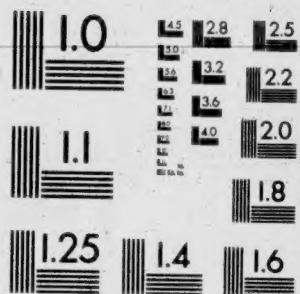
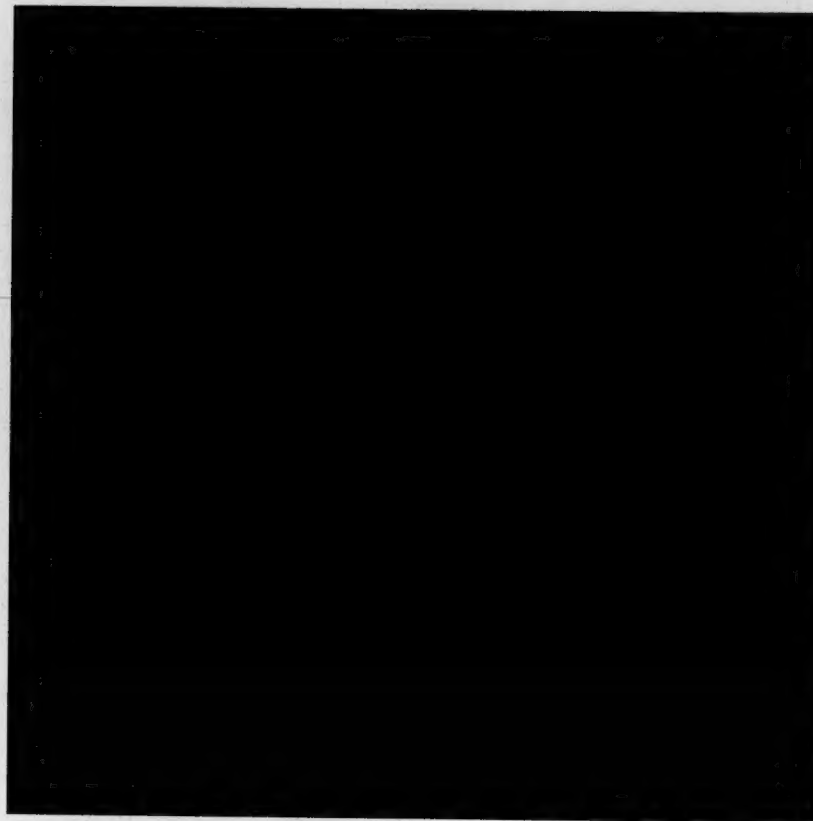
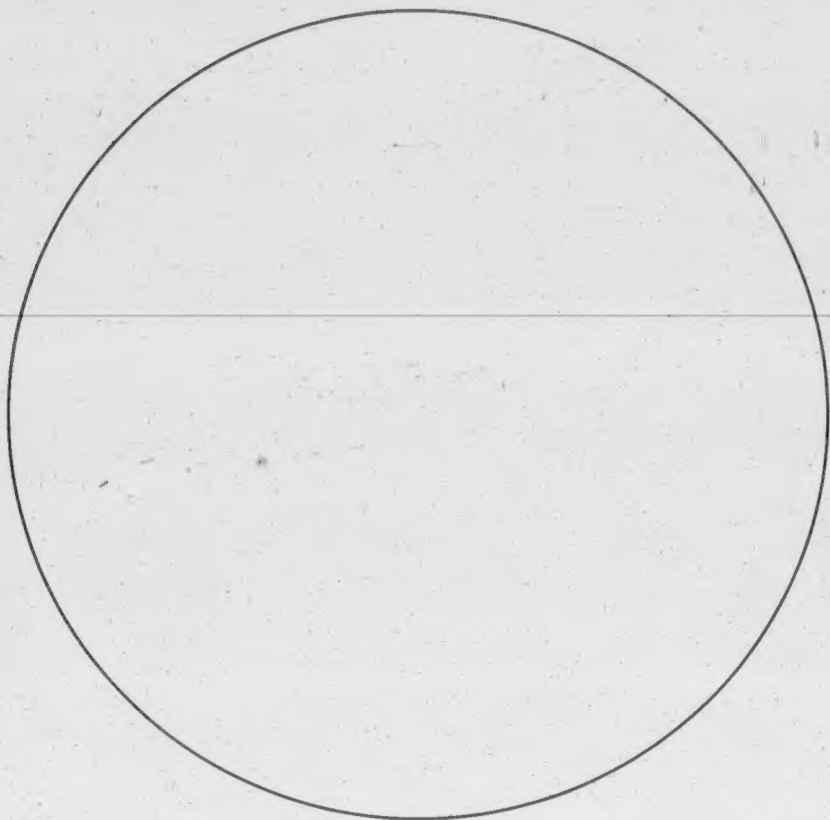
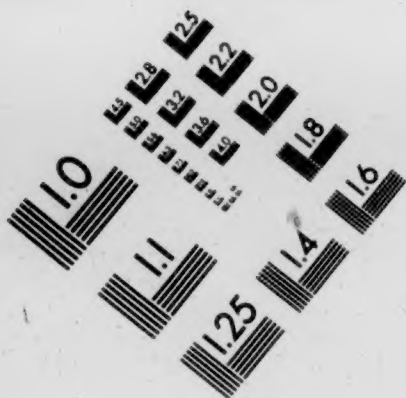
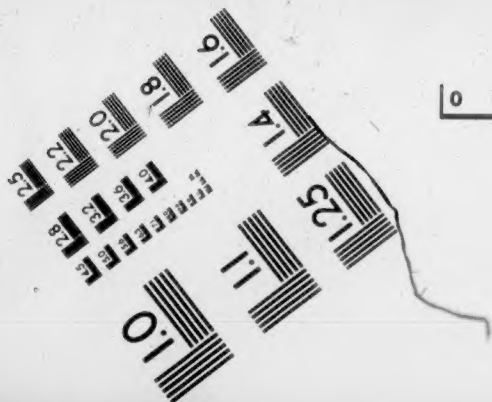
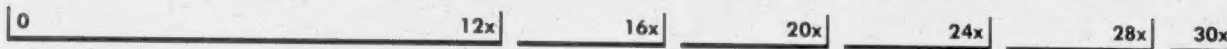




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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 127

MISSISSIPPI CHOCTAW MCR 3566-3665

**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choc. MCR 3566

1 Harriett E. Loper

See MCR 2337

MCR 3566

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 17th, 1901.

In the matter of the application of Harriet E. Loper for the identification of herself and two minor children as Mississippi Choctaws.

Harriet E. Loper, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Harriet E. Loper.
Q What is your age? A Fifty six.
Q What is your post office address? A Bond, Mississippi.
Q How long have you lived there? A I have not been living there only about two months--I have lived right near there for ~~two~~ years.
Q Where did you live before that? A I lived in Clarke county, this state. I was born and raised there.
Q What is your father's name? A James G. Griffin.
Q Is he living? A No sir, he is dead.
Q What is your mother's name? A Elizabeth Griffin.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Grandmother.
Q Your father or mother? A My father.
Q How much Choctaw blood do you claim? A 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 United States authorities in Indian Territory? A Not x that I ever knewed of.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Loper.
Q Do you make any claim for him? A No sir, he is an Irishman.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes, two.
Q What is the name of the oldest? A Hattie Loper.
Q How old is she? A Fourteen.
Q Next? A Gideon Loper.
Q How old is Gideon? A Ten.
Q Boy? A Yes sir.
Q That is all your children? A Yes sir; I have a daughter under age but she is married.

Your married daughter will have to make application for herself.

- Q Is William Loper the father of these children? A Yes sir.
Q You are the mother? A Yes sir.
Q They are living with you at your home? A Yes sir.
Q When and where were you married to your husband? A 22nd day of February, 1868.
Q Were you married by a minister and under a license? A Yes sir.
Q Is your name or the name of either of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory--Did you ever go out there and have your name or theirs enrolled? A Not that I knew of.
Q Did you or any one for you or for your minor children ever make

Harriet E. Loper-----2.

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 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 ever I knowed of.

Q Were you or your children 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 sir.

Q Did you ever make application for yourself or children for citizenship and membership in the Choctaw Nation to the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Do you now come before this Commission for the purpose of claiming an interest in the Choctaw lands in Indian Territory as beneficiaries under article fourteen of the treaty of 1830? A I don't understand that question.

Q You don't understand what I mean by article fourteen of the treaty of 1830? A No sir.

In the year 1830 on the 27th day of September, a treaty was made between the United States government on the one hand and the Choctaw Indians on the other. This treaty was made for the purpose of removing all of the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became evident that a great many Choctaw Indians would not go to the Indian Territory, and in order that their interests might be protected, article fourteen was put into the treaty of 1830. An article in a treaty is a part or sub-division of a treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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 article fourteen of the treaty of 1830, which I have described to you; you understand that now, do you not? A Yes sir.

Q You claim under this article do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830?

A Not that I ever knowed of.

Q Did any of your ancestors if Choctaw Indians comply or attempt to comply with any other article of the treaty of 1830 or the supplement of that treaty? A Not that I knew of.

Q Did any of them claim or receive any rights or benefits under article fourteen or under any other article of the treaty of 1830?

Harriet E. Loper----3.

A No sir.

Q Were you ancestors of Choctaw Indians living in Mississippi in the year 1830? A Yes sir.

Q Who was living in Mississippi in 1830 of your ancestors? A My father and grandfather and uncle Tom Griffin, my aunt Mrs Buckalew.

Q They are all over seventy one years of age? A Yes sir. My father was eighty one when he died and my mother is eighty one and uncle Tom Griffin is about seventy nine years old.

Q Is he over seventy one years of age? A My father was born in 1819, and I don't know how much younger he was than father.

Q Do you know whether any of your relatives were recognized members of the Choctaw tribe of Indians in 1830 or before that? A No sir, I don't know that they were.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or before that? A My grandfather or grandmother owned a place.

Q What was her name? A Harriet Griffin.

Q What was her maiden name? A Harriet Connor.

Q She was your grandmother? A Yes sir.

Q Your father's mother? A Yes sir.

Q Where was this place located? A In Clarke county, Mississippi.

Q Did she have the title in her name or was there any title? A There was not any title that I knew of. It always went in grandmother's name.

Q Do you know what became of that land? A No sir, we all never got nothing for it. It was sold to the railroad or went back to the government.

Q It was taken and condemned for railroad purposes? A I guess it was--they called it railroad land.

Q Do you know whether that land was received from the government by your ancestors or not? A No sir, I don't know.

Q Did any of your ancestors of Choctaw Indians within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi take land, and become citizens of the United States? A No sir, not as I know of.

Q Did any of your ancestors of Choctaw Indians go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know; not that I know of. They said grandfather ~~was~~ went back with them.

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

Q Did they ever receive any land, money or scrip under any other article of the treaty, except article fourteen, or under the supplement of the treaty? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830, the government directed the United States Indian Agent who lived in Mississippi in 1830, to register the names of all Indians who came before him within six months after the ratification of the treaty of 1830 and declared their intention to stay in Mississippi and take land there and become citizens of the United States. This Indian Agent failed to record the names of a great many Indians who made the declarations within that time, and as a result of his neglect the land was taken away from these Indians, and in many cases was sold by the government at its public land sales, and they lost their lands and im-

Harriet E. Loper---- 4.

provements. This caused a great many complaints, and as a result of the complaints made a Commission was appointed in 1837, by act of Congress approved March 3, 1837, which Commission came to the state of Mississippi and heard a great many claimants who claimed rights under article fourteen of the treaty of 1830. In 1842, another Commission was appointed for the same purpose.

Q Do you know whether any of your ancestors, if Choctaw Indians, appeared before either of these Commissions, the Commission of 1837 or the Commission of 1842, and claimed rights under article fourteen of that treaty? A No sir, I don't know anything about it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw claimant had rights under article fourteen of the treaty of 1830, whose land had been taken from him, he should receive land from the government either in the state of Mississippi, or in Arkansas, Louisiana or Alabama, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Do you remember if any of your Choctaw ancestors received any scrip from the government under the act of Congress approved August 23, 1842? A No sir, never received any.

Q Have you any documentary evidence of any kind that you want to introduce in support of your application? A No sir.

Reasonable time will be allowed this applicant in which to introduce documentary evidence if she desires to do so in support of this claim; also to introduce the oral testimony of witnesses if she desires to produce any before the Commission?

Q Do you know if any of your kin people have previously appeared before the Commission? A Yes sir.

Q Will you give the names of some of your relatives who have already made application for identification before the Commission? A Thomas B. Griffin, Nancy Buckalew, Maragret D. Gunn, Norman Gunn, Nancy Gray--she is my first cousin; and James Griffin, a son of Thomas B. Griffin.

Q You belong to this family of Griffins, Davises and Gavins, all of whom claim to be descended from Harriet Griffin as a common ancestor. A Yes sir.

Q Do you want the testimony of all of these kind people who have already made application, and who claim to be descended from Harriet Griffin, to be considered as a part of your application when your case is taken up for consideration? A Yes sir.

Q Is there anything more you want to say in support of your claim? A No sir, there is nothing else that I can say.

Q Do you speak the Choctaw language? A No sir, but my father used to could.

Q What was your father's name? A James Griffin.

Q What was his business or occupation? A He was a farmer and justice of the peace.

Q You claim one sixteenth Choctaw blood? A Yes sir.

Q And he claimed how much? A One eighth.

Q He claimed through his mother Harriet Griffin? A Yes sir.

Q And she claimed one quarter Choctaw blood? A Yes sir.

Q Do you know whether or she could speak the Choctaw language? A No

Harriet E. Loper-----B.

- Q sir, I don't remember that she could; I guess she could though.
Q Do you know whether she could? A No sir, pa was always with the Choctaws; they were always around grandpa's.
Q Do you remember the name of the father or mother of Harriet Griffin?
A I don't remember the given name.
Q Her maiden name was Connor? A Yes sir.
Q Do you know through which parent she claimed her Choctaw blood?
A No sir.
Q Have you any documentary evidence of any kind or copies of records or deeds showing or tending to show that Harriet Griffin was a Choctaw or part Choctaw, and that she claimed through either her father or mother? A No sir.

This applicant claims one sixteenth Choctaw blood; she seems to be descended from white parentage. She does not speak the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with any of the provisions of 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 17th day of September, 1901, and that the above and foregoing is a full, true and complete 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 September, 1901.

[Signature]

Notary Public.

COMMISSIONERS:

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M. O. R. 3566

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Harriet E. Loper,

Bond, 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, Studie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, 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,

Registered.

COPY

M C R 3506

Muskogee, Indian Territory, December 8, 1902.

Harriet E. Loper,
Bond, 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

Tamm Ditt
Acting Chairman.

For Identification as a ~~Witness~~ ~~Case~~

Date

SEP 17 1901

Name

Harriet E. Loper

Age

56

Blood

1/16

Post Office,

Bond, Miss.

