13, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

--2--

The Department has carefully reviewed the whole record  
and hereby affirms the decision rendered.

Respectfully,

E. A. HITCHCOCK.

Secretary.

1 inclosure.

G.W.E.

S.C.R. 3257.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Jane A. Fads,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th 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 A. Fads, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

*Tama Doby.*  
Acting Chairman.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jane A. Pade, et al., of which decision you were advised by mail on the 16th day of July, 1902.

Respectfully,

Edward C. Perry,  
Acting Chairman.

# CHOCTAW NATION.

CH  
(S)

BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS		
	YEAR	COUNTY	No.	NAME OF FATHER	YEAR	COUNTY

*Consolidated Case  
of  
Jane A. Eads et al.  
3251*

Jane Johnson - full - dead  
(962)

married

Jim Ridgway  
(or Hitchaway)

Micheel Ridgway <sup>dead</sup>  
(or Michell or)  
michal  
married  
Joshua Tam - dead  
(or J. D. Tam)

MER  
3257  
Jane A. Tam 5 1/4  
married  
John C. Eads - w -  
(or Eades)

MER  
3257  
Lula Eads 19  
" Burton " 16  
" Charles " 13  
" Effie " 11  
" Arthur " 8

MER  
3260  
John W. Eads 26 1/8

MER  
3258  
Mattie Eads 23 1/8  
married  
Joe Nevills - w -

MER  
3258  
Rurie Nevills 6  
" Otha " 4

MER  
3259  
Etta Eads 21 1/8  
married  
Frank M. Carver - w -

MER  
3259  
Reffie M. Carver 1



No. 3257

For Identification as a Mississippi Choctaw.

Date AUG 16 1907

Name Jane A. Eads

Age 51 Blood 1/4

Post Office, Sterrett, S. T.

Father: Joshua Tamm (dead)

Mother: Michell Tamm (dead)

Claims through mother

husband: John G. Eads ✓  
(no claim for him)

Children:

Ruler Eads	19
Burton "	16
Charles "	13
Effie "	11
Arthur "	8

Claims for self and 5 children

Stenographer

G. Rosenwinkel  
D. H. L.

Choctaw MCR 3258

Mattie Nevills

See MCR 3257

MCR 3258

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3258

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

Applicant not represented by Attorney.

Mattie Nevills being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mattie Nevills.  
Q How do you spell that last name? A N-e-v-i-l-l-s.  
Q What is your age? A Twenty-three.  
Q What is your post-office address? A Gober, Fannin County, Texas.  
Q How long have you lived there? I Have lived there--I don't know exactly how long.  
Q Well about how long? A About twelve years I guess.  
Q Where did you live before you lived there? A I lived in Fannin but not in Gober.  
Q How long have you lived in Texas? A Eighteen years.  
Q Where did you live before you lived in Texas? A In Tennessee.  
Q How long did you live in Tennessee? A Five years.  
Q Were you 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. Eads.  
Q Is he living? A Yes.  
Q What is your mother's name? Jane A. Eads.  
Q Is she living? A Yes.  
Q Through which one of your parents do you get your Choctaw blood?  
Q My mother.  
Q How much Choctaw blood do you claim? A One-eight.  
Q Has your mother, through whom you claim your Choctaw blood, 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 Joe Nevills.  
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 No he don't claim Choctaw.  
Q Have you any children for whom you wish to make application at this time? A Yes I have two.  
Q Give their names and ages? A Rurie.  
Q How do you spell that? A R-u-r-i-e.  
Q Is that a boy or girl? A Girl.  
Q How old? A Six years  
Q Next? A Otha?  
Q How do you spell that? A O-t-h-a  
Q How old is Otha? A Four years old.  
Q Is Otha a boy or girl? A A Boy.  
Q These are your children? A Yes.

- Q What is the name of their father? A Joe Nevills.
- Q When and where were you married to him? A Married at Cober, Fannin County in 1894.
- 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 applied to the Choctaw Tribal Authorities to have your self 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 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.
- 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 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.
- Q What kind of an application do you want to make now? A ( No answer)
- Q If you don't understand I will try to make it plain to you? Why did you come here, what is your purpose in coming here? A I don't understand what it is.
- Q Well I asked you what kind of an application you want to make and you did not say then I asked you why you came here. I suppose that you came here to make some sort of an application but I want to find out what kind of an application you want to make or if you don't want to make any application why it is that you came. What kind of a claim do you want to make? ( No answer)
- Q What kind of a claim do you want to make? A (no answer)
- Q What makes you think you have a right to come here? A I claim under the fourteenth article.
- Q The fourteenth article of what? A ( No answer)
- Q Is that some treaty you want to claim under? ( No answer )
- Q What do you claim you are? A What do I claim I am.
- Q Yes? A One-eighth of a Choctaw.
- Q You are making this application 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 Indians? A No answer.
- Q Do you know what a treaty is? A No.
- Q You know what an agreement is? A Yes.
- Q Well when two nations make an agreement that agreement is called a treaty? A I don't know.
- Q You understand now what a treaty is? A I don't know.
- Q Well are you sure that you understand what an agreement is? A Yes I suppose I do.
- Q Do you know what a Nation is? A ( No answer)
- Q If you don't know you can say so? A Yes.
- Q Do you know what a Nation is? A Yes a Nation of people.
- Q Yes; well then when two Nations of people enter into an agreement that agreement is called a Treaty? A Yes.
- Q How do you claim under any of the treaties that have been made between the United States and the Choctaw Indians that is any of the agreements that have been made? A ( No answer)
- Q Do you know anything about any of the treaties or agreements? A What?

#3

- Q Do you know anything about any of the treaties or agreements?  
A (No answer)
- Q Do you know anything about the treaties? A No.

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 of June 28, 1898, which is 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."

That law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians ~~who lived~~ who lived in Mississippi and Alabama. The State of Mississippi was being rapidly filled up with white settlers and the United States found it very hard to protect the Choctaws in their tribal government and thought it would be best to move them all to some 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 in Mississippi and the other Indians would not sign any treaty until some provisions was made for those who wanted to stay there. Article fourteen was made a part of the treaty for the benefit of these Indians who wanted to stay 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 reads as follows:

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

That means that if these Choctaws, who wanted to stay in Mississippi, they could do so and if they would go to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of a Choctaw citizen but

if they ever removed they would not get any part of the Choctaw yearly payments of money.

- Q How do you claim anything under this article of the treaty?  
A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty? A I don't know whether they lived there or not.
- Q Well what is the name of the ancestor through whom you claim?  
A A My mother.
- Q What was your mother's father's name? A Joshua Tam.
- Q And what was your mother's mother's name? A Micheel Tam.
- Q And which one of your mother's parents claim to be Choctaw?  
Her mother.
- Q What was Micheel Tam's father's name? A His name was Ridgway but I don't remember what his given name was.
- Q What was her mother's name--Micheel Tam's mother's name? A I don't remember what her name was.
- Q Was your mother or grandmother living in Mississippi in 1830?  
A I don't know.
- Q Did either one of them come west with the other Choctaw Indians to the present Choctaw Nation between eighteen hundred and thirty-three and thirty-eight? A I do not know.
- Q Did either one 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 take land? A I don't know.
- Q Do you think you will be able to get any evidence to show whether they did or not? A I think I can.
- Q Do you think you will be able to get any evidence to show whether they lived in Mississippi in eighteen hundred and thirty and were recognized Choctaw Indians? A I don't know whether I can or not.
- Q Do you expect to try? A Why I don't know whether I can prove that they lived there in 1830. I don't know where they lived.
- Q Well do you expect to try to secure evidence to show where they lived at that time? A Yes.
- Q Did your mother or your grandmother own any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't know.
- Q Did you ever know your grandmother? A No.
- Q Have you any papers that you want to file at this time? A What.
- 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? A No.

This applicant has light yellow hair, slightly curly, blue eyes and rather fair complexion. Her features and general appearance are those of a white woman and she shows no traces of Indian blood. She 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 they ancestor through whom she claims lived in Mississippi in eighteen hundred and thirty when this treaty was made.

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.



COPY.

M.G.R. 3859.

Waskoge, Indian Territory, July 16, 1902.

Mattie Nevills,

Gober, 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 A. Nads, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane A. Nads, et al.,	M.G.R. 3857
Mattie Nevills, et al.,	" 3858
Etta McCarver, et al.,	" 3859
John W. Nads,	" 3860

These applications were made under the provision of the act of Congress of June 25, 1890 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:



N H 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane A. Eads, Lula Eads, Burton Eads, Charles Eads, Effie Eads, Arthur Eads, Mattie Nevills, Marie Nevills, Otha Nevills, Rita McGarver, Hattie McGarver and John W. Eads, as Cheotaw Indians entitled to rights in the Cheotaw lands under the provisions of said article fourteen of the treaty of 1860, 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).

*Tame Bixby.*

Acting Chairman.

Registered.

W.C.R. 5258.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mattie Neville,

Gober, Texas.

Dear Madam:

You are hereby advised that on the 27th 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 A. Eads, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED)

*Tamm Doby*  
Acting Chairman.

No. 3258

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name Mattie Neville

Age 23 Blood 1/8

Post Office, Grober, Texas

Father: John C. Eads

Mother: Jane A. Eads

Claims through mother

Husband: Joe Nevills  
(no claim for him)

Children:

Rivie Nevill's F 6

Otha " M 4

Claims for self and 2 children

Stenographer

G. Rosenwinkel

Choctaw MCR 3259

Etta McCarver

See MCR 3257

MCR 3259

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 16, 1901.

3259

In the matter of the application of Etta McCarver for identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Etta McCarver being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Etta McCarver.  
Q How do you spell that surname? A M-c-C-a-r-v-e-r.  
Q What is your age? A Twenty-one.  
Q What is your post-office address? A Ste rett, I.T.  
Q How long have you lived there? A Only two weeks.  
Q Where did you live before you lived there? A Ladona Texas, Fannin County.  
Q How long did you live in Texas? A I don't know exactly how long. I have been raised in Texas all my life.  
Q About how old were you when you came to Texas? A I was about one or two years old. I was so small that I don't remember.  
Q You think you have lived there about 18 or 19 years? A Yes.  
Q Where did you live before you lived in Texas? A Tennessee.  
Q Were you born in Tennessee? A Yes.  
Q And lived there until you removed to Texas? A Yes.  
Q What is your father's name? A John C. Eads.  
Q Is he living? A Yes.  
Q What is your mother's name? A Jane Eads.  
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 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 Frank McCarver.  
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 make application? A I have one.  
Q What is the name and age of that child? A Reffie one year old.  
Q How do you spell that? A R-e-f-f-i-e.  
Q Is that a girl? A Yes.  
Q You are the child's mother? A Yes.  
Q What is the name of her father? A Frank McCarver.  
Q When and where were you married to him? A I was married in Glenrose, Texas.  
Q When? A July 23, 1898.  
Q Is your name on any of the Tribal rolls of the Choctaw Nation in Indian Territory? A No.

Q

#2

- 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 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 before this time applied 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 do you want to make now? A Well I want our claim in the Choctaw Nation.
- Q Do you claim as a Mississippi Choctaw? A Yes I claim as a Mississippi Choctaw.
- Q What makes you think you have a right to claim as a Mississippi Choctaw? A Well my grandmother was a Mississippi Choctaw.
- Q Do you 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 I don't understand that.
- Q Do you know what a treaty is? A I thought I did but I guess I don't.
- Q Do you know what an agreement is? A Yes.
- Q Well when two Nations make an agreement it is called a treaty? A Yes.
- Q You think you understand what a treaty is now? A Yes.
- Q Now, do you think you claim under any of the treaties between the United States and the Choctaw Indians? A I don't know.

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 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 law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama 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 all to the Country west of the Mississippi River. Some of the Indians did not want to go west and the others would not sign 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 those Choctaws 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 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."

That means that those Choctaws who did not want to come west could go to the Indian Agent there in Mississippi within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi and they would get land for themselves and their children and if they lived on that land for five years they would get a title to it. In doing this they would not lose their right as Choctaw citizens but in case they ever removed would have no share of the Choctaw yearly payments of money.

- Q Do you claim anything under this provision of this article?  
A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 when this treaty was made? A I don't know any of them? I don't know any of my grandparents.
- Q What was your mother's mother's name? A Micheel Tam.
- Q What was your mother's father's name? A Joshua Tam.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q What was Micheel Tam's mother's name? A Jane Ridgway.
- Q What was Micheel Tam's father's name? A Jim Ridgway.
- Q Which one of Micheel Tam's parents claimed to be Choctaw? A Her mother.
- Q Do you know what Jane Ridgway's father's name was? A I do not.
- Q Do you know what Jane Ridgway's mother's name was? A No.
- Q Do you know which one of her parents claimed to be Choctaw? No.
- Q Jane Ridgway is your great grandmother? A Yes sir.
- Q Did she live in Mississippi in 1830? A Yes sir.
- Q Did Micheel Tam live in Mississippi in 1830? I don't know.
- Q Do you think you will be able to get evidence to show whether your grandmother and your great grandmother lived in Mississippi in 1830? A Yes I think I can.
- Q Were they recognized Choctaw Indians? A Yes.
- Q Have you any evidence on that? A Yes, I think I can get it.
- Q Did your grand, or your great grandmother 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? A I don't know whether they did or not.

#4

- Q Do you think you will be able to get any evidence on that point.  
Q I don't know whether I can or not.  
Q You understand that these are both material points in your case do you? A Yes.  
Q Do you know whether your grandmother or great grandmother ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? No I do not.  
Q You never heard anything about that? A No I never heard.  
Q Is there anything else that you would like to say at this time? A No.  
Q Have you any papers that you want to file at this time? A No.  
Q You understand the importance of getting evidence to show whether your grandmother or great grandmother lived in Mississippi in the old Choctaw Nation in 1830 and whether either of them went to the Indian Agent there within six months after the treaty was ratified and told him that they wanted to stay? A Yes.  
Q You understand that these are both material points in your case and that you should secure evidence on these points if possible? 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.

This applicant has light hair, blue eyes and rather fair complexion. Her features and general appearance are those of a white woman and she does not show any traces of Indian blood. She 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 and does not know whether her ancestors lived in Mississippi in eighteen hundred and thirty or 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 16, 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 4th day of October 1901.

*Charles H. Sawyer*

Notary Public.



COPY.

M.C.R. 2899.

Muskogee, Indian Territory, July 16, 1908.

Etta McCarver,

Starrett, Indian Territory.

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 A. Nads, et al., embracing the following applications for identification as Mississippi Choctaws:

Jane A. Nads, et al.,	M.C.R. 3857
Mattie Seyville, et al.,	" 3858
Etta McCarver, et al.,	" 3859
John W. Nads,	" 3860

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane A. Rads, Lala Rads, Durion Rads, Charles Rads, Effie Rads, Arthur Rads, Mattie Nevills, Marie Nevills, Otha Nevills, Etta McCarver, Bessie McCarver and John W. Rads, as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

*Tams Bixby.*

Acting Chairman.

Registered.

M.C.S. 3258.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Etta McCarver,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th 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 A. Eads, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

(SIGNED).

*Tamo Kirby,*  
Acting Chairman.

No. 3259

For Identification as a Mississippi Choctaw.

Date AUG 16 1901

Name *Etta McCarver*

Age *21* Blood *1/8*

Post Office, *Sterrett, D.T.*

Father: *John C Eade* ✓

Mother: *Jane Eade* ✓

Claims through *mother*  
husband: *Frank McCarver* ✓  
(*no claim for him*)

Children:

*Ressie McCarver F 1*

*Claims for self and child*

Stenographer

*G. Rosenwinkel*

Choctaw MCR 3260

John W. Eads

See MCR 3257

MCR 3260

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 17, 1901.

3260

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

Applicant not represented by Attorney.

John W. Hads being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John W. Hads.  
Q What is your age? A Twenty-six years old.  
Q What is your post-office address? A Sterrett, I.T.  
Q How long have you lived there? A I have only been there about a month.  
Q Where did you live before you lived there? A Texas, Fannin County.  
Q How long did you live in Texas? A Eighteen years.  
Q Where did you live before you lived in Texas? A Tennessee.  
Q How long did you live in Tennessee? A I was in Tennessee eight years I believe.  
Q Were you born in Tennessee? A Yes.  
Q And lived there until you moved to Texas? A Yes.  
Q And from Texas you went to the Indian Territory? A Yes.  
Q What is your father's name? A John G. Hads.  
Q Is he living? A Yes.  
Q What is your mother's name? A Jane A. Hads.  
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-eighth.  
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 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 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 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 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 before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.  
Q Is this the first application of any kind you have ever made? A Yes.

- Q What kind of an application do you want to make now? A As a citizen of the Choctaw Nation for a home and a right.
- Q You want to make application for citizenship in the Choctaw Nation? A Well I want a right, I suppose I would be a citizen.
- Q Well how do you claim your right? A Through Choctaw blood.

The time in which original applications for citizenship in the Choctaw Nation could be heard by the Commission expired within ninety days from the passage of the act of June 10th 1896 and since that time there has been no authority vested in this Commission to hear any original applications for citizenship.

- how
- Q How do you claim? A I make my claim under the Choctaw laws.
- Q Under what Choctaw laws? A Of 1830 I believe and '68 I believe ---treaties.
- Q You mean the treaties? A Yes.
- Q Between the United States and Choctaw Indians? A Yes.
- Q Under which of the treaties do you claim at this time? A Well the treaty of eighteen hundred and thirty, article fourteen was it not.
- Q You think you want to claim under article fourteen of the treaty of eighteen hundred and thirty? A Yes.
- Q Do you understand the provisions of that article of the treaty? A I think I do.
- Q Just make a statement of what you understand by that article? A I have not got it memorized but I think I understand it.
- Q Well just state what you understand by it? A I have the read the law of the article. It provides that the Indians--
- Q What Indians? A The Choctaw Indians the Mississippi Choctaw Indians.
- Q What do you mean by Mississippi Choctaw Indians? A Well that is those Indians that originated in Mississippi.
- Q Well all the Choctaws originated in Mississippi now what differences do you think there is between the Mississippi Choctaws and the Choctaws? A Well the Mississippi Choctaws I suppose stayed in Mississippi.
- Q And you think that article fourteen of the treaty of eighteen hundred and thirty makes special provisions for these Choctaws who remained in Mississippi is that it? A Yes.

In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived in Mississippi and Alabama for the purpose of giving them land west of the Mississippi River in exchange for their land in those States and move them all to the Country West of the River but some of the Indians did want to have their homes there in Mississippi and the other Indians would not make any treaty until some provision was made for these Choctaws who wanted to stay there in Mississippi. Article fourteen was therefore made a part of the treaty of eighteen hundred and thirty for the benefit of these Choctaws who wanted to stay there. 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 the 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."

- Q This is the provision under which you are claiming at this time?  
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 Why I believe my great grandmother, her name was Ridgway.
- Q What was her first name? A Her first name---why I have heard it--Johnson I believe.
- Q I mean her given name? A Jane.
- Q Jane Ridgway? A Yes.
- Q What was your mother's father's name? A My mother's father's name---Joshua Tam.
- Q What was your mother's mother's name? A Michael Tam.
- Q Through which one of your mother's parents did she get her Choctaw blood? A Through her mother.
- Q And what was Michael Tam's father's name? A Ridgway.
- Q Do you know what his given name was? A Jim I believe.
- Q And what was Michael Tam's mother's name? A Jane Ridgway.
- Q Which one of your grandmother's parents was Choctaw? A Which one of my grandmother's parents----Her mother.
- Q How much Choctaw blood did Jane Ridgway claim to have? I think she claimed to be full blood.
- Q Was she living in the old Choctaw Nation in eighteen hundred and thirty? A I don't know.
- Q Well I asked you what was the name of your ancestor who was living in the old Choctaw Nation in eighteen hundred and thirty who was a recognized Choctaw Indian? A Well she was living there but I don't know exactly as to it being 1830.
- Q Did you ever know your grandmother? A Never saw her.
- Q Do you know about how long she has been dead? A No.
- Q Do you know about how old she would be if she were living now?  
A No.
- Q you don't know what year she was born in? No I don't. I have heard mother speak about it--her mother died when she was very small.
- ~~Q How old is your mother? A She is fifty-one I believe.~~
- Q How old is your mother? A She is fifty-one I believe.
- Q Is she the oldest one of her mother's children? A No I think not.
- Q Do you know how much older than your mother the eldest one is?  
A No.
- Q Did your grandmother live in eighteen hundred and thirty do you know, was she living at that time? A Why I don't know, I have been taught that she was.
- Q That she was living in eighteen hundred and thirty? A Yes.
- Q Do you know whether she was married in 1830 or was she a small child? A I don't know but I suppose she was married.
- Q Did your grandmother or your great grandmother come West with the other Choctaws to the present Choctaw Nation between 1833 and 1838? A Not that I know anything about.
- Q Did either one of them go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that they wanted to stay in Mississippi and take land there?  
A I could not say.



- Q Do you know whether either one of them ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I do not.
- Q Do you know where your grandmother died? A No.
- Q Do you know whether she died in Mississippi or not? A No I don't.
- Q Was your mother born in Mississippi? A I think my mother was born in Indiana, it seems to me she was.
- Q Than it is reasonable to suppose that your grandmother died in Indiana? A I suppose she did.
- Q If she died when your mother was a small child? A Yes.
- Q Do you think you will be able to get any evidence to show that your great grandmother and your grandmother were living in Mississippi in the old Choctaw Nation in 1830 and were recognized Choctaw Indians? A I think I can.
- Q Do you think you can get evidence to show whether either one of them went to the Indian Agent there in Mississippi and told him that they wanted to stay there and take land? A I think so.
- Q You understand that these are both material points in your case on which you should secure evidence if possible? A Yes.
- Q Do you think you can get evidence of witnesses in person before the Commission? A I do not know about bringing them in person before the Commission but I can get affidavits.
- Q Well you understand that the evidence of witnesses in person before the Commission carries more weight with it than affidavits do you? A Yes I understand that.
- Q If you can't get your witnesses here in person can you get their depositions? A I suppose so.
- Q You understand that you are in the position of an applicant for valuable property rights and that in a case where valuable property rights are involved even the sworn statement of the party in interest does not carry very much weight unless supported by outside evidence? 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.