Father:

James G. Griffin, d

Mother:

Elizabeth "

l

Claims through

father

Husband

William Loper, n.

no claim for husband.

Children:

Hattie Loper

14

Gideon

" (boy)

10

Claims for self and children.

Stenographer

A. C. Ristern

Choc. MCR 3567

Alice Loper

See MCR 2337

MCR 3567

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi,-- September 17th, 1901.

In the matter of the application of Alice Loper for identification as a Mississippi Choctaw.

Alice Loper, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Alice Loper.
Q What is your age? A Twenty two.
Q What is your post office address? A Bond, Mississippi.
Q How long have you lived there? A About two months.
Q Where did you live before you lived there? A Up above there and right around in the neighborhood.
Q Where were you born? A In Alabama.
Q Where in Alabama? A Mobile county.
Q When you left there where did you go? A Mississippi.
Q What place in Mississippi? A Hattiesburg.
Q How long did you live there? A About two weeks.
Q Where did you go from there? A Eastibouche.
Q That is in Mississippi? A Yes sir.
Q And where did you live after that? A Bond, Mississippi.
Q And you live there now? A Yes sir.
Q What is your father's name? A William Loper.
Q Is he living? A Yes sir.
Q What is your mother's name? A Harriet E. Loper.
Q She is living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A Mother.
Q How much do you claim? A One 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 No, I don't know sir.
Q You are not 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, Indian Territory? A I couldn't tell you.
Q Did you ever make application or any one for you for citizenship in the Choctaw nation to the Choctaw tribal authorities? 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 come before the Commission for the purpose of claiming an interest in the lands of the Choctaw Nation in Indian Territory as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand the provisions of that article? A No sir.
Q Did you ever have it read to you or did you ever read it? A No, sir.

The treaty of 1830 or sometimes called the treaty of Dancing

Alice Loper-- --2.

Rabbit Creek was entered into between the Choctaw Indians who lived in Mississippi in 1830, and the United States government on the 27th day of September, 1830. The treaty was made for the purpose of removing all of the Choctaw Indians who lived in those two states to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became evident that quite a good many Choctaws would not go to the Indian Territory, and unless some provision was made for them the treaty would fail of signature. So to protect the interests of the Indians who stayed in Mississippi and Alabama, article fourteen was put into the treaty. An article in a treaty is a part or subdivision of it. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be ~~ix~~ 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 Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830?
- A I don't know sir.
- Q Did they ever comply or attempt to comply with any of the provisions of any other article of the treaty of 1830 than article fourteen?
- A I couldn't tell you.
- Q Do you know whether any of your ancestors were living in Mississippi or Alabama in 1830 or at any time previous to that year?
- A I don't know.
- Q Do you know whether your grandfather or grandmother were living in Mississippi seventy one years ago?
- A No sir.
- Q Have not you heard anything about whether they were living here -- have not you heard in the family anything about that fact?
- A No sir.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830 or at any time previous to that year?
- A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830?
- A I don't know.
- Q You heard your mother testify a few moments ago, didn't you?
- A Yes.
- Q Her name is Harriet E. Loper?
- A Yes sir.
- Q Did you hear her testimony in reference to the place her mother lived upon in Mississippi in 1830 and previous to that time called the Griffin place?
- A Yes sir.
- Q Do you know anything about it further than you have heard her say?
- A No sir.

Alice Loper-----3.

- Q Did you ever hear her say anything about that place before this morning? A Yes sir.
- Q Did any of your ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, that they intended to stay in Mississippi, take land there and become citizens of the states? A No sir.
- Q Did any of your ancestors if Choctaw Indians go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Not as I know of.
- Q Did you ever hear that any of your ancestors, if Choctaw Indians, went from either Mississippi or Alabama to the Indian Territory at any time? A No sir.
- 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 No sir.
- Q Did they ever receive any land, money or scrip from the United States government as Choctaw Indians under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.
- Q You claim your Choctaw blood through your mother, do you? A Yes sir.
- Q Your mother's name is Harriet E. Loper who has just made application on this date? A Yes sir.
- Q She claimed her Choctaw blood through which parent? A Through her father, James G. Griffin.
- Q James G. Griffin claimed his Choctaw blood through which parent? A His mother.
- Q What was her name? A I don't know.
- Q You have heard your mother testify? A Yes sir.
- Q She said she claimed through her grandmother, Harriet Griffin,-- do you know anything about that? A No sir.
- Q Did you ever hear her claim before today that she claimed her Choctaw blood through her grandmother Harriet Griffin? A Yes sir.
- Q Then you know she does claim through her? A Yes sir.
- Q What she has told you previously about that is the same as she testified today? A Yes sir.
- Q Do you know through which parent Harriet Griffin claimed her Choctaw blood? A No sir.
- Q Do you know whether Harriet Griffin could speak the Choctaw language? A No sir.
- Q Can you speak the Choctaw language? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830, the government required the United States Indian Agent who lived in Mississippi at that time, Colonel Ward, to make a list of all Indians who appeared before him within six months from the ratification of the treaty of 1830, and declared their intention to become citizens of the states and to take land in Mississippi. But this Indian Agent failed to record the names of a great many Choctaw Indians who did make those declarations within the time limited by article fourteen. As a result of this failure on the part of the Indians agent, the lands upon which a great many Choctaws were living and upon which they had improvements were taken from them and sold at public land sales, and the Indians were deprived of both land and improvements. As a result of this neglect on the part of the agent and the subsequent action on the part of the government, a great many complaints were made by the Indians and as a result of the complaints made, a Commission was appointed in 1837, by act of

Alice Loper-----4.

Congress approved March 3, 1837, which commission came to the state of Mississippi and heard a great many claimants who claimed rights under article fourteen of the treaty of Dancing Rabbit Creek. In 1842, another commission was appointed by act of Congress approved August 23, 1842, which Commission came to Mississippi for the same purpose and heard applicants who claimed rights under article fourteen of the treaty of 1830.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837, or the Commission appointed by act of Congress approved August 23 1842, and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Not as I know of.

Q You never heard anything about that? A No sir.

The Commission appointed in 1842 when it had determined the fact that a Choctaw claimant was entitled to rights and benefits under article fourteen of the treaty of Dancing Rabbit Creek, but whose land had been taken from him, issued certificates to such claimant, which certificate gave him the right to select land either in Mississippi, Alabama, Louisiana or Arkansas. These certificates were called scrip.

Q Do you know whether any of your ancestors if Choctaw Indians received any scrip from the government of the United States as Choctaw Indians under this act of Congress of August 23, 1842? A No sir, / I don't know.

Q Have you any documentary evidence, of any kind, any records or patents or copies of records, showing that you are lineally descended from Mississippi Choctaw ancestors, and also proving that this ancestors complied with article fourteen of the treaty of 1830 or with any other article of that treaty? A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this claim, also for the introduction of oral testimony of witnesses if she desires to introduce any before the Commission in support of her claim.

Q Will you give the names of any of your kin folks who have previously appeared before the Commission at its present session for the purpose of being identified as Mississippi Choctaws. A Eliza Denham, Norman Gunn, Margaret D. Gunn, Nancy Gray, Lummie Dunham, Nancy Buckalew, Thomas B. Griffin.

Q Do you want the testimony of your relatives who have already appeared before the Commission for the purpose of becoming identified as Mississippi Choctaws, and who all claim a common ancestor in Harriet Griffin, nee Connor, to be considered in your case when your application is considered by the Commission? A Yes sir.

Q Are there any further statements you want to make now in support of this claim? A No sir.

Q You do not speak Choctaw? A No sir.

This applicant has the appearance of a person descended from white parentage. She does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

H. C. Ristern, having been first duly sworn, upon his oath states That as stenographer to the Commission to the Five Civilized Tribes

Alice Lopez---

he reported in full all proceedings had in the above entitled cause on the 17th day of September, 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. R. Risteen

Subscribed and sworn to before me at Meridian, Mississippi, this 23rd day of September, 1901.

[Signature]

Notary Public.

COMMISSIONERS:

HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
G. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 2337
M.C.R. 3587

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Alice Loper,

Bond, 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, Studie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, 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,

Registered.

Mississippi, Indian Territory, December 1, 1902.

Alice Lopez,

Band, 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.

#1394

No.

For Identification as a Mississippi Choctaw.

Date

SEP 17 1901

Name

Alice Lopez

Age

22 1/2

Blood

1/32

Post Office

Bond, Miss.

Father

William Lopez

l

Mother

Harriet E. Lopez

l

Claims through

mother.

Remarks:

Claims for self alone.

Stenographer

H. R. R. R.

Choc. MCR 3568

Alexander Gunn

See MCR 2337

MCR 3568

3128

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, ---September 17, 1901.

In the matter of the application of Alexander Gunn for the identification of himself and seven minor children as Mississippi Choctaws.

Alexander Gunn, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Alexander Gunn.
Q What is your age? A Forty six years.
Q What is your post office address? A Thomasville, Alabama.
Q How long have you lived there? A I have been living there seven years.
Q Where did you live before that? A Manafalia, on Tom Bigbee river in Alabama.
Q Where were you born? A Clarke county, Mississippi.
Q Where did you go from there? A I moved into Choctaw county Alabama and stayed two years and then went to Marengo county, at Manafalia.
Q How long did you stay in Clarke county, Mississippi? A Until I was twenty one years old.
Q How long did you stay in Choctaw county, Alabama? A Two years.
Q You have always lived in Mississippi or Alabama? A Yes sir.
Q What is your father's name? A Henry S. Gunn, Sr.
Q Is he living or dead? A He is living.
Q What is your mother's name? A Margaret D. Gunn.
Q Is she living? A She is.
Q Through which one of these parents do you claim Choctaw blood?
A I claim, through my mother.
Q How much Choctaw blood do you claim? A I can't tell you that only what I have heard---I claim I am, one sixteenth.
Q You have heard that in the family? A Yes sir.
Q That is your best knowledge? A Yes 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 in Indian Territory? A I can't tell anything about that.
Q Are you married? A I am.
Q What is your wife's name? A Ada Gunn.
Q Do you make any claim for her? A No sir.
Q She is a white woman? A Yes sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir, seven?
Q What is the name of the oldest? A John H. Gunn.
Q How old is John? A He is thirteen years old.
Q What is the name of the next? A Alexander Gunn, Jr.
Q How old is he? A Eleven.
Q Next? A Ada G. Gunn.
Q How old? A Nine.
Q Next? A Norman L. Gunn, seven.
Q Next? A The next is Ida.
Q How old is Ida? A Four.
Q Next? A I have twins but I have not named them yet; they are a

Alexander Gunn----2.

year old; we will name one of them Ruby and the other Ruth.

Q How old is Ruby? A One year old.

Q And Ruth is the same? A Yes sir.

Q Is that all your children? A Yes sir.

Q Is Ada Gunn the mother of these children? A Yes sir.

Q Are you the father? A Yes sir.

Q They are living with you at your home? A Yes sir.

Q Were you married to your wife by a minister and under a license?
A Yes sir.

Q When and where were you married? A In 1887, in Alabama.

Q What day of the month? A I can't tell you exactly; I believe I was
married March 17. I have not a marriage certificate but I can get
one.

Reasonable time will be given you in which to introduce
your marriage license and certificate in order to support
the claim which you make for these children.

Q Is your name or the names of any of these 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 these children ever make applica-
tion to the Choctaw tribal authorities in Indian Territory for
citizenship in the Choctaw Nation? A No sir.

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

Q Have you ever been admitted to citizenship, you or your children
in the Choctaw Nation, by either the Commission to the Five Civilized
Tribes, or the Choctaw tribal authorities, or the United States Court
in Indian Territory? A No sir.

Q Is this the first application that you have ever made of any kind
for yourself and children for citizenship in the Choctaw Nation to
either the Choctaw tribal authorities or the United States author-
ities? A Yes sir.

Q Do you now make application for identification as Mississippi
Choctaws for yourself and children and for benefits and interests in
the lands of the Choctaw Nation as beneficiaries under article four-
teen of the treaty of 1830? A I don't know what that treaty was.

Q Did you ever hear of the treaty of 1830? A I have heard some-
thing about it.

Q Do you understand it very well? A No sir, I don't understand it

In the year 1830, a treaty was made between the United States
government and the Choctaw tribe of Indians, called the treaty
of Dancing Rabbit Creek. It was made on the 27th day of Sep-
tember, of that year, at a place called Dancing Rabbit Creek, in
Mississippi. The object of that treaty was the removal of the
Choctaw Indians who lived in Mississippi and Alabama to the
Choctaw Nation Indian Territory. At the time, the Choctaws
were living in Mississippi and Alabama, and before the
treaty was signed, it became evident that many of the Choctaws
would not go to the Indian Territory, and in order to protect
their rights and interests article fourteen was put into the
treaty.

Q Do you know what a treaty is? A Yes sir.

Q And you understand what an article of a treaty is? A Yes sir.

Alexander gum-----3.

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 claim under this article as I have explained it to you?

A I suppose so.

Q You ought to know? A Yes sir.

Q Do you understand it as I have read it? A I guess I do.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Not as I know of.

Q You understand that the compliance was as I read to you that within six months after the ratification of the treaty they should tell the agent that they wanted to stay here--that was in 1830? A Yes sir, I don't know anything about it.

Q Were any of your ancestors living in Mississippi or Alabama when the treaty of Dancing Rabbit Creek was made? A I can't tell that.

Q Whom do you claim your Choctaw blood through? A My grandmother Harriet Griffin and her maiden name was Harriet Connor.

Q Don't you think she was living here in 1830? A I suppose she was, I don't know.

Q Do you know whether she or any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830? A I have heard that she was recognized.

Q Was she recognized so that she could take part in the tribal government--recognized in council? A No sir, I don't know anything about that.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that year?

A I don't know.

Q Didn't your grandmother live on a place called the Griffin place?

A Yes sir, but I can't remember that she lived in that place then. I can remember her and know where she lived and where she died, but I don't know where she was living in 1830.

Q Do you know when she died? A I know, but I can't tell the date I was very small.

Q How old was she when she died? A She was an old woman, about sixty years old.

Q How long ago did she die? A I suppose about forty years ago or more.

Q If she died forty years ago, and she was sixty years old then, she must have been living 100 years ago? A Yes sir.

Alexander Gunn-----4.

Q Did any of your ancestors go to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time, and whose name was Colonel Ward, that they intended to stay in Mississippi, and take land in that state and become citizens of the United States? A Not that I know of.

Q Did any of your ancestors ever receive any benefits, in land, money or scrip from the government as Choctaw Indians under article fourteen of the treaty of 1830? A Not as I know of.

Q Did they ever receive any benefits under the treaty of 1830 other than article fourteen or under the supplement of the treaty? A Not as I know of.

In accordance with the provisions of article fourteen of the treaty of 1830, the government required that the Indian Agent who lived in Mississippi at that time, Colonel Ward, should make out a list of all Indians who claimed rights under article fourteen of the treaty of 1830, and who had declared their intention to stay in Mississippi at his office and before him within six months from the ratification of the treaty. For some reason, Colonel Ward did not do this properly, because he did not record the names of a great many who went to his office. As a result of his neglect, a great many Indians who had lands and improvements on lands lost both their lands and improvements. This caused a great deal of complaint, so that in 1838 Congress appointed a Commission to come to Mississippi and hear all claimants under article fourteen. In 1842, another Commission was appointed for the same purpose.

Q Do you know whether any of your ancestors appeared before the Commission appointed under the act of Congress of March 3, 1837, or before the Commission appointed under the act of Congress of August 23, 1842, and attempted to establish rights under article fourteen of the treaty of 1830? A I do not 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 provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been taken from him he should be entitled to select land elsewhere in the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A Not as I know of.

Q Have you any documentary evidence you want to introduce now in support of your claim? A None at all.

A reasonable time will be allowed to this applicant in which to file documentary evidence in support of his application; also for the introduction of the oral testimony of witnesses if he desires to produce any within a reasonable time.

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

Alexander Gunn----- 5.

Q Can you give the names of any of your relatives who have made application for identification before the Commission? A I have heard of Thomas P. Griffin, Nancy Buckalew, my brothers Norman Gunn, John F. Gunn, George W. Gunn, and James J. Gunn; John C. Griffin, James Griffin, Sam Griffin, Rosier Griffin and Nancy Gray. I believe that is all I can think of.

Q There are others that you cannot remember who are all descended with these relatives from a common ancestor, Harriet Griffin? A Yes sir.

Q Do you want the testimony of all of these kin people considered as a part of your testimony when your evidence is considered before the Commission? A I do.

Q Is there anything more you want to state in support of your claim
A Nothing more.

This applicant has the appearance of one descended from white parentage. He does not speak the Choctaw language, and has no knowledge of any compliance on the part of his ancestors with any of the provision 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 17th day of September 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 September, 1901.

[Signature]

Notary Public.

Muskogee, Indian Territory, October 18, 1901.

Mr. Alex Gunn,
Thomasville,
Alabama.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 12, 1901, in which you state that you sent your marriage certificate to the Commission at Meridian, Mississippi, and ask to know if the same has been received.

In reply to your letter you are advised that it appears from our records that on September 17, 1901, Alexander Gunn appeared before the Commission at Meridian, Mississippi, and applied for the identification of himself and seven minor children as Mississippi Choctaws. On September 24, 1901, certified copy of the marriage license between Alex Gunn and Miss Ada Barron was filed in support of this application. No other documentary evidence has been offered for filing in support of your application for identification as a Mississippi Choctaw.

Yours truly,

N.C.3562.

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. 3568

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Alexander Gunn,

Thomasville, 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, 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, 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,

I. P. McKinnon

Registered.

Muskogee, Indian Territory, December 5, 1902.

Alexander Gunn,

Thomasville, 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,

SIGNED

Acting Chairman.

#1395

No. _____

For Identification as a Mississippi Choctaw.

Date SEP 17 1901

Name Alexander Gunn.

Age 46 - Blood 1/6

Post Office, Thomasville, Ala

Father: Henry S. Gunn Sr. &

Mother: Margaret W. "

Claims through Mother.

wife, Ada Gunn w.
No claim for wife

- Children:
- | | | |
|---|-----------------|----|
| # | John H. Gunn | 13 |
| { | Alexander " Jr. | 11 |
| { | Ada G. " | 9 |
| { | Norman L. " | 7 |
| { | Ida " | 4 |
| { | Ruby " | 1 |
| { | Ruth " | 1 |

Claims for self and Children.

Stenographer H.C. Ransom

Choc. MCR 3569

Mattie M. Gunn

See MCR 2337

MCR 3569

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, --- September 17, 1901.

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

Mattie M. Gunn, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mattie M. Gunn.
Q What is your age? A Thirty five.
Q What is your post office address? A Thomasville, Alabama.
Q Where were you born? A Clarke county, Mississippi.
Q How long did you live there? A I don't know how long.
Q About how long? A About thirteen years I suppose.
Q And you went from there to what place? A To Choctaw county, Alabama.
Q You stayed there how long? A I think nine or ten years.
Q And then you went where? A to Thomasville.
Q And you have been there ever since? A Yes sir.
Q What is your father's name? A Henry S. Gunn, Sr.
Q Is he living? A Yes sir.
Q What is your mother's name? A Margaret D. Gunn.
Q Is she living? A Yes sir.
Q You claim through which parent? 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 United States authorities in Indian Territory? A I don't know.
Q You are not married? A No sir.
Q You apply 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 ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application for membership in the Choctaw Nation under the act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes? A No sir.
Q Were you ever 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 You never made application before this to any authority? A No sir.
Q Do you now come before the Commission for the purpose of claiming an interest in the lands in the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A No sir.
Q Do you understand what a treaty is? A Yes sir.

A treaty is the same thing as a contract in writing between individuals except that it is a contract in writing between nations instead of individuals. In 1830 the treaty of Dancing Rabbit Creek was entered into between the Choctaw Nation on the one hand and the United States government on the other. At that

time, September 27, 1830, the Choctaw Indians were all living in Mississippi and Alabama, and the object of the treaty was to remove them from Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed, it became evident that some of the Indians would not go to the Indian Territory, and in order to protect their interests, article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family bring desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You claim under that article, do you? A Yes sir.
- Q Do you understand it now? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 as I have explained it? A I don't know.
- Q Did they ever comply or attempt to comply with the provisions of any other article of the treaty than article fourteen or the supplement of the treaty? A Not that 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 I suppose my grandmother was.
- Q What was her name? A Harriet Griffin.
- Q Do you know what her maiden name was? A Harriet Connor.
- Q How much Choctaw blood did she have? A I have been told she had one quarter.
- Q Which parent did she claim her Choctaw blood through? A I don't know.
- Q Did she speak the Choctaw language? A I don't know.
- Q Do you? A No sir.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830 or at any time before that? A I don't know.
- Q Did you ever hear that Harriet Griffin had land in Mississippi or Alabama? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the Indian States Indian Agent, Colonel Ward, and tell him that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Mattie M. Gunn-----3.

Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of your ancestors ever claim or receive any land in Mississippi from the government of the United States as Choctaw Indians; under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, claim or receive any land or money under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830, the government required the Indian ~~was~~ Agent who lived in Mississippi at that time to make a list of the names of all of the Choctaw Indians who within six months after the ratification of the treaty of 1830 declared their intention before him to remain in Mississippi, take land there and become citizens of the states. For some reason known to him and not known to anybody else, he did not do it, and his record contained the names of very few Indians who really did make the declarations within the time limited under article fourteen. His neglect caused a great many complaints on the part of the Choctaws because their land was taken away from them and all improvement which they had on their land. As a result of the complaints made, a Commission was appointed in 1837, by act of Congress of March 3, 1837, to come to Mississippi for the purpose of hearing all these claimants who claimed rights and benefits under article fourteen of that treaty. In 1842, Congress also appointed another Commission for the same purpose.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837, and under the act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830? A I don't know.

Q You never heard that they did? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had rights under article fourteen of that treaty, but that notwithstanding his land has been taken from him, he should have land from the vacant public land and that he might select that land either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate should be issued to him to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any scrip from the government under this act of Congress? A I don't know.

Q Have you any documentary evidence you would like to introduce now in support of your claim? A No sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of her claim, also for the introduction of the oral testimony of witnesses.

Q Will you give the names of any or all of your kin people who have made application for identification as Mississippi Choctaws?

A My mother, Margaret D. Gunn, My brothers, Norman Gunn, George Gunn, John F. Gunn, J. J. Gunn, and my sister Willery H. Jackson,

Mattie M. Gunn--- -4.

that is all that I can remember.

Q How about Nancy Buckalew? A Nancy Buckalew and Thomas B. Griffin, my aunt and uncle.

Q That is all that you can remember? A Yes sir.

Q These are kin folks of yours? A Yes sir.

Q And all claim through the same ancestor? A Yes sir.

Q There are others who claim through her and so whose names you do not recollect? A Yes sir.

Q Do you want the testimony of all of these kin people who claim through Harriet Griffin to be examined and considered in connection with the testimony given in your case? A Yes sir.

Q Is there anything further you want to say in support of your claim? A No sir.

This applicant appears to be descended from white parents. She does not speak the Choctaw language and has no knowledge of any compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

H. C. Risteen, having been first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 17th day of September, 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 September, 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. O. R. 3589

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

Mattie M. Gunn,
Thomasville, 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, 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, Nancy J. Grimes, Lucy Rollings, Sam Rollings, Norman Rollings, Edward Rollings, Katie Rollings, Nannie Rollings, Tom Rollings, Sallie B. Rollings, Mellie Rollings, Mollie Rollings, Florence Gray, May Taylor, Roy Taylor, Nancy J. Gray, Margaret Williams, James B. Griffin, Emma E. Griffin, Oessie Griffin, Maggie Griffin, Jake Griffin, Lottie Griffin, Eastman Griffin, Lucy H. Allen, James M. Allen, Lela R. Allen, Ira E. Allen, Allen G. Buckalew, Abbie Janet Buckalew, John Allen Buckalew, Joseph Griffin Buckalew, Bonnie McCoy Buckalew, Prince Albert Buckalew, Connie Lee Buckalew, Oscar Buckalew, Arthur Buckalew, Mary Blakely, Mary Edna Blakely, James W. Griffin, Lillia Griffin, Eddie Griffin, Edna Griffin, John Wilson Griffin, James C. Griffin, Susie L. Griffin, Harriet Bearfield, Lutha Bearfield, Andrew Bearfield, Albert Bearfield, Sudie Bearfield, Allen T. Bearfield, Vivy L. Bearfield, John Bearfield, Charley Bearfield, Eva Bearfield, Grady Bearfield, Rosier D. Griffin, Fletcher Griffin, Zilla Griffin, Henry Griffin, Timmie Griffin, Rella Griffin, Siddie Griffin, Glender Griffin, Hattie Griffin, John Thomas Griffin, Bessie Riley, Eva Riley, Ruby Riley, Hardie Riley, Edna Griffin, Ransom B. Buckalew, Abbie Buckalew, Jettie Buckalew, Maud Buckalew, Alman Buckalew, Claud Buckalew, Margaret Emma Boney, Eva Boney, Rufus Boney, Clarence Boney, Wilmer Boney, Willery H. Jackson, Edward T. Davis, Lucy Davis, William L. Davis, Annie Davis, Charles M. Davis, Rosier Davis, Alice Davis, Charlie Davis, Bessie Davis, Sadie Davis, Rosier S. Gavin, Withers Gavin, Charles R. Gavin, Clinton Gavin, Rex Gavin, George E. Gavin, David L. Gavin, Lucy Dedwylder, Charles A. Davis, Rosier S. Davis, Edward B. Davis, Evan M. Gavin, Janie Gavin, Lillie Jackson, Eddie Jane Jackson, Roy Calloway Jackson, Ada Amelia Jackson, Sam W. Griffin, Ada Powers, David N. Powers, Ada A. Powers, Fannie Bowles, Lucy J. Slay, John L. Slay, Agnes L. Slay, Deborah L. Slay, Belle L. Slay, Lucy L. Slay, Frank L. Slay, Bolway L. Slay, Mary L. Slay, Grady L. Slay, Harriet I. Carmichael, Allen Carmichael, Dugald Carmichael, Walter M. Carmichael, John J. Carmichael, Mary N. Dunnam, Edward Dunnam, Allen F. Dunnam, Siddie Dunnam, James R. Dunnam, Collin W. Dunnam, Deborah Ann McLendon, Annie F. McLendon, Charles Kennet McLendon, Allen F. McLendon, Jr., Luella Kate McLendon, John E. McLendon, Rosier A. McLendon, Norman Gunn, Henry S. Gunn, Jr., Harry S. Gunn, Jessie P. Gunn, Harriet Dedwylder, Rosier Davis Dedwylder, Bryant M. Dedwylder, Edward Jefferson Dedwylder, Lucy L. Boykin, Verginia E. Boykin, Amanda A. Boykin, Sallie Davis, John C. Nickels, Harriet A. Nickels, Ida L. Nickels, Joseph A. Nickels, Robert L. Nickels, Maggie Thornhill, Frank Thornhill, Carlie Thornhill, Onie Thornhill, James C. Denham, Fred Tracy Denham, Eva Jopes, Hugh Jopes, Eliza J. Denham, Chester E. Denham, Maud E. Denham, James W. Raley, Willie Rufus Raley, Ira Bonnie Raley, Mary Fletcher Raley, Edward Ernest Raley, Eula B. Raley, Anna Mack Raley, Emma Britton, Rubie M. Britton, Rosa D. Britton, Lottie M. Britton, Winnie E. Britton, Albert B. Britton, Eugene Russell Britton, Annie M. Britton,

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 Danmire, 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,

ORIGINAL

E. B. Woodcock

Registered.

JE

M C R 3569

Muskogee, Indian Territory, December 5, 1902.

Mattie M. Gunn,
Thomasville, 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.

1396

No. 2569

For Identification as a Mississippi Choctaw.

Date 1901

Name Mattie M. Gunn

Age 35 Blood 1/16

Post Office, Thomsville, Ala

Father: Henry S. Gunn Sr. l

Mother: Margaret D. " l

Claims through Mother

~~Notes~~

Claims for self
done

Stenographer

H. C. Ricketts

Choc. MCR 3570

Mary E. Gunn

See MCR 2337

MCR 3570

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R 3570

Mary E. Gunn

REFER TO M. C. R. 2337

REFUSED

DECISION RENDERED JUL 26 1902

FORWARDED TO APPLICANT.
JUL 26 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.
JUL 26 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.
NOV 21 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO APPLICANT.
DEC - 5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEY FOR APPLICANT.
DEC 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED TO ATTORNEYS FOR CHOCTAW
AND CHEROKEE NATIONS.
1902

Choc. MCR 3571

Fannie F. Elliott

See MCR 157

MCR 3571

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi,--- September 18th, 1901.

In the matter of the application of Fannie F. Elliott for identification as a Mississippi Choctaw, made in her behalf by her father, William T. Elliott.