This applicant has brown hair and mustache, brown eyes and dark complexion. His features and general appearance are those of a white man and do not show any traces of Indian blood. He ~~knows of no compliance~~ 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, but thinks that his grandmother and great grandmother lived in Mississippi in 1830 when this treaty was made.

- 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 No.

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 and foregoing cause on August 17, 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 4th day of October 1901.

*Charles W. Sawyer*

Notary Public.

Muskogee, Indian Territory, September 10, 1901.

Mr. John C. Eads,  
Sterrett,

Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of papers which you offer for filing in support of the following applications for identification as Mississippi Chestnuts:

Written application of John W. Eads and certified copy of affidavit of Tobias Edwards and John Lewis, to be filed with the application of John W. Eads.

Written application of Jane A. Eads, affidavit of John Albertson, and affidavits of Tobias Edwards and John Lewis, offered for filing in support of the application of Jane A. Eads et al.

Written application of Mattie Neville, and certified copies of affidavits of John Lewis and Tobias Edwards, offered for filing in support of the application of Mattie Neville et al., for identification as Mississippi Chestnuts.

Written application of Etta McGarver, and certified copies of affidavits of Tobias Edwards and John Lewis, offered for filing in support of the application of Etta McGarver et al., for identification as Mississippi Chestnuts.

J. C. R., JR.

These papers have been duly made a part of the record in the above named cases, and will receive the consideration of the Commission in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

M. C. 3257  
M. C. 3258  
M. C. 3259  
M. C. 3260.

COPY.

M.C.R. 3260.

Muskogee, Indian Territory, July 16, 1902.

John W. Bads,

Starrett, Indian Territory.

Dear Sir:

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

Jane A. Bads, et al.,	M.C.R. 3257
Mattie Nevills, et al.,	" 3258
Etta McGarver, et al.,	" 3259
John W. Bads,	" 3260

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 485) which is as follows:

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

Said decision concludes as follows:

J W B 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jane A. Bada, Lula Bada, Burton Bada, Charles Bada, Effie Bada, Arthur Bada, Mattie Nevills, Ruric Nevills, Otha Nevills, Etta McCarver, Ruffie McCarver and John W. Bada, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

SIGNED:

*Tams Bixby.*

Acting Chairman.

Registered.

M.C.R. 3260.

COPY.

Maskogee. Indian Territory, November 7, 1902.

John W. Eads,

Sterrett, Indian Territory.

Dear Sir:

You are hereby advised that on the 27th 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 A. Eads, et al., of which decision you were advised by registered mail on the 16th day of July, 1902.

Respectfully,

*George D. ...*

Acting Chairman.

No. 3260

For Identification as a Mississippi Choctaw.

Date AUG 17 1901

Name John H. Eads

Age 26 Blood  $\frac{1}{8}$

Post Office, Sterrett, D. T.

Father: John C. Eads ✓

Mother: Jane A. Eads ✓

Claims through mother

~~Children:~~

Claims for self alone.

Stenographer

G. C. Rosenwinkel



Choctaw MCR 3261

Jack D. Davis

MCR 3261

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

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In the matter of the application of Jack D. Davis for  
identification as a Mississippi Choctaw. M.C.R. 3261.

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

Original application of Jack D. Davis to  
the Dawes Commission for identification  
as a Mississippi Choctaw.....1

Decision of the Commission denying the  
application of Jack D. Davis for identi-  
fication as a Mississippi Choctaw.....6

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Department of the Interior .  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 17, 1901.

3261

In the matter of the application of Jack D. Davis for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Jack D. Davis being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Jack D. Davis.  
Q What is your age? A Thirty-seven.  
Q What is your post-office address? A Gober, Fannin County, Texas.  
Q How long have you lived there? A I have lived there about 18 years.  
Q Where did you live before you lived there? A In Tennessee.  
Q How long did you live in Tennessee? A I was raised there in Tennessee.  
Q Were you born in Tennessee? A No I was born in North Carolina.  
Q How long did you live in North Carolina? A I was born in sixty-three and came to Tennessee in sixty-five.  
Q And lived in Tennessee up to the time you moved to Texas? A Yes.  
Q What is your father's name? A Jake Davis.  
Q Is he living? A No he is dead.  
Q What is your mother's name? A Mary A.  
Q Davis? A Yes.  
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's side.  
Q How much Choctaw blood do you claim? A One-eighth.  
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 Any evidence? No, I can get evidence of their marriage but I have none.

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 Barthena.  
Q Is she living? A Yes.  
Q Do you make application for your wife? A No.  
Q She is a white woman and makes he claim to Choctaw blood? A Yes  
Q Have you any children for whom you wish to make application at this time? A No.  
Q You make this application for your self 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.

#2

- 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 been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to make one under the eighteen hundred and thirty as a Mississippi Choctaw.
- Q You claim as a Mississippi Choctaw? A Yes.
- Q Do you claim under any of the treaties? A I don't know that I understand what a treaty is.
- Q Do you know what an agreement is, when two people make an agreement? A Yes I think I do.
- Q Well when two Nations make an agreement that agreement is called a treaty. Do you understand now what an agreement is? I don't think I do.
- Q Do you know what a Nation is? A A Nation of people I suppose.
- Q Well when two Nations of people make an agreement, promising certain things, that agreement is called a treaty. Do you think that you now understand what a treaty is? A It is an agreement is it not.
- Q Yes a written agreement between two Nations? A Yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A I claim under the agreement that was made there between the Indians and the United States.
- Q Do you know when that treaty was made? A It was made in 1830 was it not.
- Q There was one made at that time. Is that the one you claim under? That agreement of eighteen hundred and thirty is the one you want to claim under now? A Yes I think so.
- Q Do you claim under the whole treaty or under some particular part of it? A I claim under the fourteenth article.
- Q You understand that an article is one section of the treaty? A Yes.
- Q Do you understand article fourteen of the treaty of eighteen hundred and thirty? A Yes, I think I understand it you said it was one part of an agreement.
- Q Well I mean do you understand what that particular part of the treaty refers to? A No I do not.

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 moving them from those States to the Country west of the Mississippi River and give them land here in exchange for their land in those States but some of the Indians did not want to come west and the others would not sign any agreement 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 sake of those Choctaws who wanted to stay there 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 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 they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Now if those Indians who did not want to come west would go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there the would get land from the government for themselves and their children and if the lived on that land for five years they would get a title to it. In doing this they would not lose the privilege of Choctaw citizens but if the ever removed would not get any portion of the Choctaw year ly payments of money.
- Q Now that is the article under which you claim is it? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A Burd.
- Q What was the other name? A Dicky Burd.
- Q Was that a man or woman? A A man.
- Q What relation was he to you? A He was my grandmother's father.
- Q Your great grandfather? A Yes my great grandfather.
- Q What was your father's father's name? A My father's--Jake Davis.
- Q Your father's father name? A John Davis.
- Q What was your father's mother's name? A My father's mother's I don't know. I don't remember. Did you say my father's mother?
- Q Yes? A Sarah Davis.
- Q Which one of your father's parents claimed to be Choctaw? A His mother my grandmother.
- Q And what was your grandmother's father's name? A My grandmother's father's?
- Q Yes? A Dicky Burd.
- Q And what was your grandmother's mother's name? A I don't know.
- Q Which one of your grandmother's parents claimed to be Choctaw? A My grandmother's parents?
- Q Yes? A Dicky Burd.
- Q Do you know how that name Burd is spelled? A I don't believe that I can spell it.
- Q How much Choctaw blood did Dicky Burd claim to have? A He claimed to be a full blood.
- A Did he have a Choctaw name? A I don't know that.
- Q Did he live in Mississippi in 1830? A Yes.
- Q Have you evidence of that? A I think I can get evidence of that.
- Q How old would your father be if he were living now? A I think he was sixty-eight years old when he died and he has been dead-- I think it has been ten years.
- Q You think then that he would be seventy-eight years old if he were living now? A Yes I think so.
- Q Your father then was born about the year 1823 or 1824? A Somewhere along there I don't remember.

- Q Was your father born in Mississippi? A No in Tennessee.
- Q When did he go to North Carolina? A I don't know I never heard him say.
- Q Your grandmother then must have been a married woman and the head of a family in 1830 when that treaty was made? A I could not say about that.
- Q Well if your father was born about 1823 or 1824 your father must have been a child 8, 7 or 8 years old when this treaty was made? A Must have been, I think it has been ten years since he has been dead and he was sixty-eight years old when he died.
- Q Well in that event your grandmother was a married woman and the head of a family in 1830 was she not? A I suppose she was.
- Q Did your father ever live in Mississippi? A No he never lived there.
- Q Your grandmother then never moved back to Mississippi after your father was born? A I don't know whether she ever did or not. I said he never lived there I don't know but I never heard him say.
- Q You don't know how old he was when he went to North Carolina? A No I don't know.
- Q Well what makes you think that your greatgrandfather was living in Mississippi in 1830? A Well I have heard my parents say that he was living there at that time? A
- Q But they were not living there at the time this treaty was made? A I don't know that, I never heard them say whether or not they lived there. I have heard them say that they lived in Alabama before the war but I never heard them say that they lived in Mississippi.
- Q Did you ever see your grand parents? A No I never seen them.
- Q Was your grandmother a recognized Choctaw Indian? A I think so.
- Q Was she recognized by the Choctaw Tribal Authorities as a Choctaw? A I don't know whether she was or not.
- Q Did your grandmother go to the Indian Agent within six months after the treaty was ratified and tell him that she wanted to stay and take land there? A I could not say whether she did or not.
- Q Do you know whether your grandmother ever owned any land in Mississippi, Arkansas, Louisiana or Alabama? A I don't think she did.
- Q You never heard anything about that? A No.
- Q Do you think you can get any evidence to show whether your grandmother was living in Mississippi in eighteen hundred and thirty? A Yes I think so.
- Q And do you think you can get evidence to show whether she went to the Indian Agent there within six months after the treaty was ratified and told him she wanted to stay? A Well I don't know about that.
- Q These are both material points in your case and you should get evidence on them if you can? A I think I can.
- Q Do you think you can bring witnesses in person before the Commission to testify? A No I don't suppose I could.
- Q Do you understand that the oral testimony of witnesses carries more weight than depositions or affidavits? A Yes I understand that.
- Q And that it would be better for your case if you would bring your witnesses here in person? A Yes I know.
- Q If you cannot do that do you think you can get their depositions? A Yes I think so.

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 If you have evidence that your grandmother owned land in either Mississippi, Louisiana or Alabama or Arkansas, and can you secure proof of that fact it would also be an important point in your case to find out how she owned that land? A I could not say about that, whether she did or not.
- Q you understand that you are in the position of an applicant for valuable property rights? A Yes.
- Q And that in a case of that kind even the sworn statement of an interested party will not carry very much weight unless it is supported or backed up by outside evidence? A Yes I understand that.
- Q And you intend to secure all the evidence possible along the points that you have been questioned about? A Yes.
- Q Have you any papers that you want to file now? A No I have not now.
- Q Is there anything else that you would like to say? A No.
- Q Do you speak Choctaw? A No.
- Q Did your father speak Choctaw? A No.

This applicant has straight brown hair, brown mustache, gray eyes and dark complexion. His features and general appearance are those of a white man and do not show any 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 and it appears from his testimony that his grandmother who was married and at the head of a family in 1830 lived in Tennessee tho' he states that his great grandfather lived in Mississippi at that time.

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 17, 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 4th day of October 1901.

*Charles Hexsawyer*

Notary Public.

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

Oliver  
C. W.

-----

In the matter of the application of Jack D. Davis for identification as a Mississippi Choctaw. M.C.R. 5261.

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

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Jack D. Davis for himself, under the following provision of the act of Congress approved June 25, 1906, (34 Stat., 495):

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

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant



(2).

of one Dicky Burd, who is alleged to have been a fullblood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

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

(3).

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Jame Birby.

Acting Chairman.

(SIGNED).

T. B. Needles

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 23 1902.

COPY.

M C R 3261

McKeage, Indian Territory, October 23, 1902.

Mansfield, McMurray & Gernish,

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

Gentlemen:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jack D. Davis, an applicant to the Commission for identification as a Mississippi Choctaw.

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

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

Said decision concludes as follows:

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

You are further advised that the applicant in this case

**M M M & C R**

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

Respectfully,

FDJ.

Acting Chairman.

COPY.

M C R 5261

Muskogee, Indian Territory, October 23, 1902.

Jack D. Davis,

Geber, Texas.

Dear Sir:

You are hereby advised that on the 23rd day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jack D. Davis, an applicant to the Commission for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 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 Jack D. Davis as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

J D D 2

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

Respectfully,

(SIGNED).

*Walter H. H. H.*  
Acting Chairman.

Registered.

M C R 3261

COPY

Muskogee, Indian Territory, November 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jack D. Davis, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 23, 1902.

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

Respectfully,

LOANED

*James Dixby.*

Acting Chairman.

Through the  
Commissioner of Indian Affairs.  
1 inclosure, M C R 3261

C O P Y .

Land  
67817-1902.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington.

February 6, 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 a Mississippi Choctaw of Jack D. Davis, for himself, wherein a decision adverse to the applicant was rendered by the Commission on October 23, 1902.

It appears from the evidence in this case that the applicant bases his claim to identification by reason of being a descendant of one Dickey Burd, who, it is alleged, was a Choctaw Indian residing in the Choctaw Nation in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting this party on the ground that the name of Dicky Burd is not among the list of those persons who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.



-2-

An examination of the records of this office discloses the fact that the name of Dick Burd does not appear as having complied or attempted to comply with the provisions of article 14 of the treaty of 1830, and it is recommended that the decision of the Commission rejecting this party be approved.

Very respectfully,

(Signed) A. C. TONNER

Acting Commissioner.

E.B.H. H'r

C O P Y .

D.C. 5901-1903.

DEPARTMENT OF THE INTERIOR.  
Washington.

ITD. 1332-1903.  
LRS.

EAF.

February 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

November 8, 1902, you transmitted the record in the matter of the application for identification of Jack D. Davis as a Mississippi Choctaw, including your decision of October 23, 1902, adverse to the applicant.

He claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendant of one Dicky Burd, who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Dicky Burd or an ancestor less remote complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 6, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved; a copy of his letter is inclosed.

-2-

The Department has carefully reviewed the whole record and hereby affirms the decision rendered.

Respectfully,

(Signed) THOS. RYAN

1 inclosure.

Acting Secretary.

H.C.R.3261.

COPY

Muskogee, Indian Territory, March 12, 1903.

Jack D. Davis, .

Gober, Texas.

Dear Sir:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Jack D. Davis, of which decision you were advised by registered mail on the 23rd day of October, 1902.

Respectfully,

Yours truly,

*Iams Biaby.*  
Chairman.

M.C.R. 3261.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Jack D. Davis, of which decision you were advised by mail on the 23rd day of October, 1902.

Respectfully,

(SIGNED)

*Jams Bixby.*

Chairman.

No. \_\_\_\_\_

For Identification as a Mississippi Choctaw.

Date AUG 17 1901

Name Jack D. Davis

Age 37 Blood 1/8

Post Office, Gober, Texas

Father: Jake Davis (dead)

Mother: Mary A " (dead)

Claims through father

wife: Parthena Davis  
(no claim for her)

Children:

Claimed for self alone.

Stenographer

L. P. Sunkel

Choctaw MCR 3262

Willery H. Jackson

See MCR 2337.

MCR 3262

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 15, 1901.

In the matter of the application of Willery H. ~~Dad~~ Jackson for identification as a Mississippi Choctaw.

Willery H. Jackson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Willery H. Jackson.  
Q How old are you? A I am 42.  
Q What is your pet office address? A Hattiesburg, Mississippi.  
Q Perry County? A Yes sir.  
Q How long have you lived in Perry County, Mississippi? A About eighteen months or two years.  
Q Where did you live prior to that time? A In Jones County, Mississippi.  
Q How long did you live in Jones County? A Eight years.  
Q Where did you live before that time? A Choctaw County, Alabama.  
Q How long did you live there? A I lived there three years.  
Q Where did you live before you moved to Choctaw County, Alabama?  
A Clark County, Mississippi.  
Q How long did you live there? A From my birth.  
Q You claim to have Choctaw blood? A Yes sir.  
Q Is your father living? A Yes sir.  
Q What is his name? A H. S. Gunn.  
Q What is the H. for? A Henry.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Margaret D. Gunn.  
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 I declare I don't know.  
Q How much Choctaw blood do you think your mother has? A I think about 1/8  
Q Then you claim 1/16 do you? A Yes sir.  
Q How old is your mother, Margaret D. Gunn? A She is in her 70th year.  
Q Where does she live at this time? A At Thomasville, Alabama.  
Q What county? A Clark County, Alabama.  
Q How long has she lived there? A Ten years.  
Q Where did she live before going to Clark County, Alabama? A From Choctaw County, Alabama.  
Q Where did she live before that? A In Clark County, Alabama.  
Q Was she born in Clark County? A I think she was born in Green County, Mississippi, and moved from there when she was quite small.  
Q Has she ever been to the Territory? A No sir.  
Q Have you ever been there? A No sir.  
Q Through which one of her parents did your mother get her Indian blood? A From her mother.  
Q What was her mother's name? A Harriet Connor, her maiden name.



Will ery H. Jackson, 2.

- Q What was her name after she married? A Griffin.
- Q Did you ever see Harriet Connor? A No sir.
- Q Do you know when she died? A I am not sure, but I believe she died in '55.
- Q Have you any idea how old she would be if she was living now? A I don't know.
- Q You don't know how old she was at the time of her death? A No sir, I don't know much about my ancestors.
- Q According to your statement, she had one quarter Choctaw blood? A Yes sir.
- Q Do you know how long Harriet Connor lived in the State of Mississippi? prior to the birth of your mother, Margaret D. Gunn? A No sir.
- Q You know nothing whatever of the residence of Harriet Connor then? A No sir.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q Has he any Indian blood? A No sir.
- Q Do you make any claim for him? A No sir.
- Q What is his name? A John R. Jackson.
- Q Have you any children? A No sir.
- Q This application then is solely in your own behalf? A Yes sir.
- Q Is your name to be found upon any of the Choctaw tribal rolls in Indian Territory? Do you know what I mean by tribal rolls? A No sir.
- Q By the tribal rolls, I mean list of the names of the people who belong to the tribe out in Indian Territory, prepared by the tribal authorities. Is your name on those rolls? 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, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made any application of any description prior to to-day to either the tribal authorities or the United States authorities 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 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 do not.

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 here in Mississippi and over in the edge of Alabama. The object of the treaty was to secure the removal of the Indians from the country occupied by them here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory. At the time this treaty was made, they had a great deal more land than they now own. At that time, some of the Indians were unwilling to move to the new country west of the Mississippi

Willery H. Jackson, 43

~~Willery~~

and insisted that provision be made in the treaty whereby they might be permitted to remain here in Mississippi. For the benefit of those who desired to remain, the 14th article was inserted in the treaty. 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 adjoining 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? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article or ever receive any benefits thereunder? A No sir.
- Q You are quite sure of that are you? A Yes sir.
- 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? A I guess grand pa was.
- Q Now, your Choctaw ancestors? A No sir, grand ma.
- Q You think your grand ma, Harriet Connor, was living here then? A Yes sir.
- Q Do you know where she was living at that time, seventy one years ago? A No sir, I couldn't say where she was living.
- Q Was your grand mother, Harriet Connor or Harriet Griffin, a recognized member of the Choctaw tribe of Indians here at that time? A Yes sir.
- Q By recognized, was she recognized and considered a Choctaw Indian by the Choctaw authorities, and the members of the tribe? A I couldn't tell.
- Q What was your idea when you said yes sir? A I thought she was recognized by the tribe.
- Q Well, that's about what I mean, but ~~was~~ there is a difference between being recognized by the tribe, and being understood to have Choctaw blood. I thought you mean that the people generally understood that she had Choctaw blood? A Well, they did understand that.
- Q But so far as her being recognized member of the tribe here at that time, you can't say? A I thought she was; I couldn't say positive.
- Q Did any of your Choctaw ancestors own an improvement here in the old Choctaw nation in Mississippi and Alabama in 1830, when this treaty was made? A I couldn't say.

Willey H. Jackson, #4.

Q Did any of your Choctaw 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 think not.

Q Did any of your Choctaw ancestors within six months from the time of 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 here and become citizens of the States? Now, I quoted you the 14th article which provided that she should within six months from the time the treaty was ratified, which was on the 24th day of February, 1831, let the agent of the Government know that she intended to stay here and become a citizen of the States and take land. I want to know whether any of your ancestors ever complied with the provisions of that article in any way? A No sir, they didn't.

Q Did any of your Choctaw 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 Choctaw ancestors 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 1830, or under the supplement to that treaty? A No sir.

Q Then, none of your Choctaw ancestors ever received any benefits whatever 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 receive any benefits of any kind from the Government of the United States under this treaty? A No sir, I don't think they did.