William T. Elliott, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A William T. Elliott.
Q What is your age? A Sixty four.
Q What is your occupation? A Stock dealer.
Q What is your present post office address? A Chattanooga, Tennessee.
Q You now make application for your daughter, do you? A Yes sir.
Q She is a minor? A Yes sir.
Q What is your daughter's name? A Fannie F. Elliott.
Q Is her mother living or dead? A She is dead.
Q When and where did she die? A She died in Chattanooga, fifteenth of October, 1890.
Q This daughter is living with you at your home? A Yes sir.
Q What is her age? A She was seventeen last October.
Q What is her post office address? A Her post office address now is Highland Park, Tennessee,--a suburb of Chattanooga--She is living with her married sister.
Q Where was she born? A Bedford county, Tennessee.
Q How long did she live there? A She lived there until the fall of 1890 when we went to Chattanooga.
Q And has been there ever since? A Yes sir.
Q What is the name of the mother of Fannie F. Elliott? A Louisa F. M. Elliott
Q And she is dead? A Yes sir.
Q Through which one of her parents does Fannie F. Elliott claim her Choctaw blood A Through her mother.
Q How much does she claim or do you claim for her? A One sixteenth
Q Has Louisa F.M. Elliott 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 I don't know that she has.
Q Is the name of your daughter Fannie to be found upon any of the tribal rolls of the Choctaw nation in Indian Territory? A I don't know.
Q Did you or any one for her ever make application to the Choctaw tribal authorities in Indian Territory for enrollment as a member of that tribe? A Never did.
Q Did you in her behalf or did any one else for her or did she make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Has she 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 Did she ever make application for citizenship or did any one for her before this time to either the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A No sir.

Fannie F. Elliott-----2.

Q This is the first application that has ever been made for her? A Yes sir.

Q Do you now come before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for your daughter, Fannie F. Elliott under the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of the treaty of 1830? A I don't know that I do, I have read it.

The treaty of 1830 was made between the United States government and the Choctaw Indians; it was made on the 27th day of September 1830. At the time of the making of the treaty of 1830, the Choctaw Indians were living in Mississippi and Alabama, and the treaty was made for the purpose of removing all of the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before it was signed, it became evident that a great many Choctaw Indians would not go to the territory and in order to protect their interests article fourteen was put into the treaty. The fourteenth article 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--do you understand that? A Yes sir.

Q Do you know whether any of the Choctaw ancestors of your daughter Fannie F. Elliott ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830? A I don't know of my own personal knowledge. My wife's great grandfather was a Choctaw Indian--great great grandfather--So I am told.

Q Do you know whether any of the Choctaw ancestors of your daughter Fannie F. Elliott ever complied with any other article of the treaty of 1830 than article fourteen or with the conditions or provisions of the supplement of that treaty? A I don't think they ever did.

Q Were her ancestors, if Choctaw Indians, any of them living in Mississippi or Alabama in 1830? A I don't know whether they were or not.

Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830 or previous to that time? A Only what I have heard from older people.

Q Did you ever hear that they were recognized members of the tribe? A No sir.

Q Did any of her ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.

Fannie F. Elliott-----3.

Q Did any of her Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1835 and 1838?
A I couldn't say.

Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Va Ward, that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of your daughter's ancestors, if Choctaw Indians, ever receive or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of, to my own knowledge.

Q Did any of her ancestors claim or receive any land or claim any benefits whatever or receive any under any other article of the treaty of 1830 than article fourteen? A Not to my knowledge.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government required the United States Indian Agent living in Mississippi at that time to make a list of all of the Indian claimants who came before him and signified their intention within six months after the ratification of the treaty of 1830 of staying in Mississippi, and taking land there and becoming citizens of the states. The Indian Agent did not record the names of many of the Indians who did make such declarations before him within the time limited by article fourteen, and as a result of this neglect on his part, the land and improvements on land which these Indians were occupying at that time were sold by the government and taken away from them. This caused a great many complaints and as a result of the complaints made, a Commission was appointed in 1837, by act of Congress approved March 3, 1837, which Commission came to the state of Mississippi, and heard a great many claimants that claimed rights under article fourteen of that treaty. In 1842, another Commission was appointed for the same purpose.

Q Did any of your daughter's ancestors appear before either of these Commissions appointed under the act of Congress of March 3, 1837, or under the act of Congress approved August 23, 1842, 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 if it should become evident that Choctaw claimants who appeared before the Commission had rights under article fourteen but that their lands had been taken from them, that they should be entitled to select land either in Mississippi, Alabama, Louisiana, or Arkansas, and that a certificate to that effect should be issued to him; these certificates were called scrips.

Q Do you know whether any of your daughter's ancestors ever received any such scrip from the government under this act of Congress? A I don't know.

Q Have you any documentary evidence that you would like to introduce in support of this claim you make for your daughter? A Yes.

Affidavit of William F. Elliott presented by applicant, received, filed, marked Exhibit A and made part of the records in this case.

Fannie F. Elliott---4.

Here L. P. Hudson, attorney for applicant, asks leave to file additional evidence in the shape of Court records, affidavits, etc., in the near future.

Motion is granted.

Examination by L. P. Hudson:

Q Has your daughter any relatives with the same common ancestor who have been placed upon the rolls of the Choctaw Nation in Indian Territory in any way? A Yes sir, some of the Vernons.

Q How were the Vernons admitted to citizenship in the territory--by the Commission or by the United States Court? A By the Courts.

Q What are the names of some of these Vernons who were admitted by the Courts there that have the same common ancestor? A Those who were admitted were my wife's cousins, D. E. Vernon, Richard Vernon and Mrs. McNeough.

Q For the purpose of refreshing your memory, I will ask you whether or not Martha J. Vernon was not also admitted? A Yes sir.

Q Your family and these parties are the descendants of the same common ancestor, Richard Vernon? A Yes sir, they are descendants from Pleasant Vernon and my wife's father from Green Vernon, they were brothers and sons of Richard Vernon.

By the Commission:

Q You claim for your daughter through her mother, Louisa Vernon?

A Yes sir.

Q Through which parent did your daughter's mother claim her Choctaw blood? A She was a daughter of Green Vernon, and he was a son of Richard Vernon.

Q Did Green Vernon have the Choctaw blood? A All I know he was a son of Richard Vernon.

Q Did the Indian blood come down through that line? A Yes.

Q Then your wife claims her Choctaw blood through her father? A No, through her mother who was a daughter of Green Vernon.

Q Your daughter claims through her mother? A Yes.

Q Through which parent did her mother claim? A Through her father Green Vernon.

Q Your daughter claims through her mother? A Yes sir.

Q Her mother claims through which immediate ancestor, father or mother? A Father.

Q His name was what? A Vernon.

Q His whole name? A Green Vernon.

Q Your wife had Choctaw blood? A Yes.

Q What was your wife's father's name? A Charles Elliott.

Q Was he a Choctaw Indian? A No sir.

Q What was your wife's mother's name? A Louisa F. M. Elliott--It was Louisa F. M. Vernon before she married Elliott.

Q She had the Choctaw blood? A Yes.

Q And she was a daughter of Green Vernon? A Yes.

Q Through which parent did Green Vernon claim his Choctaw blood?

A His father, Richard Vernon.

Q How much Choctaw blood did Richard Vernon have? A He claimed to be a full blood Choctaw.

Q Can you go back farther and tell where he got his Choctaw blood?

A He got it from both parents, I suppose.

Q Do you know their names? A His father's name was Jim Vernon.

Fannie P. Elliott;-----8.

- Q Did he have a Choctaw name? A I don't know.
Q Did he speak the Choctaw language? A I don't know.
Q What was his son's name? A Richard Vernon.
Q Did he have a Choctaw name? A That is the only name I know.
Q Did he speak the Choctaw language? A I couldn't say.
Q Have you any documentary evidence or record evidence of any kind showing that Richard Vernon was a full blood Choctaw Indian and that your daughter Fannie P. Elliott is lineally descended from him?
A No sir, not with me.
Q Is there anything further you would like to say in support of this claim which you make for your daughter, Fannie? A I don't know that there is; we just claim the blood through her ancestors in the manner in which we have stated it.
Q Are you basing any reliance upon any compliance by the ancestors of this applicant with the provisions of the fourteenth article of the treaty of 1830? A Only what has already been done through the courts.
Q The courts did not appear in that question at all--I want to know whether you are claiming this woman is entitled to benefits as a Choctaw Indian as a descendant of a Choctaw who had complied with article fourteen or whether you are claiming she is entitled by reason of her relatives being admitted to citizenship? A By the Court--
Q You claim her rights were established by judgment of the United States Court? A I claim that some of her relatives of the same blood have been recognized.
Q And you are basing her claim upon a judgment of the United States Court admitting her relatives to citizenship in the Choctaw Nation? A Yes sir.
Q Was she a party to the original application before the Commission under the act of June 10, 1896? A I don't know that I understand.
Q Was she a party to the original application of D.B. Vernon, et al, in 1896? A No sir, she was not a party to the suit.
Q She has never been admitted to citizenship or had her rights adjudicated by any tribunal? A No sir, we are just trying to get to be citizens of the Choctaw nation.

Here L.P. Hudson, attorney for applicant, states that the records of the Court will be used simply for the purpose of proving the Choctaw blood, and they are not relied upon entirely in this matter, and will be used for no other purpose except the one named.

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 September, 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 24th day of September, 1901.

H. C. Risteen
J. M. [Signature]
Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES
TAMM BIRBY
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 3571

ALLISON I. AYERSWORTH
SECRETARY

Muskogee, Indian Territory, May 31, 1902.

Fannie F. Elliott,

Highland Park, Tennessee.

Dear Madam:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	4330
Maggie H. E. Holloway, et al.,	M. C. R.	5443

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

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

Acting Chairman.

Registered.

M.C.R. 3571.

Huskogee, Indian Territory, November 22, 1902.

Fannie F. Elliott,

Highland Park, Tennessee.

Dear Madam:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3571.

Muskogee, Indian Territory, November 15, 1906.

Fannie F. Elliott,
Highland Park, Tennessee.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *W. H. C. [unclear]*
Commissioner.

FOR IDENTIFICATION AS A WITNESS BY SHERIFF

Date

SEP 13 1901

Name *Fannie F. Elliott*, by
father, *William T. Elliott*.
(Age of daughter) *17* - Blood *1/16*

Post Office, of daughter *Highland Park, Tenn*
of *Fannie F. Elliott*

Father: *William T. Elliott* d

of *Fannie F. Elliott*
Mother: *Louisa F. M. Elliott*, d

Claims through *mother*

~~Witness:~~

Claims for
daughter
Fannie F. Elliott

Stenographer *H. C. Ristman*

Choc MCR 3572

Minous J. Elliott

See MCR 157

MCR 3572

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, ---September 18, 1901.

In the matter of the application of Minous J. Elliott for the identification of himself and one minor child as Mississippi Choctaw

Minous J. Elliott, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Minous J. Elliott.
Q What is your age? A Thirty two
Q What is your post office address? A Chattanooga, Tennessee.
Q Where were you born? A Rutherford county, Tennessee.
Q From there you removed to what place? A Bedford county.
Q What state? A Tennessee
Q And then you went to where? A Chattanooga.
Q You have always lived in Tennessee? A Yes sir.
Q What is your father's name? A William T. Elliott.
Q He is living? A Yes sir.
Q He made application before the Commission on this date for his daughter Fannie F. Elliott? A Yes sir.
Q What was your mother's name? A Louisa F. M. Elliott.
Q Is she living or dead? A Dead.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One sixteenth.
Q Has your mother ever been recognized in any way by the Choctaw tribal authorities or the United States authorities in Indian Territory as a Choctaw Indian? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie L. Elliott.
Q Is she an Indian or white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Give the name of the child for whom you desire to make application who is under twenty one years of age and unmarried? A Callie Elliott.
Q A girl? A Yes sir.
Q What is her age? A She is three years old.
Q Is that the only child you have? A Yes sir.
Q Is Minnie L. Elliott the mother of this child? A Yes sir.
Q Are you the father? A Yes sir.
Q Is this child living with you at your home? A Yes sir.
Q Were you married to your wife under license and by a minister
A Yes sir.

Certified copy of marriage certificate between Minous J. Elliott and Minnie Lee Ott presented by applicant, received, filed, marked Exhibit A, and made a part of the record in this case.

Also, affidavit of William Thomas Elliott, father of this applicant, presented, received, filed, marked Exhibit B and made a part of the records in this case.

- Q Have you any other documentary evidence you want to introduce now
A No sir.

Mineus J. Elliott----2.

A reasonable time will be allowed this applicant in which to file documentary evidences, copies of records, affidavits, etc. to be made a part of his case.

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

Q You never went out to the territory to get your name or the child's name enrolled? A No sir.

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

Q Have you or your child 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 time for yourself or child to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you come before the Commission now for the purpose of being identified as Mississippi Choctaws, yourself and child, under article fourteen of the treaty of 1830? A Yes sir.

The treaty of dancing rabbit creek was a treaty that was entered into between the Choctaw Indians on the one hand and the United States government on the other hand on the 27th day of September, 1830. The object of that treaty was the removal of all the Indians who then lived in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Indian Territory and in order to protect their interest article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand that article do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

Minous J. Elliott.-----3.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in 1830? A I don't know.

Q Do you know whether they were recognized members of the Choctaw tribe of Indians at that time? A No sir.

Q Did any of your Choctaw ancestors own improvements on land in Mississippi or Alabama in 1830 or at any time before that year? A I don't know.

Q Did any of them go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A I don't know.

Q Did any of them within six months from the ratification of the treaty of Dancing Rabbit Creek tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did they ever receive any benefits of any kind under any other article of the treaty of Dancing Rabbit Creek than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed an agent in Mississippi to register the names of those Choctaw Indians who might desire to remain in Mississippi 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 really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of this treaty. On this account, in many instances the lands on which Indians had improvements and which they desired reserved for them under said article fourteen were sold by the government at its public land sales, and the Choctaws were deprived of their lands. This caused a great many complaints to be made and as a result of these complaints, a commission was appointed in 1837, which Commission came to the state of Mississippi and heard many claimants under article fourteen. In 1842 a commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commissions that appointed by act of Congress of March 3, 1837, or that appointed under act of Congress of August 23, 1842, and claim 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 with all the provisions of 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 the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the government of the United States under this act of Congress? A Not as I know of.

Q What relatives have you had who have appeared before the Commission for the purpose of being identified? A James L. Elliott, Charles M. Elliott and Knacy T. Elliott, my brothers, and my sister

Minous J. Elliott-----4.

Fannie F. Elliott appeared by her father, William T. Elliott.

Q Do you want to have their testimony considered and made a part of your application when yours is considered? A Yes sir.

By L. P. Hudson, attorney for applicant:

Q Have you any relatives in the Indian Territory who have been enrolled there by order of the United States Court or otherwise?

A I have been told so.

Q Your father has recently been in that country looking the matter up? A Yes sir.

Q I will ask you whether or not D. B. Vernon is related to you?

A Yes sir.

Q You have the same common ancestor in Richard Vernon? A Yes sir.

By the Commission:

Q You claim through your mother? A Yes sir.

Q And through which parent did she claim her Choctaw blood? A Her mother.

Q Your grandmother's name was the same as your mother, Louisa F.M. Elliott? A Yes sir.

Q She had the Choctaw blood? A Yes sir.

Q She claimed through which parent, father or mother? A Her father.

Q His name was what? A Green Vernon.

Q And he claimed through his father or mother? A Father.

Q His name was what? A Richard.

Q Was he a full blood Choctaw Indian? A Yes sir.

Q Could he speak the Choctaw language? A I don't know.

Q Did he have an Indian name? A I don't know.

Q Did Green Vernon, his son, have any Indian name? A I don't know.

Q Did he speak the Choctaw language? A I don't know.

Q Can you speak the Choctaw language? A No sir?

Q Is there anything more you want to say in support of your claim?

A No sir.

This applicant has the appearance of being 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 on the 18th day of September, 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 25th day of September, 1901.

[Signature]
Notary Public.

COPY.

COMMISSIONERS:

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M C R 3573

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Minous J. Elliott,
 Chattanooga, Tennessee.

Dear Sir:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderge C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	4330
Maggie H. E. Holloway, et al.,	M. C. R.	5443

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

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, 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,

(S. S. S.)

Acting Chairman.

Registered.

COPY.

H.C.R. 3075,

Muskogee, Indian Territory, November 22, 1902.

Minas J. Elliott,

Chattanooga, Tennessee.

Dear Sir:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

W. H. H. H.
Acting Chairman.

mm

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3672.

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

Muskogee, Indian Territory, November 15, 1906.

Minous J. Elliott,
Chattanooga, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,



Commissioner.

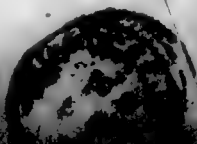
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Commissioner.



Department of the Interior.

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



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3572

11-1-11

Mr. J. Elliott,
Chattanooga, Tenn.
RETURNED TO POST OFFICE
UNCLAIMED
From
Chattanooga, Tenn.
P. O.

No.

For Identification as a Mississippi Choctaw.

Date

SEP 11 1881

Name

Minors J. Elliott

Age

32

Blood

1/16

Post Office

Chattanooga, Tenn.

Father:

William T. Elliott

Mother:

Louisa F. M. " d

Claims through

mother

wife

Minnie L. " w.

No claim for wife -

Children:

Callie Elliott, 3

Claims for self and
child

Stenographer

H. C. Rosten

Choc. MCR 3573

Knoey T. Elliott

See MCR 157

MCR 3573

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 18th, 1901.

In the matter of the application of Knacy T. Elliott for identification as a Mississippi Choctaw.

Knacy T. Elliott, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Knacy T. Elliott.
Q What is your age? A Forty one.
Q What is your post office address? A Hill City, Tennessee.
Q How long have you lived at Hill City? A I have lived there about five years.
Q Where did you live before you lived there? A Chattanooga.
Q How long did you live in Chattanooga? A About five years.
Q Where were you born? A Rutherford county, Tennessee.
Q And from there you removed to Chattanooga? A Yes sir.
Q You have always lived in Tennessee? A Yes sir.
Q What is your father's name? A William T. Elliott.
Q Is he the same William T. Elliott who made application on this date for the identification of his daughter Fannie F. Elliott? A Yes sir.
Q What was your mother's name? A Louisa F. M. Elliott.
Q Is she dead? A Yes sir.
Q Through which parent do you claim 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 either the Choctaw tribal authorities or the United States authorities in Indian Territory?
A I don't know sir.
Q Are you married? A No sir.
Q You make this claim for yourself alone? A Yes sir.
Q Is your name 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 citizenship in that nation? A No sir.
Q Did you ever make application to the Commission to the Five Civilized Tribes for membership in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this to any authority, either the Choctaw tribal authorities or the United States authorities for membership in the Choctaw Nation? A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and claiming rights in the land in the Choctaw Nation in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.
Q Do you understand that treaty and that article of that treaty?
A No sir.

Knacy T. Elliott-----2.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was entered into in that year between the Choctaw tribe of Indians, who lived then in Mississippi and Alabama, and the United States government. The object of that treaty was the removal of all Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory? Before the treaty was signed, it became evident that a great many Choctaw Indians would not go to the Indian Territory, and in order to protect their interests article fourteen was put into the treaty. That article 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 You understand that provision, do you? A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied or ever attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir.

Q Did they ever comply or attempt to comply with the provisions of any other article of the treaty of 1830 than article fourteen or the supplement of that treaty? A I don't know.

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

Q Do you know whether any of them were recognized members of the Choctaw tribe of Indians at that time or at any time before that? A No, I don't know.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi, and take land there? A I don't know.

Q Do you know whether any of your ancestors, if Choctaw Indians, went from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir, I don't know.

Q Did any of your Choctaw ancestors receive or claim land in Mississippi from the government of the United States under the provision of the fourteenth article of the treaty of 1830? A I don't know.

Q Did they ever get any benefits such as land, money or scrip under any other article of the treaty of 1830 than article fourteen? A I don't know sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the government directed the Indian Agent

Knacy TMElliott----3.

who lived in Mississippi at that time to make a list of all the names of Choctaw Indians who within six months after the ratification of the treaty of 1830 declared their intention before him of staying in Mississippi and taking land there. He failed to make a complete list for many Choctaw Indians who did actually make those declarations within the time limited, failed to have their names recorded by Colonel Ward, the Indian Agent. As a result of this failure to record the names, a great many Indians lost the land upon which they were living and upon which they had improvements, and as a result of this action of the government many complaints were made by the Choctaws and a Commission was appointed in 1830 by act of Congress approved March 3, 1837, which Commission came to the state of Mississippi and heard many claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.

Q Do you know whether any of your Choctaw ancestors appeared before either of these Commission and asserted or made any claim to benefit under article fourteen of the treaty of 1830? A No sir, I don't know.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of 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 the state of Mississippi or in Alabama, Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip?

Q Did any of your ancestors ever receive any scrip from the government of the United States under this act of Congress? A I don't know.

Q As far as you know were any of your ancestors ever recognized as members of the Choctaw tribe of Indians? A Yes sir.

Q I mean recognized by Council? A I don't know sir.

Q Have you any documentary evidence you would like to introduce now in support of your claim? A Yes sir.

Affidavit of William Thomas Elliott introduced by applicant, received, filed, marked Exhibit A and made part of the records in this case.

Here L. P. Hudson, attorney for applicant, asks leave to file written evidence consisting of court records, affidavits and other proper papers in support of this claim in the near future.

Motion is granted.

Q You claim through your mother? A Yes sir.

Q Through which parent did she claim --father or mother? A Her mother.

Q What was her mother's name? A Louisa F. M. Elliott.

Q How much Choctaw blood do she have? A One quarter.

Q Through whom did your grandmother, Louisa F.M. Elliott, get her Choctaw blood? A Father.

Knacy T. Elliott----4.

- Q What was his name? A Green Vernon.
Q Through whom did he get his Choctaw blood? A His father, Richard Vernon.
Q How much Choctaw blood did Richard Vernon have? A He was a full blood Choctaw.
Q What evidence or proof have you that he was a full blood Choctaw? Will you submit documentary evidence that he was a full blood Choctaw and that you are lineally descended from him? A Yes sir.
Q Did Richard Vernon have a Choctaw name? A Not that I know of.
Q Did he speak the Choctaw language? A I don't know.
Q Do you speak Choctaw or have you any knowledge of that language? A No sir.
Q Is there anything further you want to say now in support of this claim? A No sir.

By L. P. Hudson, attorney for applicant:

- Q Have you any relatives who are on the Choctaw rolls in Indian Territory by judgment of the United States Court or otherwise? A Yes sir
Q Do you know what their names are? A No sir, I couldn't give the names.
Q Has your father recently been to the territory investigating the matter so that he learned their names? A Yes sir.

This applicant appears to be descended from white parentage. He does not understand or speak 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 18th day of September 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 September, 1901.

[Signature]

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES.
TANS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

M C R 3073

ALLEYSON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Knacy T. Elliott,

Hill City, Tennessee.

Dear Sir:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
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Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	4330
Maggie H. E. Holloway, et al.,	M. C. R.	5443

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

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nelle L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

Acting Chairman.

Registered.

COPY.

H. C. R. 3575.

Muskogee, Indian Territory, November 22, 1902.

Ernest T. Elliott,

Hill City, Tennessee.

Dear Sir:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

(SIGNED).

Acting Chairman.

M.C.R. 3573.

COPY

Muskogee, Indian Territory, November 15, 1906.

Knacy T. Elliott,

Hill City, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Wm. H. ...*
Commissioner.

FOR TOWNSHIPS NO 1 & MISSISSIPPI CHOCTAW.

Date SEP 18 1901

Name *Marcy T. Elliott*

Age *41* Blood *1/16*

Post Office, *Hill City, Penn.*

Father: *William T. Elliott, d*

Mother: *Louisa F. M. Elliott. d*

Claims through *mother*

~~Correction.~~

Claims for self alone.

Stenographer *H. C. Ristman*

Choc. MCR 3574
Charles M. Elliott

See MCR 157

MCR 3574

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, --- September 18th, 1901.

In the matter of the application of Charles M. Elliott for the identification of himself and four minor children as Mississippi Choctaws.

Charles M. Elliott, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Charles M. Elliott.
Q How old are you? A Thirty nine.
Q What is your post office address? A Chattanooga, Tennessee.
Q Where were you born? A I was born in Rutherford county, Tennessee.
Q How long did you live there? A I couldn't tell you how long, we moved to Bedford county, Tennessee, when I was quite young.
Q ~~How~~ How long did you live there? A Until I was twenty four or twenty five years old and then went to Chattanooga.
Q And have lived there since? A Yes sir.
Q What is your father's name? A William T. Elliott.
Q He is living? A Yes sir.
Q Is he the same William T. Elliott who appeared on this date for his daughter Fannie F. Elliott before the Commission? A Yes sir.
Q What was your mother's name? A Louisa M. Elliott.
Q Is she living or dead? A She is dead.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any 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 couldn't tell you.
Q Are you married? A Yes sir.
Q What is your wife's name? A Bettie Elliott.
Q Do you make any claim for her? A No sir.
Q What is her blood? A She is white, she has no Indian blood.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.
Q What is the name of the oldest? A Jessie C. Elliott.
Q How old is she? A She is twelve years old.
Q Next? A Thomas J.
Q How old is he? A Two years old.
Q Next? A Garnet A.
Q How old is Garnet A? A Eight.
Q Next? A Charles M. Elliott, Jr.
Q How old is Charles M A Five.
Q Is that all? A Yes sir.
Q Is Bettie the mother of these children? A Yes sir.
Q Are you the father? A Yes sir.
Q Are they living with you at your home? A Yes sir.
Q Were you married by a minister and under a license? A No sir, by a justice of the peace.
Q Under a license? A Yes sir.
Q When and where were you married to her? A Bedford county, Tennessee, December 26, 1886.
Q Have you your license and certificate with you? A I have not the license; I have a certificate.

Charles M. Elliott--- -2.

Affidavit of William Thomas Elliott, presented by applicant, received, failed, marked Exhibit A and made part of the record in this case.

Also, affidavits of James Lee Elliott and Minour Jordan Elliott presented by applicant, received filed, marked Exhibits B and C respectively and made part of the record in this case.

Second affidavit by William Thomas Elliott, father of this applicant, presented by applicant, received, filed, marked Exhibit D and made part of the records in this case.

Certificate of Robert L. Singleton, Clerk, presented by applicant as to his marriage with Bettle Beechboard, received, filed, marked Exhibit E and made part of the records in this case.

Q Have you any other evidence that you want to introduce at this time?
A No.

Here L.P. Hodson, a attorney for applicant, asks leave to file written evidence consisting of court records, affidavits, etc in this case in the near future.

Motion is granted.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation Indian Territory? A I couldn't tell you.

Q You have not been out there to get enrolled? A No sir.

Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities?
A No sir.

Q Did you ever make application for citizenship in the Choctaw nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1898? A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation, or your children, 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 Is this the first application you have ever made of any description? A Yes sir.

Q Do you come before the Commission now for the purpose of making application for identification as Mississippi Choctaws for yourself and children? A Yes sir.

Q Do you make this claim under article fourteen of the treaty of 1830? A I suppose so.

Q Do you know whether you do or not? A Yes sir.

Q Do you understand article fourteen of the treaty of 1830? A No sir. I don't know.

In 1830, on September 27, of that year, a treaty was made between the Choctaw Indians and the United States government, sometimes called the treaty of Dancing Rabbit Creek. At that time, the Choctaws were living in Mississippi and a small portion of the state of Alabama, and the object of that treaty was the removal of all of the Choctaw Indians who lived in those two states to the Choctaw Nation, Indian Territory. Before the treaty was signed, it became apparent that a great

Charles M. Elliott -----3.

many Choctaw Indians would not go to the Indian Territory, and in order to protect their interests article fourteen was put into that treaty.

Q Do you understand what a treaty is? A Yes sir.

A treaty is a contract or agreement in writing between nations, instead of between individuals, and an article is a sub-division or a part of the treaty. 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 You claim under that article of the treaty of 1830? A Yes sir.

Q Do you understand it now? A I think I do.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A Yes sir.

Q How do you know? A I don't know, of course, I can't remember that far back.

Q You say they did attempt to comply---you don't know that, do you?

A No sir, I don't know.

Q Then you want to modify your answer? A Yes sir.

Q Do you know whether any of your Choctaw ancestors were living in the old Choctaw Nation in Mississippi and Alabama when the treaty of 1830 was made? A No sir, I don't know.

Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in Mississippi or Alabama at that time? A No sir.

Q Did any of your ancestors, if Choctaw Indians, own any improvements on land in Mississippi or Alabama in 1830 or at any time before that year? A I don't know.

Q Did any of your ancestors if Choctaw Indians go from to the United States Indian Agent within six months after the ratification of the treaty of 1830 and tell him they wanted to stay in Mississippi, and take land there and become citizens of the states? A I don't know.

Q Did any of them go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838? A I don't know.

Q Did you ever hear that any of your ancestors went to the Indian Territory? A Yes sir.

Q Who? A The Vernons.

Q They are not ancestors of yours, they are kin people, are they not? A Yes sir.

Charles M. Elliott-----4.

- Q What relation are they to you? A I suppose we are cousins.
Q But you don't know of any of your immediate ancestors going there?
A No sir.
Q Did any of your ancestors if Choctaw Indians ever claim or receive any land in Mississippi as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.
Q Did you ever hear that they did? A No sir.
Q Do you know whether any of your ancestors if Choctaw Indians ever received any land or money or scrip or any benefits whatever under any other article of the treaty of 1830 than article fourteen? A No sir.
Q Or under the supplement of the treaty? A No sir.
Q Do you know what a supplement of a treaty is? A I don't know whether I could explain it or not.

A supplement of a treaty is something added to it; the treaty is the main portion and is signed by the parties in interest, and numbered from one up to as many articles as it contains. A supplement is something added afterwards to it.