In accordance with the provisions of article 14 of the treaty of Dancing Rabbit Creek, the Government directed an agent here in Mississippi to register the names of Choctaw Indians who might desire to remain here and become citizens of the States and take land under the 14th 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 and take land. On this account the Government of the United States, at its public land sales in many instances sold land upon which Choctaw Indians had improvements, and which they supposed they would receive under the 14th article of the treaty. This action of the Government 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 down here and hear the cases of Choctaw Indians who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. This commission was duly appointed by the President, and the commissioners came down here and held sessions and heard a few of these cases, but in the time allowed them

Willery H. Jackson, 5.

by the Acts under which ~~they~~ they were appointed, they were unable to dispose of but comparatively a small number of cases here, so Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of a second commission to come down here and finish up the hearing of these Choctaw cases; that second commission came down here and heard a great many more of these cases.

Q Did any of your ancestors ever appear before either one of these commissions and attempt to establish their rights under article 14 of the treaty of Dancing Rabbit Creek; they were appointed fifty or sixty years ago, nearly; between sixty and seventy years ago? A I think not.

Q If they ever did, then, you never heard of it? A No sir.

Q

The Act of Congress approved August 23, 1842, provided 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 the State of Mississippi, Louisiana, Alabama or Arkansas, from vacant Government land, 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 Not that I know of.

Q Did you ever see or hear of any deed or patent issued to any one of your ancestors covering land here in the State of Mississippi or adjacent, given to them under the provisions of this article of the treaty of Dancing Rabbit Creek, or under the supplement?

A No sir.

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

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

You will be allowed a reasonable time in which to file proper written evidence in support of this application. The Commission will be glad if you see fit to offer any, to file it within a period of thirty days from this date, if possible.

Q Have you any witnesses you desire to introduce at this time in support of your application? A Yes sir.

Q Who do you want to offer? A Mr. Evans.

Q Any others? A Mr. Dedwilder.

Q He is before the Commission now, is he? A Yes sir.

Q Have you any brothers or sisters? A Yes sir.

Q How many brothers? A I have seven brothers and three sisters; there are 11 of us.

Q All living? A Yes sir.

Q Give us the names of each of the brothers? A William A. Gunn,

Willery H. Jackson, 6.

Alex Gunn, John F. Gunn.

Q The next one? A Henry S. Gunn, Jr.

Q The next one? A George Gunn.

Q The next? A Norman. James J. Gunn.

Q Is that all of your brothers? A Yes sir.

Q What are the names of your sisters? A None of them are married.

Q What are their names? A Mattie.

Q The next one? A Alice and Mary.

Q What members of this family have been before the Commission?

A I don't know that any of them have been here.

Q Are any of them before the Commission to-day for the purpose of making application? A No sir, none of them here.

Q Are any of your mother's brothers living? A Yes sir, she has one.

Q What is his name? A Thomas B. Griffin.

Q Where does he live? A Somewhere near here, I couldn't tell you exactly.

Q Near Meridian? A Yes sir.

Q Is he older than your mother? A Yes sir.

Q Are any of your mother's sisters living? A Yes sir.

Q How many? A She has one sister living.

Q What is her name? A Nancy Buckalew.

Q Where does she live? A She is living now in Laurel, Mississippi.

Q Now, did your mother ever have another sister? A Yes sir.

Q What was her name? A She was sister Lucy Davis.

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

Q How many? A She has five children living. No, four.

Q What are their names? A Boann McLendon, Harriet Dedwilder, and Charley Davis and Ed Davis; ~~there are~~

Q These four children are all living now? A Yes sir.

Q Did your mother ever have any brothers besides Thomas? A Yes sir.

Q What are their names? A James Griffin and John Griffin. Both of them dead.

Q Are any of John's children living? A Yes sir.

Q What are their names? A Martin and Jim Griffin.

Q Are any of the children of James Griffin living? A I don't know whether I can give you all of his children's names or not. Kliza Denham, Harriet Loper and Nancy, but I don't know what her husband's name.

Q The next one? A Duck McLewaine.

Q The next one? A Pauline Clippner.

Q The next? A That's all that I know.

Q Did Harriet Connor or Griffin, ever have any brothers or sisters?

A Yes sir, I think she did, but I don't know anything about them.

Q Do you know any of their descendants? A No sir, I do not.

Q All the family you know then, are the descendants of Harriet Connor or Griffin? A Yes sir.

Q Can you give us the names of the children of Nancy Buckalew? A Yes sir.

Q What are they? A Hattiet Bearfield, Bossie.

Q The next one? A Emma B. Davis, Allen Griffin Buckalew. Lucy Allen.

Q Is that all? A Yes sir.

Q Do you know the names of the children of Thomas B. Griffin? A I don't know whether I could give you the names of his children or not.

Q Name all you can, please? A Connor Griffin, Mary, Griffin, James Griffin, Sam Griffin.

Q The next one? A Duncan Griffin.

Q The next one? A Nan Gray.

Q The next one? A Cary Ann, Margaret and Rosier D. Griffin.

Willery H. Jackson, 7.

Q That's all you remember? A That's all I remember. I have not lived near this family, and I am not sure that their names are exactly correct.

(Special reference is hereby made to the application of Thomas B. Griffin for identification as a Mississippi Choctaw, heard at Meridian, Mississippi, on May 23, 1901, M.C.R. 2337; also to the application of Nancy Buckalew for identification as a Mississippi Choctaw, heard at Meridian, Mississippi, July 22, 1901, M.C.R. 3043.)

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language.)

(Applicant excused.)

John H. Evans, having been first duly sworn, as a witness in behalf of the above named applicant, 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 Seventy seven in November next.

Q What is your post office address? A Desota, Clark County, Mississippi.

Q You are the John Evans who appeared before the Commission in the cases of Thomas B. Griffin, Nancy Buckalew and Harriet Bearfield?

A Yes sir.

Q Are you acquainted with the applicant who was just before the Commission? A That is Mrs. Jackson; yes sir.

Q What is her name? A Willery H. Jackson.

Q How long have you known her, Mr. Jackson? A Ever since she was a child. Now, I knowed the family before they were married.

H. S. Gunn - we were raised partly together, and he married Margaret Griffin, the daughter of Harriet and John Griffin.

Q Now, the mother of this applicant then, is Margaret Griffin?

A Yes sir.

Q Now Margaret Gunn? A Yes sir.

Q Is she living? A I don't know whether she is now or not. She was some time back; you know we are living a long ways apart; she is over in Alabama, and I haven't communicated, in fact I met up with Mr. Gunn some years ago, and my memory is short about it.

Q So far as you know, she is still living? A Yes sir.

Q Now, what relation is Margaret D. Gunn to Nancy Buckalew? A That's H. S. Gunn's wife; yes sir, she is a full sister to Nancy Buckalew, and this lady now you are speaking of is also a daughter of Margaret Griffin; that is, Margaret Gunn.

Willery H. Jackson, S.

Q Now, Thomas B. Griffin, Nancy Buckalew and Margaret Griffin D. Gunn are full brothers and sisters? A Yes sir.

Q Thomas B. Griffin, Nancy Buckalew and Margaret Gunn? A That's right.

Q Now, there were other children in that family? A Yes sir.

Q What are their names? A James Griffin and John Griffin.

Q Those are the brothers? A Yes sir.

Q Now, were there any sisters? A Yes sir, there was one whose name I can't call, she married as I said yesterday ~~and~~ man Ivey, and they went to Texas in the early thirties or forties. Now there was Lucy was a sister of Thomas B. Griffin and Nancy and Margaret.

Q Who did Lucy marry? A R.W. Davis.

Q Do you remember whether Harriet Connor or Griffin, had any brothers or sisters? A Harriet Griffin, the wife of John Griffin?

Q Yes? A I don't know.

Q Give us the names of the members of the Griffin family who are before the Commission to-day for the purpose of making application for identification as Mississippi Choctaws? A Gavin, there are four of them here in the house now.

Q What are their names? A Rosier Gavin, Ed Gavin, Rufus Gavin and then there is Luke Gavin; them four are here now.

Q Through which one of their parents did they get their Indian blood? A Their mother.

Q What was her name? A Her name was Jennie; she had a nick-name, Mug.

Q Through which one of her parents did she get her Choctaw blood?

A She got her blood, she was the daughter of R.W. Davis.

Q Lucy Gavin his wife? A Yes sir.

Q Lucy was the daughter of Harriet Connor or Griffin? A Yes sir.

Q What are the names of the other applicants that are here? A Mr. C.M. Davis and a son of Rosier Davis and Lucy Davis, and then there is another one, E.T. Davis.

Q Is he a brother of C.M. A Yes sir.

Q Any more? A I don't know that there are any of the sisters; I don't think there is. Now there is Mr. Dedwilder, he married Harriet Davis, a daughter of Lucy Davis, and he is here on his daughter's claim.

Q Well, his wife is dead is she? A No sir, his wife is out home sick, and can't get here. H.S. Gunn and Mrs. Willery Jackson, she has been before the Commission.

Q Are you interested in any way in this case? A No sir.

Q Are you related in any way to the applicant? A No sir.

(Witness excused.)

Isaac W. Dedwilder, having been called and first duly sworn, as a witness in behalf of the above named applicant, testified upon his oath as follows:

Examination by the Commission.

Q What is your name? A Isaac W. Dedwilder.

Q How old are you, Mr. Dedwilder? A forty eight.

Willery H. Jackson 9.

- Q What is your post office address? A Hale, Clark County, Mississippi.
- Q How long have you lived in Clark County, Mississippi? A Four or five years.
- Q Are you acquainted with the applicant who was just before the Commission? A Yes sir.
- Q What is her name? A Willery H. Jackson.
- Q What is the name of her husband? A John Jackson.
- Q Where does the applicant live? A Hattiesburg.
- Q Is her mother living? A Yes sir.
- Q What is her mother's name? A Margaret Gunn.
- Q Has Margaret Gunn any Indian blood? A Well, I don't personally know that, only what I have been told ever since I have knew the family.
- Q How much Indian blood has she? A Well, I don't know only what they claim.
- Q What do they claim? A 1/8.
- Q Has Willery H. Jackson any brothers or sisters? A Yes sir.
- Q Can you give their names? A I don't think I can give them all.
- Q Give what you can? A William, Alex and Johnnie and Sabe, H.S. is his initials; Norman and George and one they call Dock; then there is Willery and Mattie and Mary and Alice. I think that's all of the children, if I remember right.
- Q Are you interested in any way in this application? A No sir, only of the interest of my wife.
- Q Well, your wife is not in this application? A Well, my daughter.
- Q I am talking about Willery H. Jackson's application, are you interested in that? A No sir.
- Q Are you any relation to her? A Only by marriage. I married a cousin of Willery H. Jackson's.
- Q How long have you lived in Mississippi, Mr. Dedwilder? A Four years last winter.
- Q Where did you live before that? A In Lauderdale, Mississippi, east of here; I lived there six years before I moved to Clark.
- Q I mean how long have you lived in this State? A Just ten years.
- Q Where did you live before you came to the State of Mississippi? A Choctaw County, Alabama.
- Q You have heard me explain the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A I have heard it talked here the best I could.
- Q You have heard it explained here in the room? A Yes sir.
- Q Do you know anything whatever in regard to whether any of the ancestors of Willery H. Jackson ever complied or attempted to comply with its provisions, or ever received any benefits thereunder? A I have ~~heard~~ never heard of any efforts being made.
- Q Know nothing whatever of the matter? A No sir.
- Q You don't know anything as to the residence of this family? back as much as seventy years ago? A No sir.

(Witness excused.)

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized



Willery H. Jackson, 10.

Tribes, he reported in full all proceedings had in the above entitled cause on the 15th 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. A. Street*

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

*R. A. Street*

Notary Public.

Meridian, Mississippi, September 12, 1901.

Mrs. Willary H. Jackson,  
Care, Mr. J. H. Jackson,  
Nattiesburg, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you request that the evidence of Newton Collins, Watt Hearn, Livy Badgreve and others, offered in the cases of G. B. Davis, Wijk Bedwilder and C. H. Davis, be considered in support of your application for identification as a Mississippi Choctaw.

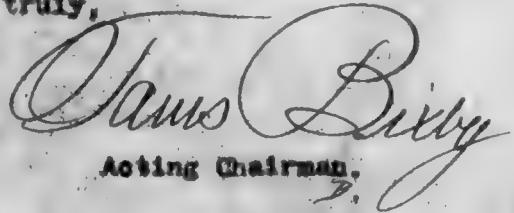
You are informed that the Commission in the consideration of applications of persons for identification as Mississippi Choctaws will, in addition to the careful consideration of the oral testimony of an applicant, and such documentary evidence as may be submitted by such applicant, will also, in conjunction therewith, consider the evidence of other members of the same family, descendants of the same common ancestor.

It is impossible for us to render you any opinion as to the validity of your claim at this time, as the same has not been taken up for consideration, and it is probable that no definite action will be taken for some time to come. The representatives of the Commission in Mississippi are only delegated to hear and receive the

enrolled,

applications of persons for identification as Mississippi Choctaws, and not in any manner authorized to render any opinions as to the rights or the acceptance of the applicants as Mississippi Choctaws. This is a matter that will receive consideration by the Commission as a body. When any final action is taken relative to your rights to identification, you will be fully informed thereof.

Yours truly,

  
Acting Chairman.

M.C.R. 3262.

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. 2337

M. C. R. 3262

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Willery H. Jackson,  
Hattiesburg, 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

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

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, Timmie Griffin, Rella Griffin, Siddle 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, Siddle 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,

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,

*I. B. Meebles*

Registered.

Muskogee, Indian Territory, August 6, 1908.

Willary H. Jackson,

Hattiesburg, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st inst., relative to the decision of the Commission in the matter of your application for identification as a Mississippi Choctaw. You ask to be advised "wherein I failed; is the evidence insufficient to establish my relation with the Choctaws, or did I fail to prove that we made our wishes known to the government through Col. Ward?"

In reply, you are informed that it appears from the records of the Commission that you are an applicant for identification as a Mississippi Choctaw claiming descent from one Polly Connor. Your case was consolidated and considered with the case of Thomas B. Griffin and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The authority vested in this Commission to determine the identity of so called Mississippi Choctaws is contained in the



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

At the time you made your application the fourteenth article of the Choctaw treaty of 1830, referred to in the above legislation, was read and explained to you, and in reply to a question you stated that you understood the provisions of said article. The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama, in 1830, and who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837, and August 23, 1842.

The Assistant Attorney General for the Interior Department in an opinion of December 3, 1901, defining the power of this Commission to identify so called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, used

W H J 3

the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, in order for the several persons included in the consolidated Mississippi Choctaw case of Thomas B. Griffin, et al., to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, be necessary to show that the least remote of their ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of the fourteenth article thereof.

The several applicants in the consolidated case of Thomas B. Griffin, et al., having failed to submit any proof of the compliance on the part of their common ancestor, Polly Connor, with the provisions of said article fourteen, the Commission on July 28, 1902, rendered its decision refusing the applications of the several persons included therein, and on the same date notified them by registered mail of such decision and of the forwarding of the record to the Secretary of the Interior for review.

You will be duly notified of such action as may be taken by him.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, December 5, 1902.

Willery H. Jackson,  
Hattiesburg, 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

Acting Chairman.

# 1283

No. 3262

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Killery A Jackson

Age 42 Blood 1/16

Post Office Natchezburg Miss

Father: Henry D. Sunn L

Mother: Margaret D. Sunn L

Claims through mother

(Claims for self only)

Children:

Stenographer

R S Street

Choctaw MCR 3263

Edward T. Davis

See MCR 2337

MCR 3263

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

In the matter of the application of Edward T. Davis for the identification of himself and three minor children as Mississippi Choctaws.

Edward T. Davis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Edward T. Davis.  
Q What is your age? A Forty eight.  
Q What is your post office address? A Hattiesburg, Mississippi.  
Q How long have you lived at Hattiesburg? A I have been there ten years.  
Q Where did you live before that? A Clarke County, Mississippi.  
Q How long did you live there? A I was born and raised there.  
Q What is your father's name? A Rosier W. Davis.  
Q Is he living? A No sir, he is dead.  
Q What is your mother's name? A Lucy Davis.  
Q Is she living? A No sir.  
Q Through which one of these parents do you claim Choctaw blood?  
A Mother.  
Q How much do you claim? A I never did know exactly.  
Q Have you any idea how much? A I suppose she was about one eighth  
Q And you would claim one sixteenth then? A Yes sir.  
Q But you are not sure about that? A No sir.  
Q Has your mother through whom you claim your right to be identified as a Mississippi Choctaw ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities? A No sir, not that I ever heard of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Carrie Davis.  
Q What is her blood--Has she any Indian blood? A No sir.  
Q All white? A Yes sir.  
Q You don't make any application for her then? A No sir.  
Q Give me the names of your children under twenty one years of age and unmarried that you want to make application for? A Lucy Davis  
Q How old is Lucy? A Sixteen  
Q Next? A William L.  
Q How old? A He is thirteen.  
Q Next? A Annie.  
Q How old? A Six years old.  
Q Is Carrie Davis 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 When and where were you married to Carrie Davis? A Clarke county, Mississippi, February 1875.  
Q Have you your marriage license and certificate with you? A No sir.  
Q You were married by a minister and under a license? A Yes sir.

Edward T. Davis-----2.

You are advised that your marriage certificate should be filed with this application in order to substantiate the claim which you make for these children, and time will be given you to either file the marriage license and certificate or certified copy of the same.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you or any one for you or for your children 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? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this for yourself or children to any authority whatever for citizenship in the Choctaw Nation? A No sir.
- Q Do you now come before the Commission to be identified and have your children identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.
- Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons 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 1830 under which you claim your right to be identified---Do you understand that article? A Yes sir.
- Q What was your mother's father's name? A John Griffin.
- Q Did he have Choctaw blood? A I don't know sir.
- Q What was your mother's mother's name? A Harriet Griffin.
- Q Did she have Choctaw blood? A Yes sir.
- Q How much did she have? A I don't know.
- Q Did you ever hear? A I have been led to believe she was about one quarter.
- Q And your mother one eighth? A Yes sir.
- Q And you claim your Choctaw blood through Harriet Griffin? A Yes sir.

Edward T. Davis-----3.

Q Do you know what her father's or mother's name was? A No sir.

Q Did you ever hear that any of the members of your family had Indian names? A No sir.

Q Have any of your relatives ever made application before this for identification as Mississippi Choctaws? A Yes sir, Thomas B. Griffin, my uncle, and Nancy Buckalew, my mother's sister.

Q Any others? A I don't know.

Q They claim through the same common ancestry that you claim through? A Yes sir.

Q In this application do you want to make special reference to the testimony as given by them in their applications? A Yes sir, and also to the testimony of Mr John H. Evans which was given before the Commission August 14, 1901 in the case of Harriet Bearfield, et al.

Special reference is here made to the cases of Thomas B. Griffin M.C.R.-2337, Nancy Buckalew, M.C.R.-3043, and Harriet Bearfield, M.C.R.-3146.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama previous to the year 1830? A No sir, I don't know.

Q Do you know whether any of your Choctaw ancestors removed from either Mississippi or Alabama to the Indian Territory with the other Indians between the years 1833 and 1838? A No sir, I don't know.

Q Do you know whether within six months after the ratification of the treaty of 1830 any of your Choctaw ancestors went to the United States Indian Agent, Colonel Ward, and told him they intended to stay in Mississippi, take land there and become citizens of the United States? A No sir, if they did, I never heard of it.

Q Did any of your Choctaw ancestors ever own an improvement on land in Mississippi and Alabama previous to the year 1830? A Not that I know of.

Q Are you acquainted with any person or persons who would be likely to know about that? A No sir.

Q Do you know whether any of your Choctaw ancestors ever received any land in Mississippi or claimed any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I don't think they ever did.

According to the provisions of article fourteen of the treaty of 1830, those Choctaw Indians who wished to stay in Mississippi and received lands, and become entitled to rights in the Indian Territory if they afterwards removed to the territory, were obliged to go to Colonel Ward, who was the United States Indian Agent in Mississippi at that time within six months after the ratification of the treaty and tell him that they wanted to take land and become citizens of the states. A great many Choctaw Indians did that, but Colonel Ward for some reason failed to put their names down on his list. These Indians after going to Colonel Ward and declaring their intention to become citizens of the states, took land, but they were dispossessed by the government afterwards, because their names were not found on Ward's Registry list. A great many were thus dispossessed and made complaints to the government, and Congress in 1837 appointed a Commission which came to Mississippi and heard these complaints and as a result of the work of this Commission, a list was made



Edward T. Davis---4.

out containing the names of a great many Choctaw Indians whose claims were approved under article fourteen. In 1842, another Commission was appointed for the same purpose and another list was made out by that Commission of persons entitled to rights under article fourteen.

Q Do you know whether any of your Choctaw ancestors appeared before either the Commission appointed under the act of Congress approved March 3rd, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and made an effort to establish their rights to land under article fourteen of the treaty of 1830.

A No sir, I don't think they did.

Q Do you know whether any of your ancestors ever received any scrip under the act of Congress approved August 23, 1842? A No sir.

The Commission appointed in 1842 issued to those applicants who appeared before them whose claims were proven, and whose land had been previously taken from them by the government, scrip or a certificate which entitled the holder to select land in Mississippi, Alabama, Louisiana or Arkansas--they could take as much land as was stated in the certificate which was issued to them.

Q Do you know whether any of your ancestors received such scrip?

A No sir.

Q Did any of your ancestors ever received any benefits as Choctaw Indians under any other article of the treaty of 1830 than the fourteenth or under the supplement of that treaty? A No sir.

Q Have you any documentary evidence that you want to introduce now?

A No sir.