- Q Do you know whether any of your ancestors received any benefits under the supplement of that treaty? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830, the government required that the Indian Agent who lived in Mississippi at that time should make a list of all Choctaw Indians who appeared before him within six months from the ratification of the treaty, and declared their intention to him of remaining in Mississippi and taking land there. For some reason known only to the agent himself, he neglected to make a proper list of the Choctaws who appeared, so that only a few of the whole number of Indians who did come before him had their names recorded. This led to the loss of the lands occupied by these Indians. A great many complaints were made, and as a result of these complaints, in 1837, a commission was appointed by act of Congress approved March 3, 1837, which Commission came to Mississippi and heard claimants who claimed rights under article fourteen of the treaty of Dancing Rabbit Creek. In 1842, another Commission was appointed for the same purpose.

- Q Did any of your ancestors, if Choctaw Indians, appear before either of these Commissions, that in 1837 or that in 1842, and claim rights or benefits under article fourteen of that treaty? A I don't know.
Q You never heard? A No sir.
Q Do you know whether any of your ancestors appeared before the Commission of 1842 and proved that they were entitled to rights under article fourteen of the treaty of Dancing Rabbit Creek, whose land had been taken from them, and to whom this Commission issued a certificate empowering them to select land in Mississippi, Alabama, Louisiana or Arkansas, which certificates were called scrip? A No sir.
Q You don't know whether any of your ancestors ever received any of this scrip? A No sir.
Q Have you any evidence whatever to show that you are lineally descended from Mississippi Choctaw Indian ancestors; that that Mississippi Choctaw Indians complied with or attempted to comply with any article of the treaty of 1830? A No sir.

Charles M. Elliott;---5.

- Q Have you any witnesses you would like to introduce before the Commission in support of your application? A No sir.
- Q Have you had any relatives who have appeared here today? A Knacy T. Elliott, my brother, and my father William T. Elliott who appeared for my sister Fannie F. Elliott.
- Q Do you want their testimony considered when your case is considered? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Do you understand it at all? A No sir.
- Q Is there anything further you want to say in support of this claim? A No sir.
- Q You claim through your mother? A Yes sir.
- Q She had how much Choctaw blood? A One eighth.
- Q Whom did she get her Choctaw blood from,--her father or mother? A Mother.
- Q What was her name? A Louisa P.M.Elliott.
- Q How much Choctaw blood did she have? A One quarter.
- Q Through whom did she obtain her Choctaw blood? A Green Vernon, her father.
- Q How much Choctaw blood did he have? A One half.
- Q Through whom did he get his Choctaw blood? A His father, Richard Vernon.
- Q How much did he have? A Full blood.
- Q Did he speak the Choctaw language? A I suppose he did.
- Q Do you know? A No, I don't know.
- Q Did he have an Indian name? A I couldn't tell you.
- Q Can you tell anything about his father or mother? A No sir.
- Q Have you any documentary evidence of any kind showing that he was a full blood Choctaw Indian and that you are descended from him? A I suppose we have.
- Q You think you can show that by evidence that you will introduce? A Yes sir.

This applicant has the appearance of a person descended from white parentage. He does not understand the Choctaw language and has no knowledge of any compliance by 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 case on the 18th day of September, 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 September, 1901.

[Signature]
Notary Public.

COPY.

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

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 3574

ALLISON I. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 11, 1902.

Charles W. Elliott,
Muskogee, Tennessee.

Dear Sir:

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James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, 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."

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Yours truly,

(SIGNED)

Acting Chairman.

Registered.

M.C.R. 3574.

Muskogee, Indian Territory, November 22, 1902.

Charles H. Elliott,

Chattanooga, Tennessee.

Dear Sir:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3574.

Muskogee, Indian Territory, November 15, 1906.

Charles M. Elliott,

Chattanooga, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Cams*
Commissioner.

#1401.

No. _____

For Identification as a Mississippi Choctaw.

Date SEP 1 4 1901

Name Charles M. Elliott.

Age ~~#~~ 39 Blood 1/16

Post Office, Chattanooga, Tenn.

Father: William T. Elliott, d

Mother: Louisa F. M. " d

Claims through Mother
wife: Bettie. " — w.

No claim for wife.

- Children:
- Jessie C. " — 12
 - Thomas J. " — 10
 - Garnet A. " 8
 - ~~Morgan~~
 - Charles M. " Jr. 6

Claims for
self & children

Stenographer H. R. ...

Choc MCR 3575

James L. Elliott

See MCR 157

MCR 3575

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, --- September 18th, 1901.

In the matter of the application of James L. Elliott for the identification of himself and one child as Mississippi Choctaws.

James L. Elliott, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A James L. Elliott.
Q What is your age? A Thirty seven.
Q What is your post office address? A Chattanooga, Tennessee.
Q How long have you lived in Chattanooga? A About twelve years.
Q Where were you born? A Rutherford County, Tennessee
Q How long did you live there? A I lived there until I was about twelve or fourteen years old.
Q Where did you remove to? A Bedford county, Tennessee
Q How long did you live there? A I don't know exactly, thirteen or fourteen years.
Q And then where did you go to? A Chattanooga.
Q And have always lived there since? A Yes.
Q You have always lived in Tennessee? A Yes sir.
Q What is your father's name? A William T. Elliott.
Q Living? A Yes sir.
Q He appeared today for the identification of your sister, Fannie F. Elliott? A Yes sir.
Q What is your mother's name? A Louisa F. Elliott
Q She is dead? A Yes sir.
Q Through whom do you claim Choctaw blood? A My mother.
Q How much do you claim? A One sixteenth.
Q Has your mother ever been recognized by the Choctaw tribal authorities in Indian Territory in any manner or by the Commission-- did she ever go to the Indian Territory and become enrolled there?
A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Josie Elliott
Q What is her blood, Indian or white? A White.
Q You don't make any claim for her? A No sir.
Q How many children have you under twenty one years of age and unmarried that you want to make application for? A One child.
Q What is that child's name? A William H. Elliott.
Q How old? A Four years.
Q Is Josie the mother of this child? A Yes sir.
Q You are the father? A Yes sir.
Q This child is living with you at your home? A Yes sir.
Q Were you married to your wife under license and by an ordained minister? A Yes sir.
Q When and where were you married to her? A At Chattanooga.
Q Have you your license here? A Yes sir.
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 sir.
Q Did you ever make application for yourself or your child for citizenship in the Choctaw Nation to the Choctaw tribal authorities?
A No sir.
Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.

James L. Elliott---2.

Q Were you ever admitted or your child 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 Did you ever make application for citizenship in the Choctaw Nation to any authority before this either Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you come before the Commission now for the purpose of claiming rights in the lands in the Choctaw Nation in Indian Territory for yourself and child as beneficiaries under article fourteen of the treaty of Dancing Rabbit Creek. A Yes sir.

Q Do you understand that article of that treaty? A No sir.

Q Did you ever read it? A No sir.

In order that you may better understand the article under which you claim or the treaty if you claim under it, a brief explanation will be given. In 1830, on the 27th day of September in that year, a treaty was entered into between the Choctaw Indians who lived in Mississippi and Alabama at that time, and the United States government. The object of the treaty was the removal of all the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation in Indian Territory, that they might have their own tribal government. But before the treaty was signed, it became evident that a great many Choctaw Indians would not go to the Indians Territory and in order that their interests might be protected, article fourteen was put into that treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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 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 that article of that treaty? A Yes sir.

Q You understand that now, do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I do not know.

Q You never heard? A No sir.

Q Did any of your Choctaw ancestors live in Mississippi or Alabama in 1830 or before that time? A I don't know.

Q You don't know where your ancestor as, the full blood that you claim through, at that time? A No sir.

Q Do you know whether any of your ancestors, if Choctaw Indians, were recognized members of the Choctaw tribe in 1830? A No sir.

James L. Elliott-----3.

- Q Did any of your ancestors own any improvements in Mississippi or Alabama in 1830 or at any time before that year? A I don't know.
- Q Do you know whether any of them within six months from the ratification of the treaty of 1830 told the United States Indian Agent who lived in Mississippi at that time that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1835 and 1838? A I don't know.
- Q You never heard that any of them went to the Indian Territory? A No sir.
- Q Did any of your ancestors if Choctaw Indians ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear that any of your ancestors ever had any land in Mississippi from the government as Choctaw Indians? A I don't know.
- Q Do you know whether any of them received any benefits such as land, money or scrip from the United States government as Choctaw Indians under any other article of the treaty of Dancing Rabbit Creek than article fourteen, or under the supplemental of that treaty? A No sir.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government required the United States Indian Agent who lived in Mississippi at that time and whose name was Colonel Ward, to make a list of all the names of Choctaw Indians who came before him within six months from the ratification of the treaty of 1830 and declared their intention to become citizens of the states and take land in Mississippi. This Indian Agent registered the names of comparatively few Indians who came before him under article fourteen of that treaty; there were thousands of Indians whose names were not recorded. These Indians afterwards took land in Mississippi, but because their names were not found on Ward's Registry list, they were dispossessed of their land by action of the government. This caused great distress among the Indians and complaints were made, as a result of these complaints, in 1837, a Commission was appointed by act of Congress approved March 3 1837, which Commission came to the state of Mississippi, and in 1837 and 1838 heard a great many claimants who claimed rights under article fourteen of the treaty of 1830 and a list was made by this Commission of these names. And in 1842, another commission was appointed by act of Congress approved August 23, 1842.

- Q Did any of your ancestors that you ever heard of appear before either of these two Commissions and claim rights and benefits under article fourteen of the treaty of 1830? A I don't know.

The Commission of 1842 when it was determined by them that a claimant had rights under article fourteen but that his land had previously been sold by the government, issued a certificate to him, which certificates were called scrip, and entitled them to receive land in Mississippi, Alabama, Louisiana or Arkansas.

- Q Did any of your ancestors receive any scrip from the government under this act of Congress? A I don't know.
- Q Have you any documentary evidence to introduce? A Yes sir.

James L. Elliott;---4.

Affidavit of William Thomas Elliott, father of applicant, presented by applicant, received, filed, marked Exhibit A and made part of the record in this case.

Certified copy of Marriage license between James L. Elliott and Josie Harvin received, filed, marked Exhibit B., and made part of the record in this case.

Q Have you any other documentary evidence that you want to introduce? A No sir.

Here L.P.Hudson, attorney for applicant, asks leave to file written evidence consisting of court records, affidavits, etc., in support of this claim in the near future.

Motion is granted.

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

Q Have you any knowledge of it? A No sir.

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

By L.P.Hudson, attorney for applicant:

Q Have you relatives who have the same common ancestor who are on the rolls in the Indian Territory by judgment of the United States Court or otherwise? A I have heard so, yes sir.

Q Can you give the names of those people? A No sir, one by name of Vernon, I don't know the given name.

Q Do you remember whether or not it is D.B.Vernon? A I think that is the name; I have heard my father speak about it

Q Do you know the style of the cause by which these people were admitted, whether or not it was D.B.Vernon et al vs. the Choctaw Nation? A I think that is it.

By the Commission:

Q You claim through your mother, Louisa F.M.Elliott? A Yes sir.

Q She had how much Choctaw blood? A One eighth.

Q She claimed through which parent, father or mother? A Mother.

Q What was her name? A Louisa F.M.Elliott.

Q She had how much Choctaw blood, your grandmother? A One quarter

Q She claimed through which parent, father or mother? A Father

Q He had how much Choctaw blood? A One half.

Q His name was what? A Green Vernon.

Q He claimed through which parent? A father.

Q What was his name? A Richard Vernon.

Q He was a full blood Choctaw? A Yes sir.

Q Could he speak the Choctaw language? A I don't know.

Q Did he have an Indian name? A I couldn't say.

Q Do you know anything about his father or mother? A No sir.

Q Have you documentary proof that you are descended from him and that he was a full blood Choctaw Indian? A No sir.

Q Have you testimony that you are related to the Vernons who were admitted to citizenship in the Choctaw Nation? A No sir.

Q Do you claim any rights by virtue of the fact that these people were admitted by Court judgment, or do you claim through your Choctaw blood and under article four ten of the treaty of 1830? A By my

Choctaw blood.

This applicant appears to be descended from white parentage./Bo

James L. Elliott-----d.

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 18th day of September, 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 September, 1901.

[Signature]

Notary Public?

**UPON THE COMMISSION TO THE FIVE CIVILIZED TRIBES AT Muskogee,
INDIAN TERRITORY.**

On December 8, 1901, appeared L. P. Hudson, attorney for
Fannie H. Elliott, Hiram J. Elliott, Emory T. Elliott, Charles H.
Elliott, James L. Elliott, Walter J. Elliott, Robert H. Elliott and
Martha A. Gibson and asks that the above named cases be consolidated
with and made a part of the cases of Richard H. Vernon, et al.,
said parties being descended from Richard Vernon, the common
ancestor of all the parties in said consolidated cases.

L. P. HUDSON

Atty for App's

COPY.

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 3875

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

James L. Elliott,

Chattanooga, Tennessee.

Dear Sir:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	4330
Maggie H. E. Holloway, et al.,	M. C. R.	5443

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

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495,) is as follows :

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Studie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, 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,

(SIGNATURE)

Acting Chairman.

Registered.

H.C.R. 2575.

Muskogee, Indian Territory, November 22, 1902.

James L. Elliott,
Chattanooga, Tennessee.

Dear Sir:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Tamm Darby.
Acting Chairman.

M.C.R. 3575.

COPY

Muskogee, Indian Territory, November 15, 1906.

James L. Elliott,
Chattanooga, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

#1407

No. _____

For Identification as a Mississippi Choctaw.

Date SEP 18 1901

Name James L. Elliott

Age 37 Blood 1/16

Post Office, Chocoma, Tenn

Father: William T. Elliott

Mother: Louisa F. M. " d

Claims through mother

wife: Jodie " - w.

No claim for wife.

Children:

William H. " - 4

Claims for self
and died

Stenographer H. C. Risher

Choctaw MCR 3576

Walter J. Elliott

See MCR 157

MCR 3576

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 18th, 1901.

In the matter of the application of Walter J. Elliott for identification as a Mississippi Choctaw.