A reasonable time is allowed this applicant in which to file documentary evidence in support of this application which he makes for himself and children. Also marriage license and certificate or certified copy of the same. This testimony should be gotten before the Commission at as early a date as possible, but such evidence will not be refused if forwarded before judgment is made up in this case.

Q Is there anything further you want to say in support of this application? A No sir.

This applicant has the appearance of a white person. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H. C. Pisten, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of 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.

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

*H. C. Pisten*

*[Signature]*

Notary Public.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M. C. R. 3263

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Edward T. Davis,  
Hattiesburg, Mississippi.

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

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

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, Nomnar 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, Siddle 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, Siddle 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,

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,

(SIGNED)

*T. B. Needles*

Registered.

Muskogee, Indian Territory, December 5, 1902.

Edward T. Davis,

Hattiesburg, 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)

Acting Chairman.

#1284

No. 3263

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Edward T. Davis

Age 48 Blood 1/16

Post Office, Nattiesburg, Miss.

Father: Rosier W. Davis, d

Mother: Lucy Davis d

Claims through mother  
wife, Carrie Davis - white  
no app. for wife.

Children:

Lucy Davis,	16
William S. "	13
Annie -	6

Claims for self  
and children.

Stenographer A. C. Risher

Choctaw MCR 3264

Charles M. Davis

See MCR 2337.

MCR 3264



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

In the matter of the application of Charles M. Davis for the identification of himself and five minor children as Mississippi Choctaws.

Charles M. Davis, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles M. Davis.  
Q What is your age? A Fifty.  
Q What is your post office address? A Quitman, Mississippi.  
Q How long have you lived at Quitman? A I have lived there about forty years in that county.  
Q What county is that? A Clarke county. I live right where I was born and raised.  
Q You have always lived in that county? A Yes nearly all my life.  
Q Always lived in Mississippi? A Yes sir.  
Q What is your father's name? A Rosier W. Davis.  
Q Is he living? A No sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Lucy.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much do you claim? A One sixteenth.  
Q Are you a brother of Edward T. Davis who made application for identification as a Mississippi Choctaw today just previous to your application? A Yes sir.  
Q You claim through the same ancestry that he claims through? A Yes  
Q Have you any relatives who have appeared before the Commission  
A Yes, Nancy Buckalew and Thomas B. Griffin, my mother's sister and brother.  
Q Thomas B. Griffin appeared before the Commission at Meridian, May 23, 1901, and Nancy Buckalew appeared before the Commission, July 22, 1901, did they not? A Yes sir.  
Q And you claim through the same ancestry that they claim through?  
A Yes sir.  
Q Do you wish to make reference to the testimony given by those applicants in order to support the testimony which you give? A Yes sir, and also to the testimony of John H. Evans given before the Commission August 14 in the case of Harriet Bearfield.

Special reference is here made to the cases of Thomas B. Griffin, M.C.R-2338, Nancy Buckalew, M.C.R-2043, and Harriet Bearfield, M.C.R-3146.

- 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 United States authorities? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Ophelia.  
Q Is she the mother of your children? A She is the mother of three of them.

Charles M. Davis----2.

- Q What is her blood? A White.  
Q You make no claim for her? A No sir.  
Q Give the names of your minor children who are unmarried that you want to make application for? A Rosier.  
Q How old is Rosier? A He is nineteen.  
Q Next? A Alice.  
Q How old is Alice? A She is fifteen.  
Q Next? A Charlie.  
Q Boy? A Yes sir.  
Q How old? A He is twelve.  
Q Next? A Bessie.  
Q How old is Bessie? A She is ten.  
Q What is the next one? A Sadie.  
Q How old is Sadie? A She is two.  
Q Is your wife Ophelia the mother of all these children? A No sir she is the mother of Charlie, Bessie and Sadie.  
Q Who was the mother of Rosier and Alice? A Virginia Davis.  
Q What was her blood? A White.  
Q She is dead? A Yes sir.  
Q When and where were you married to Virginia Davis? A In 1836.  
Q Where were you married to her? A In Clarke County, Mississippi.  
Q Were you married by a minister and under a license? A By a magistrate.  
Q Have you your license with you? A No sir.  
Q When and where were you married to your present wife Ophelia  
A Choctaw county, Alabama.  
Q Were you married under license? A Yes sir.  
Q And by a minister? A No sir.  
Q By a justice of the peace? A Yes sir.  
Q Have you your marriage license and certificate of your marriage to your present wife? A No sir.

You are advised that it will be necessary in support of your application for your children that you send to the Commission the marriage license and certificate of your marriage to your first wife, Virginia, and also marriage license and certificate of your marriage with Ophelia, your present wife, or certified copies of the same. And a reasonable time will be given you in which to do so.

- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you or any one for you or for your children 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  
A No sir.  
Q Did you or any one for you or for your children ever make application to the Choctaw tribal authorities in Indian Territory for enrollment as citizens? A No sir.  
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this for yourself or children for citizenship in the Choctaw Nation to any authority either Choctaw tribal authorities or the United States authorities? A No sir.

Charles M. Davis----3.

Q Do you now appear before the Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of identifying your children as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article? A No sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q That is article fourteen of the treaty of 1830 under which you claim your right to be identified now---Do you understand that article? A Yes sir.

Q You claim through your mother's ancestors? A Yes sir.

Q Her father or mother? A Her mother.

Q What was her mother's name? A Harriet Griffin.

Q You claim through Harriet Griffin---what was her father's or mother's name? A I don't know.

Q How much Choctaw blood did she have? A About one quarter.

Q How do you know she had one quarter Choctaw blood? A I don't know it.

Q What makes you think she has? A I have heard her speak of it.

Q That is your grandmother? A No sir, I have heard my mother speak of it.

Q You have heard your mother say that Harriet Griffin had one quarter Choctaw blood? A I don't know that I heard her say that she was one quarter.

Q You heard her say that she had Choctaw blood? A Yes sir.

Q Have you ever heard it mentioned in the family that Harriet Griffin had one quarter Choctaw blood? A Yes sir.

Q You have heard that in the family, and that is how you think she had one quarter? A Yes sir.

Q What was Harriet Griffin's maiden name? A Harriet Conners.

Q Do you know whether her mother's or father's name was? A No.

Q Do you know anything further of your ancestry than you have already stated? A No sir.

Q Did any of your ancestors if Choctaw Indians have Indian names that you know of. A I don't know that---what is the Indian names?

At the time of the treaty of 1830, most of the names that were recorded of Choctaw Indians, full bloods, were Indian names---

Charles M. Davis-----4.

that is they had their own language and they had names that were in their own language; Indian names would be a collection of letters forming sounds that English speaking people would not understand.

Q Do you know whether any of your Indian ancestors had Indian names?

A No sir.

Q Do you know whether any of your Choctaw ancestors were living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A If what my mother said--I have heard my mother talking about the Indians when they left this country--She was here.

Q When did they move? A It was away back yonder. They were living here and she said the chief that carried the Choctaws out of the country was named Nail.

Q Did any of your ancestors go? A I don't know sir.

Q Do you know whether any of your Choctaw ancestors were living in the old Choctaw Nation in Mississippi and Alabama in the year 1830?

A No sir, I do not.

Q Do you know whether Harriet Griffin was living in Mississippi or Alabama in 1830? A She was living in Mississippi.

Q Do you know whether Harriet Griffin or any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830 or previous to that time? A I don't know.

Q Did Harriet Griffin or any other of your Choctaw ancestors remove from Mississippi or Alabama and go to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Do you know of any one who would be likely to know about that?

A No sir, I do not.

Q Do you know whether within six months after the ratification of the treaty of 1830, Harriet Griffin or any of your Choctaw ancestors went to the United States Indian Agent Colonel Ward, and told him they wanted to stay in Mississippi, take land and become citizens of the states? A No sir.

Q Do you know any one who would be likely to know about that?

A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A No, sir.

Q Did any of your ancestors if Choctaw Indians ever have improvements on land in Mississippi or Alabama previous to 1830? A Not as I know of.

Q Did any of your Choctaw ancestors ever receive or claim any scrip from the United States government under the act of Congress of August 23, 1842? A I don't know.

Q Do you know what I mean by scrip in that question? A No sir.

A good many Mississippi Choctaw Indians appeared before the Commission appointed by the act of Congress of August 23 1842; to hear testimony of all Indians who claimed benefits under article fourteen of the treaty of 1830, and where this Commission of 1842 found that their claims were true and just, and that their lands had been taken away from them, scrip was issued, which was a certificate giving them the right to select land in Mississippi, Alabama, Louisiana or Arkansas.

Charles M. Davis-----8.

Q Did any of your ancestors receive such scrip? A Not that I know of.

Q Did any of your ancestors if Choctaw Indian appear before the Commission appointed under the act of Congress of March 3, 1837, or the Commission appointed under the act of Congress of August 23, 1842, and attempt to establish their rights as claimants under article fourteen? A I don't know.

According to the provisions of article fourteen of the treaty of 1830, all Mississippi Choctaw Indians who wanted to stay in Mississippi and take land, had to declare their intention to do so before the United States Indian Agent within six months after the ratification of the treaty of 1830. Colonel Ward was the agent and he made out a list called Ward's Register, and all the names of persons who so appeared were supposed to be put on that list, but thousands of Indians who did actually appear before Colonel Ward did not have their names put on this list, and as their names did not appear upon his list, they were afterwards dispossessed of their land. They made complaints to the government and Congress in 1837 appointed a Commission to come down to the state of Mississippi and hear their claims, and decide whether they were entitled to benefits under article fourteen of the treaty of 1830. Another Commission was appointed in 1842 for the same purpose. As a result of the work of these two Commissions, lists were made containing the names of a great many Choctaw Indians whose claims were allowed.

Q Do you know whether any of your Choctaw ancestors claimed any rights before the Commission of 1837 or the Commission of 1842? A I never heard anything about that.

Q Have you any documentary evidence of any kind, copies of records, deeds or patents, that you would like to introduce now? A No sir.

A reasonable time will be given to this applicant in which to introduce documentary evidence in support of this application. Also marriage license and certificate or certified copy of the same of his marriage to his first wife, Virginia Davis, now deceased, and also marriage certificate or copy of same of his marriage to his second wife, Ophelis, in order that he may support the application he makes on behalf of his five minor children.

Q Is there anything further you want to say in support of this claim? A No sir.

Q Do you know whether any of your ancestors if Choctaw Indians ever received any benefits under any other article of the treaty of Dancing Rabbit Creek than the fourteenth or under the supplement of that treaty? A No sir.

Q What relatives of yours have appeared before the Commission other than those you have already mentioned? A Willery H. Jackson appeared this date, also J.W. Dedwylder appeared for his wife, Harriet Dedwylder, who is a sister of mine.

Q Do you want to make reference to the applications of these different parties in support of the application you make for yourself and children? A Yes sir.

Q Do you understand the Choctaw language? A No sir.

This applicant has the appearance of being descended from white

Charles M. Davis-----6.

parentage. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of 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 23rd day of August, 1901.

*[Signature]*

Notary Public.

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

ALLISON L. AYLESWORTH,  
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337

M.C.R. 3264

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Charles M. Davis,

Quitman, Mississippi.

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
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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

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. Dönnam, 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



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, Nonmar 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, Siddle 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, Siddle 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,

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,

*[Signature]*

Registered.

M C R 3264

Muskogee, Indian Territory, December 5, 1902.

Charles M. Davis,  
Quitman, 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).

Acting Chairman.

#1285

No. 3204

For Identification as a Mississippi Choctaw.

Date

AUG 15 1906

Name Charles M. Davis

Age 50

Blood 1/16

Post Office, Luitman, Miss

Father: Rosier W. Davis, d

Mother: Lucy " d

Claims through mother  
wife, Ophelia white

no app. for wife

Children:

Rosier Davis, boy 19

Alice " 15

Charlie " 12

Bessie " 10

Sadie " 2

Virginia Davis (d) white  
was brother of first 2  
children - ex Charles for  
self & 3 children.

Stenographer H. C. Rosten

Choctaw MCR 3265

Rosier S. Gavin

See MCR 2337

MCR 3265

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

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

Rosier S. Gavin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Rosier S. Gavin.  
Q What is your age? A Thirty five.  
Q What is your post office address? A Quitman, Clarke county, Mississippi.  
Q How long have you lived there? A I was born in Clarke county, Mississippi, and moved over to Choctaw county, Alabama when I was young, and lived there for about twenty years. Then moved back to Mississippi. I lived at Okalhona four years and then moved to Quitman one year ago.  
Q Is your father living? A Yes sir.  
Q What is his name? A David S. Gavin.  
Q Is your mother living? A No sir.  
Q What was her name? A Jane Gavin.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much do you claim? A One thirty-second.  
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 United States authorities in Indian Territory? A No not that I know of.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Sallie.  
Q What is her blood? A She is white.  
Q Do you make any application for her? A No sir.  
Q Have you any children under twenty one years of age and unmarried?  
A One boy.  
Q What is his name? A Withers.  
Q How old is Withers? A Four years old.  
Q That is all the child you have? A Yes sir.  
Q Is your wife Sallie the mother of Withers? A Yes sir.  
Q Are you the father? A Yes sir.  
Q When and where were you married to your wife? A Choctaw county, Alabama, 1892, in September.  
Q What day of the month? A September first.  
Q Have you your marriage license and certificate with you? A No, sir.

You are advised that reasonable time will be given you to present it to the Commission in support of the claim you make for your son Withers.

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

Rosier S. gavin-----2.

Q Did you or any one for you or for your son make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q Did you or any one for you 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? A No sir.

Q Have you or your son ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this to either the Choctaw tribal authorities or the authorities of The United States to be admitted or enrolled as members of the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and son under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

Article fourteen of the treaty of Dancing Rabbit Creek reads as follows: Each Choctawhead 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 for five years after the ratification of this treaty, intending to become citizens of the states, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Q Do you understand that? A Yes sir.

Q Are you any kin to Thomas B. Griffin? A Yes sir.

Q What relation is he to you? A brother to my grandmother.

Q Your grandmother's name was what? A Lucy Davis.

Q Are you any kin to Nancy Buckalew? A Yes, she is my great aunt.

Q Did Thomas B. Griffin appear before the Commission for identification on May 23, 1901? A Yes sir.

Q Did Nancy Buckalew appear July 22, 1901, at Meridian, Mississippi? A Yes sir.

Q Do you wish to refer to the testimony given by Nancy Buckalew and Thomas B. Griffin? A Yes sir, and also to the testimony of John H. Evans given before the Commission August 14, in the case of Harriet Bearfield, et al.

Q What relation is Harriet Bearfield to you? A She is my grandmother's sister's child.

Rosier S. Gavin-----3

Q Do you want to make reference to the evidence of Thomas B. Griffin given in the case of Lucy Dedwylder here at Meridian, August 15.

A Yes sir.

Q What kin of yours have appeared before the Commission today? A My uncles, Charles M. Davis and Edward T. Davis; they are my uncles -- my mother's brothers, and Willery Jackson, my mother's sister's child

Q All of these appeared July 15, 1901 for identification as Mississippi Choctaws--do you wish to refer to their testimony as part of your case? A Yes sir.

Q Have any other relatives of yours appeared? A Yes sir, John C. Griffin, Jim B. Griffin and Rosier Griffin.

Q Any others? A I don't think of any others now.

Q They all claim through the same ancestry that you claim through?

A Yes sir.

Q And you wish to refer to their testimony and make part of your own? A Yes sir.

Q What is your mother's name? A Jane Davis.

Q Whom did she claim through? A Her mother.

Q What was her mother's name? A Lucy Davis.

Q What was her maiden name? A Lucy Griffin.

Q Through whom did she claim? A Harriet Griffin, her mother, whose maiden name was Harriet Connor.

Q Harriet Connor is the common ancestor through whom you all claim?

A Yes sir.

Q How much Choctaw blood did she have? A I have been told it was one fourth.

Q Have you any documentary evidence of the fact that she was one quarter Choctaw Indian? A No sir.

Q Do you know whether she had any Indian name? A I do not know.

Q Do you know of anybody that would be likely to know anything more about Harriet Griffin or her Choctaw ancestors? A No sir, only those applicants to whom I have referred.

Q Do you know anything about Harriet Griffin's father or mother?

A No sir.

Q Do you know whether Harriet Griffin or any of your Choctaw ancestors was living in the old Choctaw Nation in Mississippi and Alabama in 1830 and was a recognized member of the Choctaw tribe of Indians at that time? A No sir.

Q Do you know whether any of your Choctaw 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 No sir.

Q Do you know of any person or persons who would be likely to know whether any of your Choctaw ancestors went to the Indian Territory between 1833 and 1838? A No sir.

Q Do you know whether within six months after the ratification of the treaty of 1830, Harriet Griffin or any of your ancestors went to the United States Indian Agent and told him they wanted to stay here and take land and become citizens of the states? A No sir.

Q Did any of your Mississippi Choctaw ancestors to your knowledge own any improvements on land in Mississippi or Alabama in 1830 or previous to that time? A Not that I know of.

Q Do you know whether any of your Choctaw ancestors ever received or claimed any land in Mississippi from the government of the United States under the provisions of article fourteen of the treaty of 1830?

A No sir.



Rosier S. Gavin-----4.

Q Do you know whether any of your Choctaw ancestors appeared before the Commission appointed under the act of Congress approved March 3, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and made an effort to establish their rights to land under article fourteen of the treaty of 1830? A No sir.

Q Do you understand what these two Commissions were appointed for? A They were to find lists of claimants under article fourteen.

These Commissions were appointed to make lists of all Indian claimants whose claims under article fourteen of the treaty of 1830 had not been properly recorded by Colonel Ward, the United States Indian Agent. Article fourteen of the treaty of 1830 provided that these claimants under that article should make their claims to land in Mississippi within six months from the ratification of the treaty of 1830, but Colonel Ward's list contained but a fractional part of the number of those who did actually appear, and because of his neglect to properly record the names of those who made applications to him within the required time, Congress appointed a Commission in 1837 to hear all claimants under article fourteen and decide upon the merit of their claims, and in 1842 Congress appointed another Commission for the same purpose. These two Commissions made lists of claimants whose claims were approved under article fourteen, and they were either given land or awarded scrip, which was a certificate entitling them to select land in Mississippi, Alabama, Louisiana or Arkansas.

Q Did any of your ancestors appear before either the Commission appointed in 1837 or the Commission appointed in 1842 and have their claims allowed by either of these Commissions? A Not that I know of.

Q Did any of your ancestors receive any scrip such as I have described? A No sir, not that I know of.

Q Have you any documentary evidence of any kind, deeds, records or any proper documentary evidence that you want to introduce? A No sir.

Reasonable time is allowed applicant in which to file documentary or introduce other evidence, and marriage license and certificate or certified copy of the same.

Q Is there anything further you want to say about this claim? A No sir.

Q Do you know whether any of your Choctaw ancestors received any benefits under any other article of the treaty of 1830 except article fourteen or under the supplement of that treaty? A No sir.

Q You have stated everything that you can in reference to your claim? A Yes sir.

This applicant appears to be descended from white parentage. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

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

Exhibit 2. Gavin-----5.

on the 18th 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. Rosten*

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

*[Signature]*

Notary Public.

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

ALLISON L. AYLESWORTH,  
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING  
M. C. R. 2337  
M.C.R. 3265

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Rosier S. Gavin,  
Quitman, Mississippi.

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

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

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, Normmar 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, Kella Griffin, Siddle 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, Siddle 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,

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,

*J. H. Laddie*

Registered.

COPY.

M C R 3268

Muskogee, Indian Territory, December 5, 1902.

Resier S. Havin,  
Quitman, 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).

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Rosier S. Gavin

Age 35 - Blood 1/32

Post Office, Luitman, Miss

Father: David C. Gavin, l

Mother: Jane " d

Claims through Mother's  
wife Sallie, — white.

No claim for wife

Children:

Withers Gavin, 4

Claims for self &  
chiefs —

Stenographer H. C. Risher



Choctaw MCR 3266

Charles R. Gavin

See MCR 2337

MCR 3266

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

In the matter of the application of Charles R. Gavin for the identification of himself and two minor children as Mississippi Choctaws.

Charles R. Gavin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles R. Gavin.  
Q What is your age? A Thirty four.  
Q What is your post office address? A Butler, Choctaw county, Alabama.  
Q How long have you lived there? A I have lived there five years.  
Q Where did you live previous to that time? A I have been living since I was a little over a year old in Choctaw county, Alabama.  
Q Where were you born? A Clarke county, Mississippi.  
Q And removed from there to Choctaw county, Alabama? A Yes sir.  
Q What is your father's name? A David C. Gavin.  
Q Is he living? A Yes sir.  
Q Is your mother living? A No sir.  
Q What was her name? A Jane--she has a family nick-name called Mug.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much do you claim? A One thirty second.  
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I think not.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Mary F. Gavin.  
Q What is her blood? A She is said to have some Indian blood.  
Q Do you make any application for her? A No sir.  
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Two.  
Q What is the name of the oldest? A Clinton.  
Q Boy? A Yes sir.  
Q How old is Clinton? A Five years old.  
Q Next? A Rex.  
Q How old? A Eight months.  
Q Is that all the children? A Yes sir.  
Q Is Mary F. the mother of these two children? A Yes sir.  
Q And you are the father? A Yes sir.  
Q They are living with you at your home? A Yes sir.  
Q And the basis of their claim is the same as yours? A Yes sir.  
Q Have you your marriage license and certificate with you? A No sir.  
Q When were you married to your wife? A I was married to her December 17, 1890.  
Q Where? A At Emory, Alabama.  
Q By a minister? A No, Probate Judge.  
Q Married under a license? A Yes sir.

A reasonable time will be allowed you in which to file marriage license and certificate or certified copy thereof of your marriage to your wife Mary F. in support of the application for your

Charles R. Gavin-----2.

children.