Walter J. Elliott, having been first duly sworn, upon his oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Walter J. Elliott.
Q What is your age? A Twenty nine.
Q What is your post office address? A Chattanooga, Tennessee.
Q How long have you lived there? A I have lived there nine years.
Q Where were you born? A Rutherford county, Tennessee.
Q And always lived in Tennessee? A Yes sir.
Q What is your father's name? A William T. Elliott.
Q He is living? A Yes sir.
Q He appeared for his daughter Fannie F. Elliott today, did he not?
A Yes sir.
Q Is your mother dead? A Yes sir.
Q What was her name? A Louisa F. M. Elliott.
Q Through which one of your parents do you claim Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A One sixteenth.
A 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 of the United States authorities in Indian Territory?
A I don't know.
Q Are you married? A Single.
Q You make this claim 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 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 or any one for you in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by 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 a citizen 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 under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi between the Choctaw tribe of Indians and the United States government on the 27th day of September, 1830, and was made for the purpose of removing the Choctaw Indians who lived in Mississippi and Alabama at that time to the Choctaw Nation in Indian Territory, that they might have their own tribal government undisturbed by the white people. Before the treaty was

Walter J. Elliott;-----2.

signed it became known that a great many Choctaw Indians would not go to the Indian Territory and in order to protect their interests article fourteen was inserted into the treaty. It 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 You understand that, do you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of that treaty? A No sir.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Who is the remote Indian ancestor through whom you claim? A Richard Vernon.
- Q Was he a full blood Choctaw Indian? A Yes sir.
- Q And his son's name was what? A Green Vernon.
- Q What kin was Green Vernon to you? A Great grandfather.
- Q What was your grandfather's name? A Louisa F.M. Elliott.
- Q And was Green Vernon her father? A Yes sir.
- Q And her daughter was Louisa F.M. Elliott and she married your father William T. Elliott? A Yes sir.
- Q You go back quite a distance to the full blood Choctaw Richard Vernon--Don't you know whether he lived in Mississippi or Alabama in 1830? A No sir, I don't know.
- Q You don't know anything about that? A No sir.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830 or before that? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or before that? A I don't know.
- Q Did any of your Choctaw ancestors go from the old Choctaw nation in Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they intended to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your ancestors if Choctaw Indians ever receive any land or claim any land under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever receive any benefits whatever under any other article

Walter J. Elliott-----3.

of that treaty than article fourteen or under the supplement of the treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed the United States Indian Agent to record the names of all Indians who appeared before him within six months after the ratification of the treaty of 1830 and signified their desire to stay in Mississippi, take land there; and a great many Indians did appear before him within that time and made declarations under article fourteen but this agent failed to record their names upon his register. They afterwards sold land in Mississippi and had improvements upon this land, and were dispossessed of the land and lost their improvements. This caused a great many complaints among the Choctaw Indians, and as a result of the complaints a Commission was appointed in 1838 which Commission came to Mississippi and heard a great many complaints of Choctaws under article fourteen of that treaty. In 1842, another Commission was appointed for a similar purpose. These two Commissions made out lists of names of claimants who came under the provisions of article fourteen of the treaty of 1830.

Q Do you know whether any of your ancestors appeared before either of these two Commission and claimed rights under article fourteen of the treaty of 1830? A No sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article 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 the state of Mississippi, or in Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate to that effect should be given to him. These certificates were called scrip.

Q Did any of your ancestors receive any scrip from the government of the United States under this act of Congress? A I don't know.
Q Have you any documentary evidence you wish to file now in support of your claim? A Yes sir.

Affidavit of William Thomas Elliott received, filed, marked Exhibit A and made part of the records of this case.

A reasonable time will be allowed this applicant in which to file further documentary evidence in support of this claim.

Q Is there anything further you want to say? A No sir.
Q You do not speak the Choctaw language? A No sir.

This applicant has the appearance of being descended from white parentage. He does not speak 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

Walter F. Elliott

on the 15th day of September, 1901, and that said above and foregoing are
true and correct, and that I am a duly qualified notary public of
this State of Mississippi at said date.

H. Christie

Subscribed and sworn to before me at Meridian, Mississippi, this
15th day of September, 1901.



Notary Public.

MISSISSIPPI

COPY.

COMMISSIONERS:
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

N O R 3570

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Walter J. Elliott,

Chattanooga, Tennessee.

Dear Sir:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	3591
Bertha M. Bryant, et al.,	M. C. R.	3444
Mauda E. Jefferson, et al.,	M. C. R.	3330
Maggie H. L. Holloway, et al.,	M. C. R.	3443

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, 1868, (30 Stats., 495,) is as follows:

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Oona Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie L. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie E. Kelley, Andrew J. Kelley, Claude G. Kelley, Howard A. Kelley, Johnie B. Keney, Stella A. Kelley, James E. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Wilbur B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Stanfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhode Parelee Vernon, Laura Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Augustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Norma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Loyola A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Ague Vernon, Exer C. Vernon, Odie C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdie E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Alie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie E. Elliott, Mimos J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nchemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucile Frances Holloway and Minnie Lee Holloway, 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,

Registered.

Acting Chairman.

H.C.P. 3576.

Muskegee, Indian Territory, November 22, 1902.

Walter J. Elliott,

Chattanooga, Tennessee.

Dear Sir:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

(SIGNED)

James L. Boy
Acting Chairman.

M.C.R. 3576.

COPY

Muskogee, Indian Territory, November 15, 1906.

Walter J. Elliott,
Chattanooga, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Wams Dixby.*
Commissioner.

For Identification as a Mississippi Choctaw.

Date SEP 17 1901

Name *Walter J. Elliott,*

Age *29* Blood *M*

Post Office, *Chattanooga, Tenn.*

Father: *William T. Elliott, l*

Mother: *Louisa F. M. " d*

Claims through *mother*

~~Children:~~

For ref above,

Stenographer *H. C. Ritten*

Choc MCR 3577

Robert S. Elliott

See MCR 157

MCR 3577

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 18th, 1901.

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

Robert S. Elliott, having been first duly sworn, upon his oath states; as follows:

Examination by the Commission:

- Q What is your name? A Robert S. Elliott.
Q What is your age? A Twenty five.
Q What is your post office address? A Chattanooga, Tennessee.
Q How long have you lived in Chattanooga? A Twelve years.
Q Where did you live before you lived there? A Bedford county, Tennessee.
Q Where did you live before that? A I was born in that county.
Q What is your father's name? A William T. Elliott.
Q He made application for his daughter Fannie F. Elliott today before the Commission? A Yes sir.
Q Is your mother living or dead? A Dead.
Q What was her name? A Louisa F.M. Elliott.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much 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 United States authorities in Indian Territory?
A No sir, not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Alice Elliott.
Q Is she a white woman? A Yes sir, white woman.
Q You don't make any claim for her then? A No sir.
Q Have you any children? 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 ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Were you ever admitted to citizenship 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 Did you ever make application before this time for enrollment as a member of the Choctaw tribe of Indians to either the Choctaw tribal authorities or the United States authorities? A No sir.
Q Do you now appear before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article or that treaty? A I think I do.

The treaty of Dancing Rabbit Creek was entered into here in Mississippi on the 27th day of September, 1830, for the purpose of removing the Choctaw Indians who were then living in Mississippi and Alabama to the Choctaw nation, Indian Territory.

Robert S. Elliott----2.

Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Indians Territory and in order to protect their interests article fourteen was put into that treaty of 1830. 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 there upon 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 it now? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A I don't know sir.

Q Do you know whether any of your Choctaw ancestors were living in Mississippi or Alabama in 1830 when the treaty 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 1830? A Only what I have heard.

Q Have you heard that they were Indians and took part in the councils of the tribe and voted with them and lived with them? A Yes sir.

Q Where did you hear that? A I heard that Richard Vernon was.

Q You heard he was a full blood Choctaw Indian? A Yes.

Q Do you know anything about his life or manner of living or whether or not he lived with the Indians? A I do not.

Q You would not be able to say that he was a recognized member of the Choctaw tribe then? A No sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that? A I don't know sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Colonel Ward, that they intended to stay in Mississippi and take land there? A I don't know sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838? A I don't know sir.

Q Did any of them ever receive or claim any land in Mississippi as beneficiaries under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

Q Do you know whether any of them ever received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of the treaty? A No sir.

Robert S. Elliott----3.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government directed the United States Indian Agent who lived in Mississippi in 1830 to make a list of and report the names of all Mississippi Choctaw Indians who made application to him within six months from the ratification of the treaty of 1830 for land in Mississippi and declared their intention to stay in Mississippi and become citizens of the states. This United States Indian Agent failed to record the names of a great many Indians who did make their applications before him within six months from the ratification of the treaty. As a result of his neglect, the Indians who occupied land whose names he did not record had their lands taken from them together with the improvements on the land. This caused a great many complaints and in 1837 a commission was appointed and came to Mississippi and heard claimants under article fourteen. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commissions appointed under the act of Congress approved March 3, 1837, or under the act of Congress approved August 23, 1842, 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 with all the provisions of 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 the state of Mississippi or in Alabama Louisiana or Arkansas, to be taken from vacant government land, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip under this act of Congress? A I don't know.

Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A They did not.

Q Have you any written evidence that you would like to introduce now? A Yes sir.

Affidavit of William Thomas Elliott, father of this applicant, received filed, marked Exhibit A and made a part of the records in this case.

Certified copy of marriage certificate between R.S.Elliott and Alice Holloway, presented by applicant, received, filed, marked Exhibit B and made part of the records in this case.

Q Would you like time in which to introduce further documentary evidence?

Here L.P.Hudson, attorney for applicant, requests leave to file documentary evidence, consisting of Court records, affidavits, etc; in the near future.

Motion is granted.

Robert S. Elliott-----4.

- Q You claim your Choctaw blood through your mother? A Yes sir.
Q She claimed through which parent? A Her mother.
Q What was her mother's name? A Louisa F.M. Elliott.
Q Through whom did your grandmother claim her Choctaw blood? A Her father.
Q What was his name? A Green Vernon.
Q Through whom, did he claim his Choctaw blood? A His father.
Q What was his name? A Richard Vernon.
Q How much Choctaw blood did Richard have? A Full blood.
Q Have you any documentary evidence of any kind or can you produce documentary evidence to show that Richard Vernon was a full blood Choctaw Indian and that you are lineally descended from him?
A Yes sir, I think so.
Q Have you any other statements you desire to make? A No sir.
Q Can you speak the Choctaw language? A No sir.

By L.P. Hudson, attorney for applicant:

- Q Have you any relatives in the Indian Territory who have been admitted to citizenship by judgment of the United States Court or otherwise? A I reckon so.
Q Have they the same common ancestor that you have? A Yes sir.
Q Do you know the names of these people--do you remember whether one of them is D.B. Vernon or not? A Yes, that is one of them.

By the Commission:

- Q Can you give the name of the common ancestors through whom you and D.B. Vernon claim? A Richard Vernon.
Q Do you rely upon the fact that some of your kin people were admitted by judgment of the Court in Indian Territory for citizenship in the Choctaw Nation, for your claim here before the Commission, or do you rely upon your Choctaw blood and your lineal descent from a Choctaw Indian? A I rely upon my Choctaw blood.

This applicant has the appearance of being 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 18th day of September, 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 25th day of September, 1901.

[Signature]

Notary Public.

COPY.

COMMISSIONERS
HENRY L. DAWES,
TAMM 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 O R 3577

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Robert C. Elliott,

Chattanooga, Tennessee.

Dear Sir:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	433c
Maggie H. E. Holloway, et al.,	M. C. R.	5443

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary F. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie L. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, 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,

(Signature)

Acting Chairman.

Registered.

M.C.R. 3577.

Muskogee, Indian Territory, November 22, 1902.

Robert S. Elliott,
Chattanooga, Tennessee.

Dear Sir:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3577.

COPY

Muskogee, Indian Territory, November 15, 1906.

Robert S. Elliott,
Chattanooga, Tennessee.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Wams Bixby.*
Commissioner.

#1404

No. _____

For Identification as a Mississippi Choctaw.

Date

SEP 13 1991

Name

Robert S. Elliott,

Age

25 -

Blood

1/16

Post Office,

Chattanooga, Tenn.

Father:

William T. Elliott, C

Mother:

Lousia F. M. " d

Claims through

mother

wife. Alice - w

No claim for wife -

Comments:

For self alone -

Stenographer

H.C. Restum,

Choctaw MCR 3578

Martha A. Gibson

See MCR 157

MCR 3578

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi,---September 18, 1901.

In the matter of the application of Martha A. Gibson for the identification of herself and two minor children as Mississippi Choctaws.

Martha A. Gibson, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Martha A. Gibson.
- Q What is your age? A Twenty seven.
- Q What is your post office address? A Highland Park, Tennessee.
- Q Where were you born? A I was born in Rutherford county, Tennessee.
- Q And from there you went to where? A Chattanooga.
- Q And then where? A To Highland Park, a suburb of Chattanooga.
- Q What is your father's name? A William T. Elliott.
- Q He appeared before the Commission today for his daughter, Fannie T. Elliott? A Yes sir.
- Q What is your mother's name? A Louisa F.M. Elliott.
- Q Is she living or dead? A She is dead.
- Q Through which parent do you claim Choctaw blood. A My mother.
- Q How much do you claim? A One sixteenth.
- 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 Not that I know of.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A John F. Gibson
- Q Is he a white man or an Indian? A He is a white man.
- Q Do you make any claim for him? A No sir.
- Q What are the names of your children you wish to make application for? A Paul E. Gibson.
- Q How old is he? A Five years old.
- Q The next? A Nellie L. Gibson.
- Q How old is Nellie? A Two.
- Q Are these children the only children you have? A Yes sir.
- Q John F. Gibson is the father of them and you are the mother?
A Yes sir.
- Q Where and when were you married to John F. Gibson? A At Chattanooga in 1895.
- Q Do you remember the day of the month? A May 23.
- Q Were you married under a license and by a minister? A Yes sir.
- Q Is your name or the name of either of these children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.
- Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities?
A No sir.
- Q Did you or any one for you or for your oldest child make application to the Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.

Martha A. Gibson-----2.

Q HAVE you ever made application for yourself and children before this for membership in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now appear before the Commission for yourself and children for citizenship in the Choctaw nation, or rather for identification as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. The Choctaw Indians at that time were living in Mississippi and Alabama and the object of this treaty was to remove them from Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed, it became evident that a great many Choctaws would not go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signing 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 now? A Yes sir, I think I do.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

A No sir.

Q Do you know whether any of your ancestors, if Choctaw Indians, were living in the old Choctaw Nation in Mississippi and Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I understand that Richard Vernon was.

Q Do you think he was living here at that time? A Yes sir.

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

Q You understand he was living in Mississippi previous to 1830?

A Yes sir.

Q Do you know where and when he died? A No sir.

Q Do you know how old he was when he died? A No sir.

Q Was he a full blood Choctaw Indian? A Yes sir.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 or at any time before that?

A No sir.

Q Did any of your Choctaw ancestors remove from the old Choctaw Nation in Mississippi and Alabama and go to the Choctaw Nation in Indian Territory when the other Indians went there between 1833 and 1836?

A I don't know that they did.

Martha A. Gibson- ----3.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent of the Choctaw Indians in Mississippi that they intended to remain in Mississippi, and take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any benefits under article fourteen of the treaty of 1830, either land money or other benefits? A No sir.

Q Did you ever hear that they received any benefits as Choctaw Indians of any kind under any other article of the treaty of 1830 or under the supplement of that treaty? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government required the Indian Agent in Mississippi to make a list of all claimants who claimed benefits under article fourteen of that treaty. He failed to make a complete list, and a great many Indians who did make application to him within six months from the ratification of the treaty did not have their names put upon the register known as Ward's Register. As a result of this neglect on the part of the Indian Agent, a great many Indians who had land in Mississippi lost their land. This caused a great deal of complaint and as a result of these complaints, in 1837 a commission was appointed by act of Congress approved March 3, 1837, which Commission came to the state of Mississippi and heard a great many claimants under article fourteen. In 1842, another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these two Commissions, that of 1837 or that of 1842, and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830, but that his land had been previously sold by the government, he should be entitled to select land either in Mississippi, Alabama, Louisiana, or Arkansas, to be taken from vacant government land with a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip from the government of the United States under this act of Congress? A No sir.