Q Is your name or the name of any of your children to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory?

A No sir.

Q Did you or any one for you or for your children make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.

Q: Did you or any one for you 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? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Have you ever made application before this for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities of the United States authorities in Indian Territory? A No sir.

Q Do you now make application for identification as Mississippi Choctaws for yourself and children under article fourteen of the treaty of 1830? A I do.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention 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 1 lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir.

Q Are you related to Thomas B. Griffin? A I am.

Q What relation is he to you? A He is a brother of my grandmother.

Q What was her name? A Lucy Davis.

Q Did Thomas B. Griffin appear before the Commission for identification as a Mississippi Choctaw, May 23, 1901? A That is my information.

Q Do you wish to refer to his testimony given at that time and make it part of your claim? A I do.

Q Are you acquainted with Nancy Buckalew? A Yes sir.

Q What kin is she to you? A Sister to my grandmother.

Charles R. Gavin -----3.

- Q Did she appear before the Commission July 22, 1901? A I am informed that she did.
- Q Do you wish to refer to her testimony and make it part of your claim? A Yes sir.
- Q Have any others of your kin ever appeared before the Commission for identification? A Yessir, John C. Griffin appeared about three weeks ago at Meridian.
- Q What kin is he to you? A His father was a brother to my grandmother.
- Q Any others? A James B. Griffin. He is the same relation as John C. Griffin, and Rosier Griffin is the same--they all appeared at Meridian within the last three weeks.
- Q Do you wish to refer to their testimony and make it part of your application? A Yes sir, and there is Harriet Bearfield, her mother was a sister to my grandmother. She appeared about two weeks ago.
- Q What relation is Rosier S. Gavin to you? A Brother.
- Q He appeared before the Commission this date, August 15, for identification as a Mississippi Choctaw? A Yes sir.
- Q What relation is Charles M. Davis to you? A He is brother to my mother.
- Q He appeared August 15, 1901? A Yes sir.
- Q Edward T. Davis is the same kin? A Yes, the same, brother to my mother.
- Q He appeared August 15, 1901? A Yes sir.
- Q Willery H. Jackson is what kin to you? A Her mother was sister to my grandmother.
- Q And she appeared before the Commission, August 15? A Yes sir.
- Q Do you want to make reference to the testimony of these people who are kin to you and make it part of your own case? A Yes sir.
- Q Do you wish to refer to the testimony of any other person? A Mr John H. Evans.
- Q He appeared before the Commission as a witness in the case of Harriet Bearfield on August 14th--You wish to refer to his testimony and make it part of your application? A Yes sir.
- Q Does your mother claim her Choctaw blood through her father or mother? A Mother.
- Q What was her name? A Lucy Davis--her maiden name was Lucy Griffin.
- Q And she claims through whom? A Harriet Griffin, her mother.
- Q And Harriet Griffin is the common ancestor of all of your kin people who have appeared before the Commission? A yes sir.
- Q Do you know what her father's or mother's name was? A No sir.
- Q That is as far back as you can go? A Yes sir.
- Q How much Choctaw blood did Harriet Griffin have? A My information is that she was about one quarter Choctaw blood.
- Q That is family history and tradition? A Yes sir.
- Q Have you any other proof than that? A No sir, my information is that she was generally recognized in the community in which she lived as being a quarter Choctaw Indian blood.
- Q Do you know whether any of your Choctaw ancestors were living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 and were recognized members of the Choctaw tribe of Indians at that time? A No sir, I do not.

Charles R. Gavin,-----4.

Q Do you know anyone who would be likely to know anything about that? A No sir.

Q Did any of your Choctaw ancestors remove from Mississippi and Alabama and go to the Indian Territory with the other Indians between 1833 and 1838? A Not that I know of.

Q Do you know of any person that would be likely to know anything about that? A No sir, none other than those who have already testified.

Q Do you know whether within six months after the ratification of the treaty of Dancing Rabbit Creek any one of your ancestors signified to the United States Indian Agent of the Choctaw Indians in Mississippi their intention to remain in Mississippi and become citizens of the states? A No sir, I don't know.

Q Did Harriet Griffin or any other of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830 or at any time before that? A Not that I know of.

Q Do you know whether any of your Choctaw ancestors ever received or claimed any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A No sir.

Q Do you know whether any of your Choctaw ancestors appeared before either the Commission appointed under the act of Congress approved March 3rd, 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and made efforts to establish their rights to land under article fourteen? A No sir.

Q Do you understand what is meant by the commissions of 1837 and 1842? A Yes sir, I have heard it explained several times, and have paid attention to it.

Q Do you know whether any of your Choctaw ancestors 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 understand what I mean by scrip in this question? A I do not know that I do.

The Choctaw Indians claimants who appeared before the Commission appointed in 1842 whose claims were allowed by that Commission as being just claims under article fourteen of the treaty of 1830, and whose land had been previously taken away from them by the government, received scrip, or in other words received a certificate which allowed them to go and select land either in Mississippi, Alabama, Louisiana or Arkansas as the case might be.

Q Did you have any ancestors who appeared before that Commission and who received scrip? A None that I know of.

Q Did any of your Choctaw ancestors receive any benefits under any other article of the treaty of 1830 than the fourteenth or under the supplement of that treaty? A I don't think they did.

Q Have you any documentary evidence of any kind that you would like to introduce now in support of this application? A No sir.

Reasonable time is allowed this applicant in which to introduce documentary or other proper evidence in support of this application; also marriage license and certificate or certified copy of the same.

Q Is there anything further you want to say in support of this

Charles R. Gavin-----5.

application? A No sir, I believe not.

Q Are you acquainted with this witness who is just now testifying before the Commission? A Yes sir.

Q What is his name? A Thomas B. Griffin.

Q He is the same Thomas B. Griffin who has already appeared before the Commission? A Yes sir.

Q Do you want to refer to the testimony he is giving today and make it part of your application? A Yes sir.

Special reference is made to the testimony of Thomas B. Griffin given before the Commission in the case of Lucy Dedwylder, et al on August 15, 1901.

This applicant has the appearance and all characteristics of a person descended from white parentage. He does not understand the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of 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 13th day of August, 1901.

*[Signature]*  
Notary Public.

M.C.R. 3266

Muskogee, Indian Territor.

Charles R. Gaylin,

Butler, Alabama.

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,

Acting Chairman.

Muskogee, Indian Territory, October 26, 1901.

C. R. Gavin,

Butler, Alabama.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant in which you desire information relative to the disposition of the application made by you before the Commission at Meridian, Mississippi, August 15, 1901, for the identification of yourself and your two minor children as Mississippi Choctaws.

In your letter you invite the attention of the Commission to and quote the following provision of the Act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment."

It appears from our records that you and your children are at this time simply applicants for identification as Mississippi Choctaws, claiming rights in the Choctaw Lands in the Indian Territory as descendants of Choctaw Indians in Mississippi who complied with the provisions of the fourteenth article of the treaty of 1830 between the Choctaw Nation and the United States. No



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decision has been reached or any opinion rendered by the Commission at this time relative to the rights of the descendants of Harriett Griffin as Mississippi Choctaws and it is probable that none will be rendered for some time to come.

The provision of the Act of May 31, 1900, referred to by you gives to those applicants who have been identified, the right to remove to and make settlement in the Choctaw-Chickasaw country and on proof thereof may be enrolled as Choctaws entitled to allotment.

When a decision is reached relative to the rights of the descendants of Harriett Griffin to share in the lands of the Choctaw Nation, each applicant will be duly notified by this Commission.

Yours truly,

Acting Chairman.

M C R 3266

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. 3266~~

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Charles R. Gavin,  
*Butler*  
Butler, Alabama.

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

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

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, Siddle 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, Siddle 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,

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,

*T. D. Needles.*

Registered.

N. CHAP.

#1287

No. 3266

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Charles R. Gavin

Age 34 Blood 1/32

Post Office, Butler, Ala.

Father: David C. Gavin, d

Mother: Jane " d

Claims through mother  
wife - Mary T. Gavin,  
No claim for wife.

Children:

Clinton Gavin, 5-

Rex " 8m

Stenographer H.C. Ristern

Choctaw MCR 3267

George E. Gavin

See MCR 2337

MCR 3267

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

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

George E. Gavin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A George E. Gavin.  
Q What is your age? A Thirty.  
Q What is your post office address? A Chicora Mississippi.  
Q How long have you lived there? A Four years.  
Q Where did you live before you lived there? A In Louisville, Kentucky.  
Q How long did you live there? A Four years.  
Q Where were you born? A Choctaw county, Alabama.  
Q And how long did you live there? A Twenty two or twenty three years.  
Q And from there you went to Louisville? A Yes, to go to school.  
Q What is your father's name? A David C. Gavin.  
Q He is living? A Yes sir.  
Q What is your mother's name? A Jane Gavin.  
Q Did she have a nickname? A Yes, called her Mug.  
Q Is she living? A No sir, she is dead.  
Q Through which parent do you claim Choctaw blood? A Mother.  
Q How much do you claim? A One thirty second.  
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 United States authorities? A No sir.  
Q Are you married? A Yes sir.  
Q What is your wife's name? A Amelia R. Gavin.  
Q Is she a white woman? A Yes sir.  
Q She has no Indian blood? A No sir.  
Q Do you make any claim for her? A No sir.  
Q Have you any children? A No sir.  
Q You make application just for yourself? A Yes, for myself alone.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.  
Q Did you make application in 1896 for citizenship in the Choctaw Nation to the Daves Commission under the act of Congress of June 10, 1896? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Have you ever made application before this for identification as a Mississippi Choctaw or for enrollment as a Choctaw Indian either to the Daves Commission or the Choctaw tribal authorities? A No sir.



George N. Gavin-----2.

Q Do you now appear before this Commission for identification as a Mississippi Choctaw under article fourteen of the treaty of 1830.

A I don't understand, I guess so.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey. In like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons 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? A Yes sir.

Q And you claim under it, do you? A Yes sir.

Q Through whom did your mother claim her Choctaw blood? A Her mother.

Q What was her name? A Lucy Davis--maiden name, Lucy Griffin.

Q Lucy claimed through which parent? A Her mother.

Q What was her name? A Connor--Harriet Connor.

Q She married a Griffin? A Yes sir.

Q Can you go back further than Harriet Griffin? A No sir.

Q How much Choctaw blood did she have? A I don't know it was one half or one quarter I don't remember; one quarter I think she claimed.

Q What information or knowledge have you that she had Choctaw blood

A From my parents and family history.

Q You have no documentary evidence of that fact? A No sir.

Q Was it generally understood and believed in your family and among those who knew Harriet Griffin that she had Choctaw blood? A Yes sir. We didn't own it to everybody, but it certainly was known.

Q Have any of your kin people made application for identification today? A Yes sir.

Q Was Thomas B. Griffin any kin to you? A Yes.

Q What relation? A He is my great uncle.

Q Did he appear for identification as a Mississippi Choctaw May 23, 1901? A He appeared here, I don't know the date.

Q Do you wish to refer to his testimony given in his own application and make it a part of your case? A Yes sir.

Q Do you also wish to refer to his testimony given in the Lucy Dedwylder case on this date? A Yes sir.

Q What kin is Nancy Buickalew to you? A My great aunt.

Q She appeared July 22, 1901? A Yes sir.

Q Did any others of your kin people appear before the Commission?

A Harriet Bearfield, James B. Griffin and his family, John C. Griffin and Rosier B. Griffin all appeared a short time ago.

George D. Gavin-----3.

- Q Do you wish to refer to their testimony and make it part of your case? A Yes sir.
- Q What kin is Charles R. Gavin to you? A Brother.
- Q He appeared for identification August 15, 1901? A Yes sir.
- Q Do you want to refer to his testimony? A Yes sir.
- Q What relation is Rosier S. Gavin to you? A Brother.
- Q He appeared August 15, 1901? A Yes sir.
- Q Do you also wish to refer to his testimony? A Yes sir.
- Q What relation is Charles M. Davis to you? A Uncle.
- Q And Edward T. Davis? A Uncle.
- Q And Willery H. Jackson? A Second cousin to me.
- Q They have all appeared August 15? A Yes sir.
- Q Do you wish to refer to their applications and make them part of this application? A Yes sir.
- Q Are there any other witnesses you want to refer to or whose testimony you desire to make part of your application? A Yes John H. Evans, who testified in the Harriet Bearfield case, August 14 1901.
- Q Do you know whether any of your ancestors were living in the old Choctaw nation in Mississippi and Alabama in 1830 or previous to that time and were recognized members of the Choctaw tribe of Indians? A I do not know.
- Q Do you know whether any of your ancestors removed from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory between 1833 and 1838? A I don't know.
- Q Did any of your ancestors if Choctaw Indians within six months after the ratification of the treaty of 1830 signify their intention to remain in Mississippi and take advantage of the provisions of article fourteen? A I don't know.
- Q Did any of your ancestors if Choctaw Indians claim or own any improvements on land in Mississippi in 1830 or at any time previous to that date? A I don't know.
- Q Did any of your ancestors if Choctaw Indians ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A Not that I know of.
- Q Do you understand what is meant by the Commission appointed in 1837 and the Commission appointed in 1842? A No sir.

By the provisions of article fourteen of the treaty of 1830 it was necessary that all Choctaw Indian claimants who desired to stay in Mississippi should within six months after the ratification of the treaty of 1830 go to Colonel Ward, who was the United States Indian Agent in Mississippi at that time, and tell him that they intended to stay in Mississippi, take land there and become citizens of the states. These claimants who did that were supposed to be put down on Ward's Register. But Colonel Ward did not properly attend to the duties of his office, and as a result a great many Choctaw Indians who did actually go there, failed to have their names put upon that register. Afterwards those Indians who were holding land in Mississippi were dispossessed by the government because they were not on that list. Of course that caused a great deal of trouble, and so much in fact that Congress in 1837, on March 3rd, appointed a Commission to go to Mississippi, and hear these claimants who claimed that they had complied with the provisions of article fourteen. In 1842, another Commission was appointed to do the same thing, and as a result of these two Commissions,

George E. Gavin-----4.

lists were made out containing the names of Choctaw Indians whose claims under article fourteen of the treaty of 1830 was approved

Q Did the names of any of your ancestors appear upon any of those lists made out by the Commission of 1837 or the Commission of 1842?

A Not that I know of.

Q Did any of your ancestors ever receive any scrip from the United States government under the act of Congress approved August 23, 1842?

A No sir.

Q Do you understand when I mean by scrip? A Yes sir, I understand that.

Q Did any of your ancestors if Choctaw Indians ever receive any benefits as Choctaw Indians under any other article of the treaty of 1830 than the fourteenth or under the supplement of that treaty? A No sir

Q Have you stated all that you know in reference to this application which you make? A Yes sir.

Q You don't think of anything more that you can state that would prove your Choctaw ancestry? A No sir.

Q Have you any written testimony you want to introduce now? A No, sir.

Reasonable time is allowed this applicant in which to file documentary or any other proper evidence in support of this application.

This applicant has the appearance of a white person, he has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of 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 23rd day of August, 1901.

*[Signature]*  
Notary Public.

COMMISSIONERS.

HENRY L. DAVIS,  
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. 3267~~

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

George B. Gavin,

Choctaw, Mississippi.

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

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

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, 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, 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, Tinmie 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,

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,

Registered.

by.

M C R 3267

Muskogee, Indian Territory, December 5, 1902.

George E. Gaffin,

Chicoora, 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. Gaffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

Acting Chairman.



#1288

No. 3267

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name George E. Gavin

Age 30 - Blood 1/32

Post Office, Chicora, Miss.

Father: David C. Gavin, l

Mother: Jane " d

Claims through mother -

wife, Amelia R. Gavin, w.

No claim for wife.

~~Character:~~

Claims for self alone.

Stenographer H. C. Riden

Choctaw MCR 3268

David L. Gavin

See MCR 2337

MCR 3268

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

In the matter of the application of David L. Gavin for the identification of himself as a Mississippi Choctaw.

David L. Gavin, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A David L. Gavin.  
Q What is your age? A Twenty four.  
Q What is your post office address? A Fruitdale, Alabama.  
Q How long have you lived there? A Three months.  
Q Where were you born? A Choctaw county, Alabama.  
Q Have you always lived there? A I was in Mississippi two years, and was in Medical college in Kentucky three years.  
Q You were born in Choctaw county, Alabama? A Yes sir, and went from there to Louisville, Kentucky to school, and then returned to Mississippi and lived two years at Chicora, Mississippi, and went from there to Fruitdale, Alabama.  
Q What is your father's name? A David C. Gavin.  
Q Is he living? A Yes sir.  
Q What is your mother's name? A Jane.  
Q Is she living? A She is dead.  
Q Through which one of your parents do you claim Choctaw blood?  
A My mother.  
Q How much do you claim? A One thirty second.  
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 United States authorities in Indian Territory? A No sir.  
Q Are you married? A No sir.  
Q You make application for yourself alone? A Yes sir.  
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.  
Q Did you or any one for you make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir.  
Q Did you or any one for you in 1896 under the act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.  
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.  
Q Do you now make application for identification as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes, I reckon so.  
Q Have you ever made application before this for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A No sir.

Article fourteen of the treaty of 1830 reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled

David L. Gavin-----2.

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 for five years after the ratification of this treaty intending to become citizens of the states, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article? A Yes sir.

Q And you are claiming under that article? A Yes sir.

Q Through whom did your mother claim her Choctaw blood? A Through her mother?

Q What was her mother's name? A Lucy Griffin.

Q That was her maiden name? A Yes sir, Lucy Davis was her married name.

Q Through whom did she claim? A Her mother Harriet Griffin--her maiden name was Harriet Connor.

Q Can you go back farther than that for your Choctaw blood? A No sir.

Q How much Choctaw blood did Harriet Griffin have? A She was supposed to have one quarter, and her mother was one half Indian.

Q What was her mother's name? A I don't know.

Q What knowledge or information have you that Harriet Griffin had Choctaw blood? A Only what my ancestors have told me.

Q And what has been testified by relatives before the Commission in different cases? A Yes sir.

Q You have no means of knowing anything further than what they have testified to? A No sir, I have no proof any more than what they have told me.

Q Are you any kin to Nancy Buckalew and Thomas B. Griffin? A Yes sir.

Q The records of the Commission show that Thomas B. Griffin on May 23rd, 1901, appeared before the Commission at Meridian, Mississippi, for the purpose of being identified as a Mississippi Choctaw. Do you want to refer to his testimony and make it part of yours? A Yes sir.

Q The records of the Commission also show that on 22nd day of July, 1901, Nancy Buckalew appeared before the Commission, and made application--Do you wish to refer to her application and make it a part of yours? A Yes sir.

Q Can you give the names of any others of your relatives who have appeared before the Commission? A Harriet Bearfield.

Q What kin is she to you? A She is my second cousin.

Q Have any other relatives of your appeared before the Commission prior to yesterday? A I don't know.

Q All those who have appeared previous to yesterday, do you desire that their testimony shall be made a part of your application? A Yes sir.

David L. Gavin-----3.

- Q What kin is George E. Gavin to you? A That is my brother.
- Q And Charles R. Gavin? A My brother.
- Q And Rosier S. Gavin? A My brother.
- Q And Charles M. Davis? A My mother's brother.
- Q And Edward T. Davis? A My mother's brother.
- Q And Willery H. Jackson? A My second cousin.
- Q The records of the Commission show that all of these people whose names have been given and whom you say are kin folks of yours appeared before the Commission for identification as Mississippi Choctaws on yesterday,--Do you want to refer to the testimony in these cases and make them part of your own? A Yes sir.
- Q Do you wish to refer to the testimony of any other person or persons who have appeared before the Commission? A Yes sir, John H. Evans who testified in the Harriet Bearfields application, on August 24th, and Thomas B. Griffin's testimony in the Lucy Dedwylder case.
- Q Do you know whether any of your Choctaw ancestors lived in Mississippi or Alabama in 1830 or previous to that time and were recognized members of the Choctaw tribe of Indians at that time? A No sir.
- Q Do you know whether any of your Choctaw ancestors removed from the Old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory with the other Indians between 1833 and 1838? A No sir, only what I have heard.
- Q Did you ever hear that any of them ever went to the Indian Territory? A No sir, I don't know that I ever did.
- Q Do you know whether within six months after the treaty of Dancing Rabbit Creek was ratified any of your Choctaw ancestors told the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to stay in Mississippi, and become citizens of the United States? A No sir, I do not know.
- Q Did any of your Choctaw ancestors own any improvement on land embraced in the old Choctaw Nation in Mississippi and Alabama in 1830 or at any time previous to that time? A I don't know sir.
- Q Did any of your ancestors claim or received any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A Not that I know of.
- Q Do you know whether any of your Choctaw ancestors appeared before the Commission appointed under the act of Congress approved March 3rd 1837, or the Commission appointed under the act of Congress approved August 23, 1842, and attempted to establish their rights to land under article fourteen? A No sir.
- Q Do you understand about those two Commissions? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors ever received any scrip from the United States government under the act of Congress approved August 23, 1842? A No sir, I don't know.
- Q Do you understand about what that scrip was? A Yes sir.
- Q Do you know any one who would probably know about that matter? A No sir.
- Q Are there any further statements you want to make about this application? A No sir.
- Q Have you any documentary evidence that you want to offer in support of this application? A No sir.

Reasonable time is allowed this applicant in which to introduce documentary or other evidence in support of his application.

David L. Gavin-----4.

Q Do you know whether any of your Choctaw ancestors ever received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of the treaty? A I don't think so, I don't know, though.

Q You have stated everything you know about this application? A Yes sir.

Q You do not speak the Choctaw language? A No sir.

This applicant has the appearance of a white person. He has no knowledge of the Choctaw language and no knowledge of any compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

H.C.Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 15th day of 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.

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. 3268~~

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

David L. Gavin,  
Fruitdale, Alabama.

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

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



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, Siddle 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, Siddle 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,

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,

Registered.

COMMISSION

M C R 3268

Muskogee, Indian Territory, December 5, 1902.

David L. Gavin,

Fruitdale, Alabama.

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,

Acting Chairman.

#1289

No.

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name David L. Gavin

Age 24 Blood 1/32

Post Office, Fruitdale, Ala

Father: David C. Gavin

Mother: Jane " d.

Claims through Mother

Children:

Claims for self  
alone.

Stenographer

H. C. Robinson

Choctaw MCR 3269

Lucy Dedwylder

See MCR 2337

MCR 3269

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Meridian, Mississippi, August 15, 1901.

In the matter of the application of Lucy Dedwylder for identification as a Mississippi Choctaw.

Lucy Dedwylder, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Lucy Dedwylder.  
Q How old are you? A Twenty one years old.  
Q What is your post office address? A Hale, Mississippi, Clark County.  
Q How long have you lived in Clark County, Mississippi? A Between four and five years.  
Q Where did you live before that? A In Lauderdale County.  
Q How long did you live there? A Six years.  
Q Where did you live before that? A In Choctaw County, Alabama.  
Q How long did you live in Choctaw County, Alabama? A Born there; a about ten years, I reckon.  
Q Is your father living? A Yes sir.  
Q What is his name? A Isaac W. Dedwylder.  
Q Is your mother living? A Yes sir.  
Q What is her name? A Harriet M. Dedwylder.  
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 I reckon 1/32.  
Q Have you ever been to the Indian Territory? A No sir.  
Q Has your mother ever been out there? A No sir.  
Q Where did your mother live prior to your birth, do you know? A In Clark County, Mississippi.  
Q Was she born there? A Yes sir.  
Q Through which one of her parents did she derive her Indian blood? A Her mother.  
Q What was her mother's name? A Lucy Davis.  
Q Is Lucy Davis living? A No sir.  
Q Through which one of her parents did Lucy Davis derive her Indian blood? A Her mother.  
Q What was her name? A Harriet Conner; she married a Griffin.  
Q What was her husband's name, do you know? A No sir, I do not.  
Q What is the name of the husband of your mother's mother? A His name is Rosier Davis.  
Q You are single are you? A Yes sir.  
Q This application is for yourself only? A Yes sir.  
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 the tribe? A No sir.  
Q Did any one else ever make such an application for you? A No sir.  
Q Did you, or any one for you in the year 1895, make application to

Lucy Dedwylder, 2.

the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever made any application of any description before to-day? A None at all.

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 Yes sir.

Q Do you understand that 14th article of the treaty of Dancing Rabbit Creek? A Yes sir, I think I do.

Q You have heard it explained several times there this morning before the Commission, have you? A Yes sir.

Q Do you know whether any of your ancestors ever complied or attempted to comply with the provisions of that 14th article of ever received any benefits thereunder? A None that I know of. I have never heard of any.

Q Were any of your ancestors living in the old Choctaw Nation here in Mississippi and Alabama, in 1830, when this treaty was made?

A No sir.

Q Were any of your ancestors recognized members of the Choctaw tribe here at that time? A I don't know.

Q Did any of them own an improvement here in the old Choctaw Nation here at that time? A I don't know that either.

Q Did any of them remove from the old Choctaw Nation here in Mississippi and Alabama to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838? A None that I know of. I have never heard of any.

Q Did any of your Choctaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified, signify to the Agent of the United States 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 Are you sure of that? A Not that I know of. Of course, I don't know, but I have never heard of any of them.

Q Did any of your ancestors ever claim or receive any land here in Mississippi as beneficiaries under the provisions of any other article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

Q Have any of them ever received any land under the supplement to that treaty? A Not that I know of.

Q Were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A I reckon they were; that's what I have always been taught.

Q Do you mean by that, that it is simply a matter of family tradition that your family had Choctaw blood? A Yes sir, that's all I know.

Q But as to any of them having been recognized by the Choctaw tribal authorities, you can't say? A No, I can't say that.

Q And so far as you know, have any of them ever received any benefits whatever from the Government of the United States as Choctaw Indians? A No sir.

Lucy Dedwylder, 3.

Treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of those Choctaws who desired to remain here and become citizens of the States, in accordance with that article. The records of the Government show that that agent failed to register 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, here in Mississippi in many instances sold land upon which Choctaw Indians had improvements and which they supposed they would receive from the Government under this 14th article of the treaty. This, of course, occasioned 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 ~~21st~~ 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 cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty, but that their land had been sold by the Government. This commission was duly appointed by the President and that commission came down here and hear 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 comparatively small number, and Congress passed another Act which was approved on the 23rd day of August, 1842, providing for the appointment of a second commission to come down here and finish up these Choctaw cases. This second commission was duly appointed by the President 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 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 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 Mississippi, or Alabama, or Louisiana or Arkansas, from vacant Government land, and he should be given a certificate to that effect. These certificates were called scrip,

Q Did any of your ancestors ever received any scrip from the Government of the United States under this Act of Congress? A None that I know of.



Lucy Dedwylder, 4.

Q Did you ever see or hear of any deed or patent issued to any of your ancestors covering land here in Mississippi or elsewhere, received by them under the provisions of the Treaty of Dancing Rabbit Creek? A No sir.

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

Q Have you any witnesses before the Commission you desire to have testify in your case? A Well, I reckon Mr/ Evans.

Q Any others? A No sir, I don't know of any. Mr. Tom Griffin.

The Commission will allow you a reasonable time to submit further written evidence in support of your application, if you see fit to do so; we will be glad to have you file it in thirty days from this date, if you can conveniently. If you care to bring any other witnesses before the Commission, their testimony will be heard.

(Special reference is hereby made to the application of Thomas B. Griffin, heard at Meridian, Mississippi, May 23, 1901, M.C.R. 2337; also, to the application of Nancy Buckalew, heard at Meridian, Mississippi, July 22nd, 1901, M.C.R. 3043.)

(This applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood; she does not speak or understand the Choctaw language.)

(Applicant excused.)

John H. Evans, having been called as a witness in behalf of the above named applicant, and first duly sworn, 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 Seventy seven in November.

Q What is your post office address? A Desoto Clark, County, Mississippi.

Q Are you acquainted with the applicant who has just been before the Commission? A Yes sir.

Q What is her name? A Lucy Dedwylder; she is the daughter of Mr. Dedwylder who is here now.

Q What is the name of her mother? A Her mother's name is Harriet.

Lucy Dedwylder, 5.

- Q Is she living? A Yes sir.  
Q Has Harriet any Indian blood? A Yes sir.  
Q How much? A She is about - well, her mother was 1/8; I reckon she is about 1/16; I don't know.  
Q What was her mother's name, Mr. Evans? A Lucy Griffin, and married R. V. Davis.  
Q What was the name of Lucy's mother A Her mother's name was Harriet Griffin and John Griffin.  
Q What was the maiden name of Harriet Griffin? A Uonner.

(Witness excused.)

Thomas B. Griffin, having been first duly sworn, as a witness in behalf of the above named applicant, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Thomas B. Griffin.  
Q What is your age? A Seventy nine years old, the 26th of January.  
Q What is your post office address? A Wynot, .  
Q What county? A Lauderdale County.  
Q Mississippi? A yes sir.  
Q How long have you lived in the State of Mississippi? A All my life.  
Q Where were you born? A Green County, Mississippi.  
Q Are you acquainted with the application here, who has just been before the Commission? A No sir, I have never seen her but once or twice.  
Q You know who she is? A Yes sir.  
Q What is her name? A Lucy, I believe.  
Q Lucy what? A Dedwylder.  
Q Is she any relation to you, Mr. Griffin? A Yes sir.  
Q What relation? A I reckon they would call it great uncle.  
Q Do you know the name of her mother? A Yes sir.  
Q What is it? A Harriet ~~Dedwylder~~, before she married, but it is Harriet ~~Dedwylder~~ Dedwylder now.  
Q Did this applicant get her Indian blood through her mother? A Yes sir.  
Q Through which one of her parents did Harriet get her Indian blood? A From her mother.  
Q What was the name of Harriet's mother? A Lucy Griffin before she married Davis.  
Q What is her husband's name? A Rosier.  
Q What kin was Lucy Davis to you? A Full sister.  
Q How long has she been dead? A She has been dead; I don't know exactly; she died after the war, about '75 somewhere along there.  
Q Was she older than you? A Two years and three months older than me.  
Q Have you any other brothers and sisters? A Yes sir.  
Q What are their names? A Well, I haint got no brothers living; I have got two sisters living.  
Q What are their names? A Nancy Buckalew and Margaret Gunn.  
Q Where does Nancy Buckalew live? A I don't hardly know where

Lucy Dedwylder, 6.

she does live; her natural home - she is here at Laurel now, with one of her daughters.

Q Where does Margaret Gunn live? A At Thomasville, Alabama.

Q What county? A I don't know county; Thomasville is the name of town.

Q Did you ever have any other ~~brothers~~ sisters besides these two and Lucy? A Yes sir, my oldest sister married a half Chickasaw Indian man and went to Texas, and I have never heard from her; my father went out to see her a year or two after they went out there, but never since, and Lucy Davis is the next eldest.

Q What was the name of the one that went to Texas? A Betsey.

Q What was her husband's name? A Kage Ivey.

Q How old would she be if she were living now? A Well, I don't know hardly; she would be about eighty some odd years old.

Q Now Betsey and Lucy and Margaret and Nancy are all then? A There's Betsey and Lucy and Margaret and Nancy and one died, Polly.

Q Did she die in infancy? A She was eight or ten years old.

Q Did you ever have any brothers? A Yes sir.

Q How many? A Two.

Q What were their names? A James Griffin and John Griffin.

Q Which was the oldest? A James was the ~~next~~ next to the one that married and went to Texas.

Q He was older than you? A He was about six years older than me. Charley Davis's wife was next, and she was two years and a few months older than I was.

Q When did James die? A He died about six years ago.

Q When did John die? A In the war; he was killed in the war.

Q The Civil War? A Yes sir; in sixty three I believe.

Q Can you give the names of all of the children of Lucy Davis? A I reckon.

Q Give them, Mr. Griffin? A Charley Davis; Edward Davis and Boann Davis.

Q Is she married? A Yes sir.

Q What is her husband's name? A Boan McLendon.

Q The next? A Harriet Dedwylder. Jennie Davis; she is next to Lucy.

Q Were there any other children of Lucy Davis? A That's all.

Q Are any of the children of your deceased brother, John, living? A Two.

Q What are their names? A One, Martin Griffin and Jim Griffin.

Q Have they been before the Commission? A I don't know.

Q Are any of the children of your deceased brother, James, living?

A I don't know; they lived off; he has got one daughter in Fort Worth, Texas.

Q What is her name? A Paulina.

Q You don't know what her husband's name is? A No sir, and then he had one named Harriet.

Q Who did she marry? A Loper. And she had one named Eliza.

Q And she married whom? A I forget her husband's name.

Q Is that all the children that you remember? A Yes sir.

Q What are the names of the children of Nancy Buckalew? A One named Bossie, Allen Griffin Buckalew and Emma.

Q Emma what? A Boney.

Q The next one? A The next one married an Allen; Lucy Allen, and one married a Bearfield.

Q What is the Bearfield's name? A Harriet.

Lucy Dedwylder, ~~2120~~ 7.

Q Do you know the names of the children of Margaret Gunn? A No sir, I don't recollect.

Q Can you give us some of them Mr. Griffin? A The oldest one, William, he is in Texas, and the next one Alex and one down here, Sabe and one named John, and one named, I don't know none of the girls name.

Q How many of the children are there? A I don't know.

Q You haven't lived near them lately? A No sir, I know some of the boys.

Q But you never kept up with the names of the family? A No sir.

Q Through which one of your parents did you get your Indian blood Mr. Griffin? A Mother.

Q What was her name? A Harriet Connor.

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

Q Was Harriet Connor born in the State of Mississippi? A No sir, in the State of Georgia.

Q How old would she be if she was living now? A About 108 years old

Q Did she come direct from Georgia to this State? A Yes sir.

Q How old was she when she came here? A I don't know; she come here she was married and had two children, and then they went back there on a visit with the Indians and come back again, and then moved to Green County, Mississippi and from Green County, Mississippi to Clark County, and been there ever since.

Q How much Choctaw blood did your mother have? A She was about a 1/4 I reckon. Or an 1/8.

Q Did your mother speak or understand the Choctaw language?

A Yes sir, she could talk some, right smart.

Q Can you speak or understand the Choctaw? A I used to could, but I have forgot it; I can't count like they do.

Q Now, when you speak of speaking the Choctaw, do you mean just simply a few words and could converse in that way with the Indians, or could you speak it fluently? A I could have learned it, if I would when living among them for twenty five years. My father he come up here in '32 to look at this country; it was a fine country and then he and a man Martin went to a rendezvous at Chickasaw, and we moved here in '53; I was ten years old.

Q Are you sure that it was Choctaw blood that your mother had, Mr. Griffin? A That's what she said.

Q Had any of her people ever lived here in Mississippi before she came? A No sir.

Q Where did her people live before she came out here? A They lived in Georgia. I have forgot the name of the county.

Q Have they always lived in Georgia, as far back as you know?

A Yes sir.

Q Did you ever hear her say anything about having Cherokee blood Mr. Griffin? A No sir, she always claimed Choctaw.

Q Through which one of her parents did she get her Indian blood? A Her mother.

Q What was her mother's name? A I don't recollect. Her name was Polly.

Q Did her mother die, before your mother came out here to Mississippi? A She was living when she came here.

Q Did her mother ever come out here? A No sir; they were afraid to pass; the Creek Indians were between them.

Q They were afraid to come through the Creek country? A Yes sir, I had an aunt killed in Fort Mims, Rogers and his wife, and they kept them in the fort.

Lucy Dedwylder, 8.

Q Do you know through which one of her parents, Polly got her Indian blood? A No sir, I don't, I thin. it was her mother though.

Q Do you know what her mother's name was? A No sir.

Q Her mother must have been a full blood Choctaw? A Yes sir, her grand mother; my mother's grand mother.

Q And you don't know that Polly or her mother ever lived here in Mississippi? A They never did.

Q You are sure of that? A yes sir, we got a letter from them, and when grand father died, we got a letter from them; he was a preacher.

Q Did you ever hear of any Choctaws living over there in Georgia where your people came from Mr. Griffin? A They said there were Choctaws over there, and took them, the Choctaws, grand father did, and run the Creek Indians out of Okafanoka swamp in Georgia and surveyed the swamp.

Q What was your grand father's name? A Wilson Connor.

Q What was the name of the husband of Polly? A Wilson Connor.

Q The husband of Polly's mother, I mean? A I don't know that.

Q Your mother, Mr. Griffin, as I understand you, didn't come to this country until 1833? A Oh! yes, they come way before that; I was born in twenty three; I was ~~22~~ ten years old when we come up here in Clark County.

Q You had before that time lived in Green County? A Yes sir, they had two children when they come from Georgia here.

Q But you were not living then? A No sir.

Q You were born in green County and they moved up to Clark?  
A yes sir.

Q Did your mother own an improvement in the old Choctaw nation here in 1830, when the treaty of Dancing Rabbit Creek was made? A No sir.

Q You have heard of this treaty of Dancing Rabbit Creek? A Never heard of it until I got into this court.

Q You understand the 14th article of it, do you? A Yes sir.

Q Did your mother or any of her ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under it?

A No sir, never did.

Q Were any of your ancestors recognized members of the Choctaw tribe at the time this treaty was made? A I don't know.

Q Now, Mr. Griffin, you mean by that that they were merely considered by the white people in the neighborhood to have Indian blood, is that your idea of being recognized? A Yes sir.

Q But so far as them having been recognized at any time by the Choctaw Indians themselves, and by the authorities of the tribe, you don't know? 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 between the years 1833 and 1838? A I don't reckon they did; they carried them off to Red River.

Q Well, now did any of your mother people go out there at that time,  
A Oh! no sir.

Q Did your mother, or any of her people, within six months from the time this treaty of Dancing Rabbit Creek as ratified, signify to the Agent of the Government here in Mississippi their intention to remain and become citizens of the States? A I d n't recollect whether they did or not.

Lucy Dedwylder 9.

Q Did your mother, or any other 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 they ever receive any land from the Government here in Mississippi under 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 So far as you know, none of your ancestors then have ever received any benefits whatever from the Government as Choctaw Indians?

A No sir.

Q Have any of your people, your family, ever gone out to the Indian Territory? A No sir, not that I have information of.

Q You have heard of these two commissions that were appointed by the Acts of Congress of March 3, 1837 and August 23, 1842, have you not? A I don't believe I did.

In accordance with the provision 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 and become citizens of the States and take land. The records of the Government show that this agent failed to record the names of many Indians ---

A There was one who did act as agent here; his name was John Horn.

I will finish these explanation. That this agent failed to record the names of many Indians who did in fact signify to him their intention to remain and become citizens of the States; later, now, the Government sold a whole lot of this Choctaw land that it got from the Indians under the treaty, at public land sales, and by reason of the fact that this agent had failed to record the names of many Indians who had improvements here, the Government sold land upon which the Choctaws lived and which they supposed they would receive under this 14th article. Of course, this was caused by the apparent negligence of the agent. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed an Act which was approved on the 3, day of March, 1837, providing for the appointment of a commission to come 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 down here to Mississippi in 1837 and 1838 and heard a few of these Choctaw cases but in the time allowed them by the Acts of Congress under which they were appointed to hear these cases, they were unable to dispose of but a comparatively small number of them, 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

Lucy Dedwylder, 10.

the hearing of these Choctaw cases; that second commission was appointed by the President and the commissioners came down here and held sessions all over the old Choctaw country here, and heard a great many more of these Choctaw cases. You may remember that commission do you?

A I don't know; if I heard it I don't remember.

Q Did it was in 1843 and 1844 and 1845 they were down here.

This commission, as I have stated, were to hear the cases of Choctaws who claimed that were entitled to land here in Mississippi, had improvements here and told the agent they wanted to stay, and complied in all respects with the provisions of article 14 but the Government had sold their land and they had been deprived of it.

Q I want to 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 Never attempted to establish their rights as Choctaw Indians? A No sir.

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

Q Did any of your ancestors ever receive any of this scrip under the Act of Congress of August 23, 1842? A No sir, my folks never got any.

Q Are you the Thomas B. Griffin who appeared before this commission on the 23rd day of May 1901 and made application for identification as a Mississippi Choctaw? A Yes sir.

Q What are the names of your children Mr. Griffin? A All of them.

Q Yes, all of them? A I can't hardly recollect them; the oldest one is named Connor - John Connor Griffin, named after my daddy, and his mother's mother, John Connor Griffin.

Q Now the next one? A Mary.

Q Is she married? A Yes sir.

Q What's her husband's name? A She aint married.

Q The next one? A Jim Griffin, I believe.

Q What is his middle name? A James B. Griffin.

Q The next one? A Samuel Wilson Griffin.

Q The next one? A Margaret.

Q Margaret what? A Griffin.

Q Now married? A She is a widow; her husband is dead. Margaret Williams.

Q The next one? A Karene.

Q What was her ax last name? A Karene, I left one --

Q Let me get this Karene straight first; what is her last name?  
A Karene Grimes.  
Q Now, the next child? A Rosier W. Griffin.  
Q The next one? A George S. Griffin.  
Q The next one? A Lucy Rollins.  
Q The next one? A Nancy Gray.  
Q Have these children all been before the Commission? A Yes sir.  
Q Do you remember what county in Georgia your mother came from?  
A No sir, I forgot; I did know and got letters from her you know.  
Q Do you know the town she came from? A She didn't live in no town.  
Q What was her post office address? A I forget that.  
Q Do you remember the names of any towns near where she lived?  
A Savannah, I think.  
Q Do you know which way she lived from Savannah? A This way, I think, west.  
Q You spoke of swamp Okafanoka; did she live near that swamp? A Yes sir  
Q Do you know about how far from that? A No sir, I don't know how far.  
Q Now, your mother had some brothers didn't she? A Yes sir.  
Q What were their names? A One Jim, Tom and Wilson Connor.  
Q Were they older than your mother? A I don't know; I reckon two of them are.  
Q They remained there in Georgia after your mother left? A They stayed there; we got letters from them until the old man died.  
Q How long ago has that been? A I don't know how long.  
Q Before the war? A Oh, way before the war.  
Q Have you ever heard of them since that time, heard of this family? A No sir, not after he died.  
Q You never saw or heard of any of their descendants? A No sir; we had better stayed there; he was well off.

R.S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 15th day of 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. S. Streit*

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

*[Signature]*  
Notary Public.



COMMISSIONERS

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

ALLISON L. AYIESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337  
M. C. R. 3269

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Lucy Dedwylder,

Hale, 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

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

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, Siddle 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, Siddle 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,

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,

*[Faint signature]*

Registered.

COMMISSIONER

M C R 3269

Muskogee, Indian Territory, December 5, 1902.

Lucy Dedwylder,

Hale, 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

Acting Chairman.

#1290.

No. 269

For Identification as a Mississippi Choctaw.

Date AUG 15 1901

Name Lucy Dedwylder

Age 21 Blood 1/32

Post Office Hale, Miss.

Father: Isaac W. Dedwylder L

Mother Harriet M. L

Claims through mother

(Claims for self  
only)

Children:

Stenographer

R. S. Strout

Choctaw MCR 3270

Lucinda Moore

See MCR 3271, 3272, 3755, 3110  
1209, 3116, 3117, 1466, 3109

MCR 3270

Sub

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

-----3-----

In the matter of the application of Lucinda Moore, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of--

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;
Neomia Long,	M.C.R. 3109.

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

Original application of Lucinda Moore to  
the Dawes Commission for identification as  
a Mississippi Choctaw,.....1

Original application of Mag Raney, et al.,  
to the Dawes Commission for identification  
as Mississippi Choctaws,.....8



Department of the Interior,  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 19, 1901.

3270

In the matter of the application of Lucinda Moore for identification as a Mississippi Choctaw.

Applicant not represented by Attorney.

Lucinda Moore being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Moore.
- Q What is your first name, your given name? A Lucinda.
- Q M-o-o-r-e? A Yes.
- Q L-u-c-i-n-d-a? A Yes.
- Q What is your age? A Sixty-three.
- Q What is your post office address? A Blue.
- Q Indian Territory? A Yes.
- Q Is that the post-office? A Yes.
- Q How long have you lived there? A Well I lived in Texas last year and then moved back to the Territory.
- Q Well when did you move back the last time? A Well I came in last January.
- Q You have been living here about eight months? A Yes you might say two years. We just went back to pick cotton.
- Q Did you take your goods back? A We took part of them and left part here.
- Q Where did you live before you moved to the Territory? A We lived in Texas.
- Q How long did you live in Texas? A About twenty years I reckon.
- Q Where did you live before you lived in Texas? A We lived in part of the time in Alabama and part of the time in Tennessee.
- Q Where did you live just before you lived in Texas? A We lived in Tennessee.
- Q How long did you live in Tennessee? A I can't tell you how long. we lived there about may be ten or twelve years.
- Q Where did you live before you lived in Tennessee? A Alabama.
- Q How long did you live in Alabama? A I can't tell you hardly.
- Q Were you born in Alabama? A I was born in West Tennessee and went to Alabama.
- Q How old were you when you went to Alabama? A One year I think.
- Q Well, how old were you when you went back to Tennessee from Alabama? A Ten years I believe.
- Q Did you go from Tennessee to Texas? A Yes.
- Q And about how old were you when you went to Texas? A I went to Texas when I was eighteen.
- Q Did you live in Tennessee all that time? A I went from Alabama to Tennessee and from there to Texas.
- Q And about how long have you lived in Texas? A I can't tell you how long.
- Q Have you lived in Texas ever since you went there when you was eighteen years old? A Yes.
- Q You never lived anywhere else all that time? A No.

- Q What is your father's name? A Jim Brown.  
 Q Is he living? A No he is not living.  
 Q What is your mother's name? A Jane Brown?  
 Q Is she living? A No she is dead.  
 Q Through which one of your parents do you claim your Choctaw blood? A Both of them.  
 Q Both your father and mother claimed to be Choctaw? A Yes.  
 Q How much Choctaw did your father claim to be? A Full blood I believe.  
 Q How much? A I believe he was a full blood.  
 Q Your father was a full blood? A I believe he was.  
 Q How much Choctaw blood did your mother claim to have? A I don't know.  
 Q Are you sure your mother was part Choctaw? A Yes.  
 Q How much Choctaw blood do you claim to have? A About one-half.  
 Q How much? A About one-half.  
 Q Well how much Choctaw blood do you think your mother had? A I don't know.  
 Q Well what makes you think she has any? A Well I think she had some.  
 Q But you don't know how much? A No I don't.  
 Q Have you any evidence of your father's and mother's marriage? A No.  
 Q Can you get evidence of that? A No I don't think I could.  
 Q Where were they married? A They was married in Tennessee.  
 Q Can you get a copy of the Court record? A I don't know whether I could or not.  
 Q Do you know what part of Tennessee they were married? No I don't.

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 If you cannot get the Court record can you get affidavits of people who saw them married? A I think I could.  
 Q Can you get affidavits of people who knew them and knew that they lived together as man and wife and were commonly recognized as such? A I don't know that I could.  
 Q Well do you understand that that is an important matter in your case? A Well I might by writing.  
 Q Are ~~you~~ you married? I have been but am a widow woman now.  
 Q What was your husband's name? Q William Moore  
 Q Was he a white man? A Yes.  
 Q Were you ever married more than once? A No.  
 Q Have you any children under twenty-one years of age and unmarried 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.  
 Q Were your father or mother ever recognized in any way as members of the Choctaw Tribe of Indians by the Choctaw Tribal Authorities or the Authorities of the United States? 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 apply to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A Tell it over again I don't understand it.  
 Q Did you apply to the Dawes Commission in 1896 to be admitted as a citizen of the Choctaw Nation? A No.  
 Q Did anybody apply for you in 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 applied to either the Choctaw Tribal Authorities or the Authorities of the United States to be admitted or enrolled as a citizens of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A I want to make for the---I want to be identified as a Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes the Choctaws.
- Q I say do you claim under any of the treaties between the United States and the Choctaw Indians? A I don't know what that is.
- Q You don't know what a treaty is? A No.
- Q You know what an agreement is? A Yes.
- Q Well when two Nations make an agreement that agreement is called a treaty. Do you think you know what is meant now? A Yes..
- Q You know what is meant by a Nation? A Yes.
- Q Well now do you claim under any of the agreements between the United States and the Choctaw Indians? A Yes.
- Q Which one? A The Choctaws.
- Q You don't know whether you are claiming under any treaties or not? A I don't hardly understand.
- Q You don't understand yet what a treaty is? A I don't understand what claims are.
- Q What I mean is, is it because any certain agreement was made between the United States and the Choctaw Indians that you think you have a right to apply to-day to be identified as a Mississippi Choctaw? A Yes I think I have a right.
- Q Do you think you have a right under any of these agreements? A Yes.
- Q Do you know what one of these agreements? A No I do not know.

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 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."

This law gives the Commission the right to determine the identity of applicants who claim under the fourteenth article of the treaty of eighteen hundred and thirty. In eighteen hundred and thirty the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and Alabama. The State of Mississippi was being rapidly filled up with white settlers and it was very hard for the United States to protect the Choctaws in their tribal government and the United States thought it would be best to give the Indians land west of the Mississippi River in exchange for their land in those States and move them to the Country west of the River but some of the Indians did not want to go and the others would not sign any agreement 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 sake of those Choctaws 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 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."

That means, that if those Choctaws, who did not want to come west, would go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that they wanted to take land there 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 this they would not lose the privilege of a Choctaw citizen but if they ever removed they would not get any part of the Choctaw yearly payments of money.

- Q Now, do you claim anything under this article? A Yes.
- Q What was the name of your ancestor or who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A My parents lived there.
- Q Your parents lived in the old Choctaw Nation in 1830? A In Alabama.
- Q In what part of Alabama did they live? A It was in the Territory there.
- Q Do you know in what County? A Franklin County, Alabama.
- Q Were your father and mother married in eighteen hundred and thirty, I mean before that time? A Yes I think they was.
- Q Are you the oldest child? A No.
- Q How much older than you was the oldest child? A Ten years older than me.
- Q Then she must have been born before 1830? A Yes.
- Q Have you any evidence to show that your father and mother were living in the old Choctaw Nation in 1830? A Yes.
- Q Have you any proof of that here with you? A No I have not got any proof, only just myself.
- Q Do you know anybody who knew your father and mother in the old Choctaw Nation in 1830 who could testify that they were living in the Choctaw Nation at that time? A No I don't know anybody these days.
- Q Have you any proof that your father and mother were Choctaw Indians? A Yes I can get proof.
- Q You can get proof? A We have proof that they were Choctaws.
- Q What kind of proof? A As to witnesses?
- Q Yes? A Well Henry Byington.

- Q Henry Byington? A I think that is his name.
- Q Who is he? A He is a lawyer.
- Q Where does he live? A Near Caddo.
- Q Did he know your father and mother in the old Choctaw Nation in 1830? A I don't know.
- Q Did he know your father and mother in the old Choctaw Nation in 1830? A I don't know.
- Q Was Franklin County a part of the Choctaw Nation? A I think it was.
- Q How does Henry Byington know anything about it then? A I don't know.
- Q Well what makes you think that he does know? A No answer.
- Q What makes you think that Henry Byington knows that they were Choctaw Indians? Well I think he said he knew.
- Q How old is Henry Byington? A I don't know.
- Q Can you bring him up here to testify before the Commission? A I reckon he will.
- Q Will you bring him up here to testify in your case? A I can.
- Q Well if he knows anything about your case it will be to your advantage to have him come and testify? A Well we will have witnesses.
- Q What witnesses? A I don't know who it will be.
- Q Witnesses that know that your father and mother were Choctaw Indians and lived in Mississippi in the old Choctaw Nation in 1830? A Yes.
- Q Did your father and mother come west with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A Yes.
- Q Where did they come to? A I don't know they just went west.
- Q When did they come west? A I can't tell you.
- Q You said you were born in Tennessee? A I was born in Tennessee and went to Alabama.
- Q Where did your father move to from Tennessee, back to Alabama? A No he moved from Alabama to Tennessee and I don't know where he moved to then.
- Q Did he not take you with him? A No I married in Tennessee and they went west.
- Q When was that? A I married when I was about eighteen years in '57.
- Q Did they leave Tennessee before you married? A No.
- Q After you married? A Yes after I married.
- Q Then they did not come to the present Choctaw Nation between 1833 and 1838? A No they did not come to this Choctaw Nation. I don't know where they went to the west somewhere.
- Q Did your father or mother go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him that they wanted to stay there in Mississippi or Alabama and take land? A I don't know.
- Q You don't know anything about that? A No.
- Q You never heard? A No.
- Q Did they ever own any land in Mississippi or Alabama? A No they did not own any there.
- Q You never heard whether your father or mother went to the Indian Agent there and told that they wanted to stay? A No.
- Q Do you know of anybody living who would know if they did or not? A No.
- Q Do you understand that it is important to show that your father and mother were Choctaw Indians and that they lived in the Choctaw Nation in eighteen hundred and thirty and also to show whether they went to the Indian Agent there within six months and told him that they wanted to stay. Do you understand that these are important points in your case? A Yes.

- Q Do you think you can get any evidence or proof on these points?  
A Yes.
- Q Do you expect to try? A Yes.
- Q Do you think you can bring witnesses before the Commission here to be examined? A Yes.
- Q Do you know who they are? A ~~Yes~~ I don't know.
- Q Where do you expect to find them? A I don't know.
- Q How does it happen that you never applied before to become a citizen of the Choctaw Nation? A I just never tried.
- Q Why did you not try before? A I did not want to I reckon.
- Q How does it happen that you put it off so long and then come and try now? A No answer.
- Q Can't you answer the question? A Because I didn't want to I reckon is the only reason I know of.
- Q How does it happen that you want to now? A Because I think you can give me the right.
- Q You never thought that before? A I had a man to work for me then and I haven't got anybody now.
- Q How long has your husband been dead? A He has been dead 8 years.
- Q Why did you not apply to the Dawes Commission in 1896? A I don't know what is the reason.
- Q Did your father or mother ever own any land in Arkansas, Louisiana, Mississippi or Alabama? A No.
- Q You are sure of that? A Yes I am sure that they never owned land.
- Q How are you living here in the Territory, do you rent land?  
A No I live with my children.
- Q Does that child rent land? A He did last year but he applied for a right to settle down.
- Q What is his name? A William Moore.
- Q When did he apply? A Last March.
- Q Who did he rent from last year? A John King.
- Q Choctaw Indian? A He is a white man who married a Choctaw.
- Q Did your son try to renew his lease with him for this year?  
A No.
- Q Did John King allow him to ~~live~~ live on this land for nothing?  
A No.
- Q Did he pay him rent? A Yes last year?
- Q How about this year? A Well he don't rent from him this year.
- Q Is he still living on the land? A No he bought a crop this year.
- Q What do you mean by buying a crop? A Well he just bought the man's crop. He bought it in the spring.
- Q Explain to me fully what you mean by that? He just went up there, he lives right close to the blue he bought that man out.
- Q Bought him out of what? A His ground, and cotton and finished working it.
- Did this man own the ground? A No.
- Q How did he own it or have possession of it? A It was a lease they told me.
- Q A Lease? A Yes he leased it and then sold it out to my son.
- Q Have you any papers you want to file now? A No.
- Q Is there anything else that you want to say in support of your application? A No.

#7  
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 this case.

This applicant has gray hair which looks as tho' it might have been black, dark eyes and dark complexion. Her cheek bones are a trifle prominent and it would seem that she might have a small proportion of Choctaw blood?

- Q Do you speak Choctaw? A No.  
Q Did you ever see your father? A Yes.  
Q Did he look like a full blood Choctaw? A Yes.  
Q Dark and straight hair and reddish brown complexion? A Yes.  
Q He looked like these full bloods who live around here in the Territory? A Well he was not as black as these.  
Q What makes you think that he was a full blood Choctaw? A He told me.  
Q Did he speak Choctaw? A I don't know whether he did or not.  
Q Did he live among the Choctaws in Alabama? A There were some Choctaws there.

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 she states that her father and mother lived in Mississippi in eighteen hundred and thirty.

- Q Was your oldest sister born in Mississippi? A I don't know whether she was or not.  
Q You never heard where she was born? A No I never did.

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 19, 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*

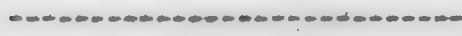
Subscribed and sworn to before me this 4th day of October 1901.

*Charles H. Sawyer*

Notary Public.

*C.W.*

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



In the matter of the application of Lucinda Moore, et al.,  
for identification as Mississippi Choctaws, consolidating the ap-  
plications of--

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;
Neomia Long,	M.C.R.3109.

--: 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 Lucinda Moore, for herself; by Mag Raney, for herself and her  
seven minor children, William, Laura, James, Walter, Johnnie, Cleve-  
land and Leonard Raney; by Mattie White for herself and her minor  
child, Tommie White; by James M. Moore for himself and his two minor



children, Rosalee and William Porter Moore; by Mary J. Moore for herself and her five minor children, Roscoe, Oscar K., Boyes Arthur, Stirling and Clayton Lancaster Moore; by Belle Beatty for herself and her minor child, Osa Beatty; by Sarah Nancy for herself and her four minor children, Montie Lucinda, Willie Ann, Ruthie Elizabeth and Betty Lee Nancy; by Bettie A. Bass for herself and her minor child, Vellie Hardeman Bass; by William J. Moore for himself and his minor child, Ruth Moore; and by Noemia Long 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 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 Jim Moore and James (or Jim) Brown, who are alleged to have been full blood Choctaw Indians, and Jane Brown, who is alleged to have been possessed of Choctaw blood, degree thereof not given, all of whom are alleged to have resided in the old Choctaw Nation in 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 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 Jim Moore, James (or Jim ) Brown, or Jane Brown, or any of the applicants herein signified (in person or by proxy) to Colonel W.A. 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. 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 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, Rozalee Moore, William Porter Moore, Mary J. Moore, Roscoe Moore, Oscar K. Moore, Royes Arthur Moore, Stirling Moore, Clayton Lancaster Moore, Belle Beatty, Oma

(4).

Beatty, Sarah Nancy, Nontie Lucinda Nancy, Willie Ann Nancy, Ruthie Elizabeth Nancy, Betty Lee Nancy, Bettie A. Bass, Vellie Hardeman Bass, William J. Moore, Ruth Moore and Heemia 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

*Tame Dickey.*

Acting Chairman.

*I. B. Needles.*

Commissioner.

*J. R. Breckinridge.*

Commissioner.

Muskogee, Indian Territory,

DEC 20 1907.

COPY

Muskogee, Indian Territory, December 20, 1902.

Lucinda Moore,

Blue, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucinda Moore, et al., embracing the following applications for identification as Mississippi Choctaws.

Lucinda Moore	M.C.R. 3270
Mag Raney, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 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 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:

L. M. --2

"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, Rosece Moore, Oscar K. Moore, Royce Arthur Moore, Stillin Moore, Clayton Lancaster Moore, Belle Beatty, Oma Beatty, Sarah Raney, Montie Luginda Raney, Willie Ann Raney, Ruthie Elizabeth Raney, Pet y 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 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 said arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

*[Signature]*

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, December 20, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 20th day of December, 1903, 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
Neomia Long	M.C.R. 3109

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

Respectfully,

*T. B. Needles*

Commissioner in charge.

2270

Muskogee, Indian Territory, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

In reference to the consolidated Mississippi Choctaw case of Lucinda Moore, et al., the record therein, together with the decision of the Commission refusing said applications, was transmitted the Department January 5, 1903.

On this date, there was filed with the Commission the argument of Easton & Shull, attorneys for the applicants in this case; and the same is herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

Enc B I 31.



Muskogee, Indian Territory, January 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lucinda Moore, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 20, 1902.

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

Lucinda Moore,	M.C.R. 3270
Mag Raney, et al.,	" 3271
Mattie White, et al.,	" 3272
James K. Moore, et al.,	" 3755
Mary J. Moore, et al.,	" 3110
Belle Beatty, et al.,	" 1209
Sarah Raney, et al.,	" 3116
Bettie A. Bass, et al.,	" 3117
William J. Moore, et al.,	" 1466
Necmia Long,	" 3109

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.  
Enc. M.C.R. 3270

Acting Chairman.

Land  
1722--1903.

(COPY)

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

April 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Lucinda Moore, for the identification of herself; of Mag Raney, for herself and her seven minor children, William, Laura, James, Walter, Johnnie, Cleveland and Leonard Raney; for Mattie White, for herself and her minor child, Tommie White; by James M. Moore, for himself and his two minor children, Rosalee and William Porter Moore; by Mary J. Moore, for herself and her five minor children, Roscoe, Oscar K., Royes Arthur, Stirlin and Clayton Lancaster Moore; by Belle Beaty for herself and her minor child, Oma Beaty; by Sarah Raney for herself and her four minor children, Montie Lucinda, Willie Ann, Ruthie and Betty Lee Raney; by Betty A. Bass for herself and her minor child, Vollie Hardeman Bass; by William J. Moore, for himself and his minor child, Ruth Moore; and by Neomia Long for herself, all as Mississippi Choctaws.

On December 20, 1902 the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants was insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of the 14th article of the Choctaw treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have derived their Choctaw blood from Jim

Brown and Jane Brown, father and mother of the principal applicant, Lucinda Moore; but neither the record evidence nor an examination of the records in this office shows that any person by the name of Jim Brown or Jane Brown ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or received a patent for land thereunder.

The attention of the Department is directed to the enclosed brief or argument by Easton & Shull, attorneys for the applicants, which brief admits that these applicants are not entitled to enrollment as Mississippi Choctaw Indians; but does claim that under the proof they are entitled to be enrolled as resident Choctaw Indians, but as their application on this ground was not before the Commission, and as the record evidence in this case shows that none of these applicants are on any of the Choctaw rolls, the office considers said decision of the commission correct, and recommends that it be affirmed by the Department.

Very respectfully,

(Signed)

A. C. Towner,

Acting Commissioner.

W.C.B.(E.)

D.C.No.17221-1903.

(Copy)

DEPARTMENT OF THE INTERIOR.  
Washington.

J.W.H.  
FHB

I.T.D. 3578-1903.  
L R S

June 6, 1903.

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

Gentlemen:

January 5, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Lucinda Moore (M.C.R. 3270), for herself; of Mag Raney, for herself and her seven minor children, William, Laura, James, Walter, Johnnie, Cleveland and Leonard Raney; of Mattie White for herself and her minor child, Tommie White; of James M. Moore for himself and his two minor children, Rosalee and William Porter Moore; of Mary J. Moore for herself and her five minor children, Roscoe, Oscar K., Royce Arthur, Stirlin and Clayton Lancaster Moore; of Belle Beatty for herself and her minor child Oma Beatty; of Sarah Raney for herself and her four minor children, Montie Lucinda, Willie Ann, Ruthie Elizabeth and Betty Lee Raney; of Betty A. Bass for herself and her minor child, Vellie Hardeman Bass; of William J. Moore for himself and his minor child, Ruth Moore; and of Neomia Long for herself, including your decision of December 20, 1902, refusing to identify them as such.

It appears that the principal applicant, Lucinda Moore, <sup>whom</sup> through the other applicants claim, was born in 1838. She obtained her Indian blood from her parents, Jim and Jane Brown, who were

residents at one time of Franklin County, Alabama. The former was a full blood Choctaw and the latter an one-half blood.

There is nothing in the testimony contained in the record which tends to show that either of the ancestors above named 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 of Congress relating thereto.

It further appears from said testimony that as the said Jim Brown is now dead, his descendants are not entitled to the benefits resulting from section 41 of the act of Congress of July 1, 1902 (32 Stat., 641).

Reporting in the matter April 2, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved. He also stated:

"The attention of the Department is directed to the enclosed brief or argument by Easton & Shull, attorneys for the applicants, which brief admits that these applicants are not entitled to enrollment as Mississippi Choctaw Indians; but does claim that under the proof they are entitled to be enrolled as resident Choctaw Indians, but as their application on this ground was not before the commission, and as the record evidence in this case shows that none of these applicants are on any of the Choctaw rolls, the office considers said decision of the commission correct, and recommends that it be affirmed by the Department."

The Department concurs in the recommendation of the Acting Commissioner, and your decision is hereby affirmed.

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

Respectfully,

(Signed)  
THOS. RYAN,

1 inclosure.

Acting Secretary.

COPY.

M.C.R. 3270  
6

Muskogee, Indian Territory, July 14, 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 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 mail on the 20th day of December, 1902.

Respectfully,

(SIGNED)

*T. B. Needles.*

Commissioner in Charge.

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. 3270.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

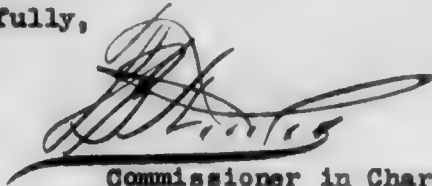
Muskogee, Indian Territory, July 14, 1903.

Lucinda Moore,  
Blue, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,



Commissioner in Charge.

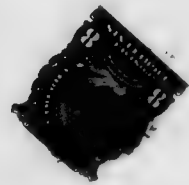
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SEE INU.



*return to sender*

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*No such party here*



6010

3351

~~Lucinda Moore,~~

~~Blue, Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



3-27-1907

*File*

U. S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
F I  
AUG 20 1907

*[Handwritten signature]*  
CHIEF OF BUREAU



General Office M. A.

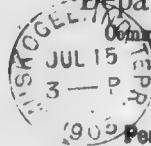
Notice that Sec. of Int. has affirmed  
Commission's decision

In such party here

~~Lucinda Moore,~~

~~Blue, Indian Territory.~~

Department of the Interior.



Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

No. 3270

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Lucinda Moore

Age 63 Blood 1/2

Post Office, Blue, I.T.

Father: Jim Brown (dead)

Mother: Jari Brown (dead)

Claims through both parents

Husband: William Moore (dead)

~~Children:~~

Claims for self alone

Stenographer

E. Rosenwinkel

Choctaw MCR 3271

Mag Raney

See MCR 3270

MCR 3271

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 19, 1901.

3271

In the matter of the application of Mag Raney for identification of herself and her seven minor children, as Mississippi Choctaws.

Applicant not represented by Attorney.

Mag Raney being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mag Raney.  
Q M-a-g? A Yes.  
Q And how do you spell Raney? A R-a-n-e-y.  
Q What is your age? A Forty-two.  
Q What is your post-office address? A Lamasoe, Texas.  
Q How long have you lived there? A I have lived there twelve years.  
Q How long have you lived in Texas? A I was born and raised there.  
Q Never have lived in the Indian territory? A He never lived in the Territory.  
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.  
Q How much Choctaw blood do you claim? I don't know how much there is in me.  
Q How much have you always been thought you had? A One-fourth.  
Q Are you married? A Yes.  
Q What is your husband's name? A Raney.  
Q What is his given name? A Tom.  
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 He he don't.  
Q Have you any children under twenty-one years of age and unmarried for whom you wish to apply? I have seven under twenty-one and unmarried.  
Q Give the names and ages of these children? A William Raney twenty.  
Q Next? A Laura Raney, sixteen.  
Q Next? A James Raney twelve we call him Jimmie.  
Q Next? A Walter Raney age ten.  
Q Next? A Johnnie Raney, eight.  
Q Next? A Cleveland Raney.  
Q How old? A He is six.  
Q Next? A Leonard.  
Q How old? A He is four years old.

- Q Is that all? A Yes.
- Q You are the mother of these children? A Yes.
- Q What is the name of their father? A Tom Raney.
- Q When and where were you married to him? A We was married in Fannin County, Texas.
- Q When? A We was married in '76.
- 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 I don't know.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No I reckon not.
- Q 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 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 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 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 do you want to make now? A No answer.
- Q What kind of an application do you want to make now? A I don't know.
- Q Well what do you claim to be now? A I claim to be part Choctaw.
- Q What do you come here for? A Come to be identified for the Choctaws.
- Q Do you claim as a Mississippi Choctaw? A Yes I reckon that is the way.
- Q What makes you think you have a right to claim as a Mississippi Choctaw? A Well I have always been that grandfather was part Choctaw and did not think there was anything missed for us to claim. I think we would get our claim as well as any of them.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A No.
- Q Do you know what a treaty is? A No I do not.
- Q You know what an agreement is? A Yes.
- Q Well when two Nations make an agreement in writing that agreement is called a treaty. Do you think you understand now? A Yes.
- Q Well do you come here now and make claim because of any of the treaties which have been made between the United States and the Choctaw Indians? A I don't know what that would be. I don't know what you mean by that.
- Q Well do you think that any of the agreements that have been made between the United States and the Choctaw Indians give you a right to come here and make this application? A Yes I reckon.

- Q Do you know what one of these agreements it is which gives you such a right? A I don't unless it is the Choctaws.
- Q Are you making your claim just because you have always been taught that you had Choctaw blood? A Yes.
- Q Any other reason? A No I just make it because the balance of them are making it and because they always claimed that they was Choctaws and had Choctaw Indian in them.

The law under which the Commission is acting at this time in hearing these applications is found in section 21 of the act of Congress of June 28, 1898 which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw 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 determine the identity of Choctaw Indians who claim under the fourteenth article of the treaty of eight hundred and thirty. In 1830 the United States wanted to make a treaty with the Choctaw Indians, that is an agreement with the Choctaw Indians, who lived in Mississippi and Alabama. The State of Mississippi was being rapidly filled up with white settlers and it was very hard 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 those States and move them all to the Country west of the Mississippi River where there were no 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 something was done for those Choctaw 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 article was made a part of the treaty it was accepted by the Indians and the United States government. 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 of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."



4

- Q How do you make any claim under the provisions of this article?  
A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 when this treaty was made who was a recognized Choctaw Indian? A You asked me what was the name?
- Q Yes. A I could not tell you.
- Q You know what the word ancestor means? A No.
- Q It means your father or mother grandfather or grandmother or any of your foreparents? A Well My grandfather was Jim Brown and his wife was Jane Brown.
- Q Did they live in the old Choctaw Nation in eighteen hundred and thirty? A I don't know that.
- Q Were they Choctaw Indians? A Yes that's what they claim.
- Q Have you any proof of that? A No.
- Q You think you will be able to get proof? A I don't know.
- Q You understand that it is very necessary to get proof on this point? A Yes.
- Q Do you think you will be able to get any proof to show where they were living in eighteen hundred and thirty? A I could not say.
- Q You understand that is necessary, to have proof on that point? A Yes.
- Q Did they come west with the other Choctaw Indians to the present Choctaw Nation here in the Territory between 1833 & 1838?  
A I do not know.
- Q You never heard whether they did or not? A No I did not.
- Q How much Choctaw blood did your grandfather claim to have? A I do not know.
- Q How much Choctaw blood did your grandmother claim to have? I don't know, they said he was a full blood.
- Q Who was a full blood? A Grandfather, I don't know only what I have been taught.
- Q Have you any proof that your grandfather and grandmother were married? A No.
- Q You think you can get that proof? A I don't know.
- Q You understand that it is also necessary to have proof on that subject? A Yes
- Q Do you know whether your grandfather or your grandmother 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 States? A No.
- Q You never heard about that? A No.
- Q You say you don't know whether they were living in the Choctaw Nation in eighteen hundred and thirty? A I don't.
- Q Do you know whether they owned any land in Mississippi, Arkansas, Louisiana or Alabama? A No I don't know whether they owned any land.
- Q You never heard? A No I do not know a thing about it.
- Q Do you understand that you are in the position here of an applicant for valuable property rights do you understand that? A Yes I do.
- Q Well in a case where property rights are at stake the sworn statement of the interested party will carry very little weight unless supported by outside proof. Now do you understand that it will be very material to your case to have evidence to show that your grandfather and grandmother were Choctaw Indians who lived in the Choctaw Nation in eighteen hundred and thirty and show whether they went to the Indian Agent there within six months after the treaty was ratified and tell him that they wanted to stay there? A Yes.

#5

- Q Do you think you can get such proof? Yes I reckon we will. The children commenced to work it up and said they could get proof that grandfather was a Choctaw and they would get proof.
- Q Have you any papers that you want to file now? A No.
- Q Is there anything more that you want to say? A No.

If you wish 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 or any documentary evidence you will be allowed to do so and the same will be made a part of the record in your case.

This applicant has straight grayish black hair, brown eyes and dark complexion. Her features and general appearance are those common to most white people and it may be possible that she has some slight strain of Choctaw blood as indicated by her hair and eyes. She 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 and does not know whether her ancestors lived in the Choctaw Nation in 1830. She knows very little about her ancestors from family history.

- Q You said you never had seen your grandfather and grandmother? No I have not.

Q

And has no personal knowledge of any of her ancestors except her 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 on August 19, 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 4th day of October 1901.

*Charles H. Sawyer*

Notary Public.

COPY

M.C.R. 3271.

Muskogee, Indian Territory, December 20, 1902.

Mag Raney,

Lamasco, 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 Raney, et al.	M.C.R. 3271
Mattie White, et al.	M.C.R. 3273
James M. Moore, et al.	M.C.R. 3755
Mary J. Moore, et al.	M.C.R. 3110
Belle Beatty, et al.	M.C.R. 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 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."

Mag Raney. --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, Lottie 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 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.

Muskogee, Indian Territory, January 3, 1903.

Mag Raney,

Jackson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 26th ultimo, in which you state that you made application at Atoka in August, 1901, as a Mississippi Choctaw, and you give the names of other members of your family who applied at the same time.

You ask to be advised the status of your case.

In reply you are informed it appears from the records of the Commission that you are an applicant for the identification of yourself and seven minor children as Mississippi Choctaws.

Your case was consolidated with the case of Lucinda Moore and certain other persons who made applications for identification as Mississippi Choctaws claiming descent through the same common ancestor.

On December 20, 1902, the Commission rendered its decision refusing the applications of the several persons included in this consolidated case, and on the same date the applicants therein were notified by registered mail of the action of the Commission, and that they were granted fifteen days from the date of said decision within which to file arguments in support of their claims, to be forwarded to the Secretary of the Interior.

M.R. -----2.

The fifteen days from December 20, 1902, heretofore granted you within which to file such argument will expire on January 4, 1903. On January 5, 1903, the record in this consolidated case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

The letter of the Commission advising you of the refusal of your application was addressed to Lamasco, Texas, your last post office address.

Respectfully,

Acting Chairman.

M.C.R. 3271.

COPY.

Muskegee, Indian Territory, July 14, 1903.

Mag Nancy,

Jackson, Indian Territory.

Dear Madam:

You are hereby notified that on the 6th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucinda Moore, et al., of which decision you were advised by registered mail on the 20th day of December, 1902.

Respectfully,

*T. B. Needles.*

Commissioner in Charge.

COPY

M.C.R. 3271.

Muskogee, Indian Territory, December 20, 1902.

Mag Nancy,

Lamasco, Texas.

Dear Ma'am:

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. 3275
Mary J. Moore, et al.	M.C.R. 3110
Melle Beatty, et al.	M.C.R. 3009
Sarah Nancy, et al.	M.C.R. 3116
Pettie A. Lane, et al.	M.C.R. 3117
William J. Moore, et al.	M.C.R. 1466
Neoria 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 November twenty-ninth, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."



Mag Nancy, --2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence is insufficient to establish the identity of the following persons, to-wit: James Nancy, Walter Nancy, Joseph Nancy, Edward Nancy, Leonard Nancy, William Nancy, Robert Nancy, Thomas Nancy, Oscar J. Nancy, Nelson John Nancy, William Nancy, Clayton Lancaster Nancy, Paul Nancy, John Nancy, Elizabeth Nancy, Betty Lee Nancy, Eddie A. Nancy, Elizabeth Nancy, William J. Nancy, with whom and to whom as Cherokee Indians entitled to rights in the C. O. lands under the provisions of article twenty-nine 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,

J. C. [Signature]  
Commissioner in charge.

Registered.

COUNTY:

State of Texas

POST-OFFICE:

Lamar, Co. Texas

REFUSED  
MISSISSIPPI CHOCTAW INDIANS.

CARD No.

FIELD No. R. 2271

Davis' Roll No.	NAME	RELATIONSHIP TO PERSON FIRST NAMED	AGE	SEX	BLOOD	TRIBAL ENROLLMENT			TRIBAL ENROLLMENT OF PARENTS					
						Year		No.	NAME OF FATHER	Year		NAME OF MOTHER	Year	
1	Raney, Mag		42	F	1/4				William Moore and non-citizen			Lucinda Moore		class Choctaw
2	William	Son	19	M	1/8				Doni Raney			No. 1		
3	Laura	Daughter	16	F	1/8							No. 1		
4	James	Son	12	M	1/8							No. 1		
5	Walter	Son	10	M	1/8							No. 1		
6	Johnnie	Son	8	M	1/8							No. 1		
7	Cleveland	Son	6	M	1/8							No. 1		
8	Leonard	Son	4	M	1/8							No. 1		
9	NOTICE OF DECISION FORWARDED											ACTION APPROVED BY SECRETARY OF INTERIOR.		
10	DECISION RENDERED. DEC 20 1902 APPLICANT											JUN 6 1903		
11	REFER TO M. C. R. 2270											NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKSAW NATIONS.		
12												JUL 14 1903		
13	NOTICE OF DECISION WAIVED ATTORNEYS FOR CHOCTAW AND CHICKSAW NATIONS											NOTICE OF DEPARTMENTAL ACTION WAIVED APPLICANT.		
14	DEC 20 1902											THE APPLICATION OF THE SEVERAL PERSONS HEREIN FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW REFUSED IN THE DECISION IN THE CASE OF Lucinda Moore, EXHIBIT M.C.R. 2270 FORWARDED THE SECRETARY OF THE INTERIOR JAN 5 1903		
15	RECORD FORWARDED DEPARTMENT. JAN 5 1903											JUL 14 1903		
16														
17														
18												AUG 19 1901		

See testimony of August, 19th, 1901.

No. 3271

# For Identification as a Mississippi Choctaw.

Date AUG 18 1901

Name May Roney

Age 42 Blood 1/4

Post Office, Lanaroso Texas

Father: William Moore (dead)

Mother: Lucinda Moore

Claims through mother  
husband, Tom Roney  
(no claim for him)

Children:

- |                      |           |
|----------------------|-----------|
| <u>William Roney</u> | <u>19</u> |
| <u>Laura</u> "       | <u>16</u> |
| <u>James</u> "       | <u>12</u> |
| <u>Walter</u> "      | <u>10</u> |
| <u>Johnnie</u> "     | <u>8</u>  |
| <u>Cleveland</u> "   | <u>6</u>  |
| <u>Leonard</u> "     | <u>4</u>  |

Claims for self and 7 children

Stenographer

G. Rose

Choctaw MCR 3272

Mattie White

See MCR 3270

MCR 3272

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Atoka, I.T. August 19, 1901.

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In the matter of the application of Mattie White for the identification of herself and her minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Mattie White being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Mattie White.  
Q M-a-t-t-i-e? A Yes.  
Q W-h-i-t-e? A Yes.  
Q What is your age? A Twenty-two.  
Q What is your post-office address? A Lamasco Texas.  
Q How long have you lived there? A Why I have lived there all my life.  
Q You were born in Texas? A Yes.  
Q You never had a home outside of the State? A No.  
Q What is your father's name? A Tom Raney.  
Q Is he living? A Yes.  
Q What is your mother's name? A Mag Raney.  
Q Is she living? A Yes.  
Q Through which one of your parents do you claim Choctaw blood?  
A Through my mammie.  
Q How much Choctaw blood do you claim? A I don't know how much.  
Q How much did your mother claim? A I don't know.  
Q Never have been taught how much Choctaw blood you had? A She claimed one-fourth.  
Q How much would you claim if your mother claimed one-fourth? I don't know how much.  
Q What part of the amount of blood your mother had would you have? I don't know.  
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 I don't know whether she was or not.  
Q Are you married? A Yes.  
Q What is your husband's name? A Milton White.  
Q Is your husband living? A Yes.  
Q Do you make application for your husband? A No.  
Q You are not making any claim for him? A No.  
Q He is a white man and makes no claim to Choctaw blood? He don't claim Choctaw.  
Q Have you any children for whom you wish to make application at this time? A I have one.  
Q What is that child's name and age? A His name is Tommie and he is eight months old.  
Q That is a boy? A Yes.  
Q You are the mother of this child? A Yes.

- Q What is the name of the child's father? A Milton White.
- Q When and where were you married to him? A We have been married two years.
- Q Where were you married? A Lamasco.
- 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 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 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 applied to either the Choctaw Tribal Authorities or the Authorities of the United States to have your 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 do you want to make now? A I don't know.
- Q What do you claim to be? A Choctaw I reckon.
- Q What makes you think you have a right to come here and make a claim now? A Why I have always been taught so.
- Q Always been taught you had a right to come here and make a claim? A Why mother is part Choctaw and I am part Choctaw.
- Q You are making this claim now because you have always been taught that you had Choctaw blood? A Yes.
- Q How long have you known that you had Choctaw blood? A All my life I reckon.
- Q You don't seem very certain about it what makes you say I reckon? A No answer.
- Q How long have you known that you had Choctaw blood? A Why I have been taught that all my life.
- Q Ever since you can remember? A Yes.
- Q Do you claim anything under any of the treaties between the United States and the Choctaw Indians? A I don't know what that is.
- Q You don't know what a treaty is? A No.
- Q You know what an agreement is? A No I don't.
- Q You what a ~~contract~~ bargain is? A No.
- Q You know what a contract is? A No.
- Q Did you not make a contract when you were married? Yes.
- Q Well don't you know what a contract is? A Yes but I can't explain.
- Q Where two people promise each other to do certain things? A Yes.
- Q Well where two people make a contract in writing that contract is called an agreement or contract but when two Nations of people or two governments make an agreement in writing that is called a treaty. Do you think you understand now? A Yes.
- Q Well are you making your claim here to day because of any of the treaties which have been made between the United States and the Choctaw Indians? A I don't know.

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 there to 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 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 west of the Mississippi River and moving them to that Country 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 Choctaws who wanted to stay in Mississippi, so article fourteen was made a part of the treaty for the sake of those Choctaws who wanted to stay. 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 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 Choctaws who wanted to stay there in Mississippi would go to the Indian Agent within six months after the treaty was ratified and tell him that they wanted to stay there 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. In doing this they would lose their right as Choctaw citizens but if they ever removed would not be entitled to any part of the yearly Choctaw payments of money.

Q Do you claim anything under the provisions of this article of this treaty? A Do I claim under 2?

Q Yes? A No.

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- Q Why do you think that you have a claim then? A Why do I think I have a claim?
- Q What is the foundation of your claim? A My grandmammie.
- Q Then the foundation of your claim is that you have always been taught that you had Choctaw blood? A Yes.
- Q What was the name of your ancestor who lived in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian? A I never did live in the Choctaw Nation.
- Q You know what is meant by the word ancestor? A No.
- Q It means your father or mother, grandfather or grandmother great grandfather or great grandmother and so on? A Yes.
- Q Now which one of your mother's forefathers lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A I don't know whether one of them did or not.
- Q Well what is the one through whom you are claiming now? A Jim Brown and Jane Brown.
- Q What relation were they to you? A My great grandmammie and great grand pappie.
- Q Did they live in the Choctaw Nation in 1830? A No I don't know where they lived.
- Q Were they Choctaw Indians? A They were Choctaws.
- Q Have you any proof of that? A No.
- Q What makes you think they were? A Well my grandmammie was Indian?
- Q Will you be able to get proof to show that they were Choctaw Indians and were living in Mississippi in 1830? A Yes.
- Q You understand that it is important to your case that you get that proof? A Yes.
- Q Did either of them come west to the present Choctaw Nation with the other Choctaw Indians between eighteen hundred and thirty-three and thirty-eight? A I do not know.
- Q You never heard anything about that? 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 stay there and take land? A No.
- Q You don't know about that? A No.
- Q Do you know anyone that does know? A No I do not.
- Q Will you be able to get proof on that point? I don't know I guess I can.
- Q You understand that is also a very important point in your case? A Yes sir.
- Q Did your great grandfather or great grandmother own any land in Mississippi, Arkansas Louisiana or Alabama? A I don't know whether they did or not.
- Q You never heard? A No.
- Q Have you any papers that you want to file? A No.
- Q Is there anything else that you would like to say? 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 you will be permitted to do so and the same will be made a part of the record in this case.

- Q Do you know what that means? A No.
- Q It means that if you want to bring in any more proof about your case that you will be allowed to do so. Do you understand that now? A Yes.



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This applicant has straight black hair, brown eyes and dark complexion. From her straight dark hair and from her rather reddish brown complexion it might be possible that she has some slight strain of Choctaw blood. She has no knowledge of any 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 they lived in the Choctaw Nation at time of the making of this treaty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commissioner to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 19, 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 4th day of October 1901.

*Charles H. Sawyer*

Notary Public.

COPY

Muskogee, Indian Territory, December 20, 1903.

Mattie White,

Lamesoo, Texas.

Dear Madam:

You are hereby advised that on the 20th day of December, 1903, 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
Neemia 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."

Mattie White, --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 Luconda Moore, Mag Raney, William Raney, Laura Raney, James Raney, Walter Raney, Johnnie Raney, Cleveland Raney, Leonard Raney, Mattie White, Tommie White, James M. Moore, Rosalbe 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 Haney, Willie Ann Raney, Ruthie Elizabeth Raney, Betty Lee Raney, Bettie A. Bass, Vollie Hardeman Bass, William J. Moore, Ruth Moore and Neemia Long as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in charge.

Registered.

COPY.

M.C.R. 3272.

Muskogee, Indian Territory, July 14, 1903.

Mattie White,

Lamasco, 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.

No. 3272

For Identification as a Mississippi Choctaw.

Date AUG 19 1901

Name Mattie White

Age 22 Blood

Post Office, Lamar, Texas

Father: Tom Roney

Mother: Mag Roney

Claims through mother

Husband: Milton White  
(no claim for him)

Children:

Toussie White M 8 mo

Claims for self and child

Stenographer

G Rosemunkel

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