Q Have you any papers that you want to introduce now? A Yes sir.

Affidavit of William Thomas Elliott introduced by applicant, received, filed, marked Exhibit A and made part of the record in this case.

A reasonable time will be allowed this applicant in which to file other documentary evidence in support of this application.

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

Q She claimed through which parent? A Her mother.

Q Your mother and her mother had the same name? A Yes sir, Louisa F. M. Elliott.

Q What was your grandmother's maiden name? A Vernon.

Q Was she Green Vernon's daughter? A Yes sir.

Martha A. Gibson----- 4.

Q Through whom did he claim his Choctaw blood? A His father, Richard Vernon.

Q How much Choctaw blood do you claim Richard Vernon had? A He was a full blood.

Q Do you know anything about his father or mother? A No sir.

Q Do you know whether he spoke Choctaw? A No sir.

Q Did any of your ancestors from Richard Vernon down, did any of them speak the Choctaw language? A I don't know sir.

Q Or did any of them have any Indian names? A No sir.

Q Is there anything further you want to state in support of this claim? A Not that I know of.

By L.P.Hudson, attorney for applicant:

Q Have you any relatives in the Indian Territory having the same common ancestor that you have who have been enrolled there by judgment of the United States Court or otherwise? A Yes sir, I understand that I have.

Q Do you remember the names of these people? A D.B.Vernon.

By the Commission:

This applicant has the appearance of being descended from white parentage. She does not understand the Choctaw language, and has 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 18th day of September, 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 25th day of September, 1901.

[Signature]
Notary Public.

COPY.

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

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

REFER IN REPLY TO THE FOLLOWING

M C R 5870

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 31, 1902.

Martha A. Gibson,

Highland Park, Tennessee.

Dear Madam:

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

Richard H. Vernon, et al.,	M. C. R.	157
Annie Payne, et al.,	M. C. R.	158
Charlie P. Vernon,	M. C. R.	164
Hettie E. Buchanan, et al.,	M. C. R.	375
James C. Kelley, et al.,	M. C. R.	377
James F. Vernon, et al.,	M. C. R.	378
Mary Stanfield, et al.,	M. C. R.	805
David G. Vernon, et al.,	M. C. R.	807
Christie Croan, et al.,	M. C. R.	808
Frank McDonough,	M. C. R.	809
Ida McDonough,	M. C. R.	810
Mary McDonough,	M. C. R.	811
John T. Vernon,	M. C. R.	812
George W. Vernon, et al.,	M. C. R.	813
William Stanfield,	M. C. R.	814
William L. Vernon, et al.,	M. C. R.	815
Sarah A. McDonough, et al.,	M. C. R.	876
John Frederick Halfacre, et al.,	M. C. R.	878
Mary M. Goodman, et al.,	M. C. R.	880
John B. Vernon, et al.,	M. C. R.	1003
Nancy A. McKinnon, et al.,	M. C. R.	1017
Lovilla A. Holland, et al.,	M. C. R.	1018
Oliver P. Vernon, et al.,	M. C. R.	1296
Elderage C. Vernon, et al.,	M. C. R.	1299
Charlie S. Vernon, et al.,	M. C. R.	1300
Francis M. Vernon, et al.,	M. C. R.	1362
Jefferson Vernon, et al.,	M. C. R.	1406
James M. Vernon, et al.,	M. C. R.	1480
Fannie F. Elliott,	M. C. R.	3571
Minous J. Elliott, et al.,	M. C. R.	3572
Knacy T. Elliott,	M. C. R.	3573
Charles M. Elliott, et al.,	M. C. R.	3574
James L. Elliott, et al.,	M. C. R.	3575

Walter J. Elliott,	M. C. R.	3576
Robert S. Elliott,	M. C. R.	3577
Martha A. Gibson, et al.,	M. C. R.	3578
Martha Jane Hughey, et al.,	M. C. R.	1301
Bertha M. Bryant, et al.,	M. C. R.	1444
Matilda E. Jefferson, et al.,	M. C. R.	4330
Maggie H. E. Holloway, et al.,	M. C. R.	5443

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

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

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

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Richard H. Vernon, Pearly May Vernon, Minnie Irene Vernon, Otha Ellen Vernon, Annie Payne, Virgil Payne, Walter Elbert Payne, Charlie P. Vernon, Hettie E. Buchanan, Charles H. Buchanan, Mary E. Buchanan, James Wm. Buchanan, Eddie E. Buchanan, Lucy A. Buchanan, Gracie E. Buchanan, James C. Kelley, Mary A. Kelley, Mattie I. Kelley, Andrew I. Kelley, Chaude G. Kelley, Howard A. Kelley, Johnie B. Kelley, Steller V. Kelley, James F. Vernon, Myrtle A. Vernon, Benjamin B. Vernon, Willie B. Vernon, Maudie U. Vernon, Johnnie L. Vernon, Samuel A. Vernon, Mary Stanfield, James Stanfield, Luannie Stanfield, Alice Standfield, Frank Stanfield, David G. Vernon, Emma J. Vernon, John Yancy Vernon, Rob. C. Vernon, Samuel Henry Vernon, Lula May Vernon, Christie Croan, Edith Croan, Edward Croan, Stella Croan, Frank McDonough, Ida McDonough, Mary McDonough, John T. Vernon, George W. Vernon, Rhodie Parelee Vernon, Leurah Glades Vernon, William Stanfield, William L. Vernon, Mary E. Vernon, Nevada Edna Vernon, Willie B. V. Vernon, Lula B. Vernon, Roy G. Vernon, Sarah A. McDonough, Thomas Edwards McDonough, Perry Washington McDonough, John Frederick Halfacre, John Everett Halfacre, Charley Alonzo Halfacre, Solon Sylvester Halfacre, Frederick Audustus Halfacre, Thomas Edwin Halfacre, Rosa Lee Halfacre, Annie May Halfacre, Mary M. Goodman, Sudie Irene Goodman, Mary Cleveland Goodman, William Clyde Goodman, Noma Ethel Goodman, Gus Adolph Goodman, Maggie Jensey Goodman, John B. Vernon, Charlie H. Vernon, John J. Vernon, George Vernon, Bessie Vernon, Carl Vernon, Gladys Lillian Vernon, Nancy A. McKinnon, George P. McKinnon, David McKinnon, John C. McKinnon, James A. McKinnon, Newton G. McKinnon, Adelbert A. McKinnon, Lovilla A. Holland, Ernest Ray Holland, Elbert Clair Holland, Roy Cecil Holland, Oliver P. Vernon, Nancy Agnes Vernon, Exer C. Vernon, Odis C. Vernon, Elderage C. Vernon, William N. Vernon, Calla R. Vernon, Henry D. Vernon, Addie C. Vernon, Elderage C. Vernon, Charlie C. Vernon, Verdice E. Vernon, Charlie S. Vernon, Ernest Vernon, Amos Vernon, Florence Vernon, Francis M. Vernon, Ida B. Vernon, John M. Vernon, Nancy L. Vernon, Altie L. Vernon, Jefferson Vernon, Robert R. Vernon, Edna E. Vernon, Lydia E. Vernon, James M. Vernon, Eddie K. Vernon, James O. Vernon, Arthur B. Vernon, Maudie L. Vernon, Fannie F. Elliott, Minous J. Elliott, Callie Elliott, Knacy T. Elliott, Charles M. Elliott, Jessie C. Elliott, Thomas J. Elliott, Garnet A. Elliott, Charles M. Elliott, Jr., James L. Elliott, William H. Elliott, Walter J. Elliott, Robert S. Elliott, Martha A. Gibson, Paul E. Gibson, Nellie L. Gibson, Martha Jane Hughey,

James Nehemiah Hughey, Dora Hughey, Thomas Hughey, Lizzie Hughey, Clarence Hughey, Dewey Hughey, Charles M. Hughey, Bertha M. Bryant, Dollie M. Bryant, Matilda E. Jefferson, William Walter Jefferson, Clarence Virgill Jefferson, Jennie Grace Jefferson, Homer Vernon Jefferson, Maggie H. E. Holloway, Lucille Frances Holloway and Minnie Lee Holloway, 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,

Registered.

Acting Chairman.

COPY.

M.C.R. 3378.

Muskogee, Indian Territory, November 22, 1902.

Martha A. Gibson,

Highland Park, Tennessee.

Dear Madam:

You are hereby advised that on the 11th 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 Richard H. Vernon, et al., of which decision you were advised by registered mail on the 31st day of May, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3578.

COPY

Muskogee, Indian Territory, November 15, 1906.

Martha A. Gibson,
Highland Park, Tennessee.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 5, 1906, denied the motion filed with this office by Albert J. Lee, attorney at law, Ardmore, Indian Territory, on June 23, 1906, for reconsideration of the consolidated Mississippi Choctaw case of Richard H. Vernon, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

#1405

No. 178

For Identification as a Mississippi Choctaw.

Date SEP 18 1901

Name Martha A. Gibson

Age 27 - Blood 1/6

Post Office, Highland Park, Tenn.

Father: William T. Elliott, l

Mother: Louisa F. M. " d

Claims through mother
Husband: John F. Gibson, W.
No claim for husband

Children:

Paul E. Gibson, 5

Nellie L. " 2

Claims for self
and children.

Stenographer

A. C. Kirtman

Choctaw MCR 3579

Benson W. Moore

See MCR 3540

MCR 3579

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. September 21, 1901.

3579

In the matter of the application of Benson W. Moore for identification of himself and his two minor children as Mississippi Choctaws.
grand

applicant not represented by attorney.

Benson W. Moore being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Benson W. Moore.
Q M-o-o-r-e? A Yes.
Q What is your age? A Sixty-seven years old.
Q What is your post-office address? A Troy.
Q Indian Territory? A Yes Chickasaw Nation, Indian Territory.
Q How long have you lived in the Indian Territory? A Seven years.
Q You held any land in the Indian Territory? A No.
Q Just rent? A Yes I am just on the land. I bought it in I don't consider that I am holding it but if I get my right I don't see why I ought not hold it.
Q When did you go on this land? A I have been there five years in January.
Q You never have paid any rent on it? A No.
Q Nobody has ever disputed your right to it? A Last year a man came down but I told I had as much right as him.
Q Who was he? A Louis Phelan.
Q Is he an Indian? A Yes.
Q Where did you live before you lived in the Indian Territory? A In Texas.
Q How long did you live in Texas? A I lived in Texas about forty years.
Q Where did you live before that? A In Mississippi.
Q You were born in Mississippi? A Yes.
Q And lived there until you moved to Texas? A Yes until I was twelve years old.
Q Then you went to Texas? A Yes.
Q And stayed there forty years? A Yes but I was gone five years in forty-six back to Mississippi, but that was before I was married I had no family then.
Q You never have lived anywhere except in Texas and Mississippi before you came to the Indian Territory? A No.
Q What is your father's name? A Silas Moore.
Q Is he living? A No.
Q What is your mother's name? A Morning Dumas.
Q Morning Moore? A Yes.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I can't really tell you, I was told he claimed one half.
Q How much do you claim? A I can't really tell you.
Q If your father claimed one-half how much would you have? A I could not tell you, I never counted it up.
Q Don't you think you would have about one-half of what your father had? A I reckon about that.
Q You know what one-half ~~off~~ of one-half is? A One-quarter.

- Q You think you are about one-quarter Choctaw? A I think it to be that.
- Q Have you any evidence of your father's and mother's marriage? Not here.
- Q Can you secure such evidence? A I don't know if I could. They were married in Georgia a long time ago.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application.

- Q Are you married? A No, Yes.
- Q What is your wife's name? A Susan.
- Q Is she living? A Yes.
- Q You make application for your wife? A No I don't think I do. I guess I can't she is a white woman.
- Q She don't claim to have any Choctaw blood? A No.
- Q Well then you don't make any application for her? A No.
- Q Have you any children for whom you wish to make application at this time? A Only my two grandchildren.
- Q You want to make application for your two grandchildren? A Yes.
- Q Do they live with you? A Yes. They live with me.
- Q Give the names and ages of these grandchildren? A Lizzie.
- Q Lizzie what? A Lizzie Hearst.
- Q R-e-a-r-s-t? A Yes.
- Q What is her age? A Fifteen.
- Q Next? A Bruce Hearst.
- Q How old? A Thirteen.
- Q What is the name of the mother of these children? A Octava Moore Hearst.
- Q What is the name of their father? A Lee Hearst.
- Q Through which one of their parents do the children claim their Choctaw blood? A Mother.
- Q How much Choctaw blood do you claim for these children? A Well let me see, I never did think anything about that.
- Q Their mother was your daughter? A Yes.
- Q How much Choctaw blood would she have? A She would have I reckon about one-sixth.
- Q You think she would have one-half of one fourth? A Yes that would have been about one-sixth, somewhere along there.
- Q Have these children ever had a guardian appointed for them by the Court? A No they have been with me, just living with me.
- Q Ever since their father and mother died? A Yes.
- 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 expect not.
- Q Is your name or the names of your grandchildren on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I expect not.
- Q Did you ever make application to the Choctaw tribal authorities to have yourself or your grandchildren enrolled as members of that tribe? A Yes. In 1896 we sent up our petition to the Commission.
- Q You applied in eighteen hundred and ninety six to the Dawes Commission for citizenship in the Choctaw Nation? A Yes.
- Q In whose name was that application made? A Moore.
- Q What was the givenname? A Silas Moore.
- Q Was your father living then? A No.
- Q Did you make application in his name? A In his name and mine.

- Q You were the principal applicant? A Yes mother and my sister Emily Moore.
- Q You know what was done with that application? A It was sent and the last I knowed of it , it was sent to the Dawes Commission.
- Q You never heard what action was taken, whether you were admitted or rejected? A No they never notified us at all.
- Q Have you or ~~any~~ your grandchildren ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or by the Dawes Commission? A No.
- Q Have you or your grandchildren been admitted to citizenship in the Choctaw Nation by ~~some~~ 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 grandchildren admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q What kind of an application do you want to make now? A I want to make application for my citizenship and rights.
- Q The time within which the Commission could hear such original applications for citizenship expired within ninety days after June 10, 1896 and since that time no body has had authority to hear and determine any such applications for citizenship. Now what kind of an application do you want to make? A Well if I understand you I want to make application for my citizenship for me and my two grandchildren for Choctaws, Mississippi Choctaws, in the Choctaw Nation.
- Q You claim then 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 not as I understand it. My father never did get any land of the Choctaws lands. He lived in Mississippi eighteen years and bought his land and paid for it when he left there he lost it and bought again in Lafayette County and we lived there six years and came to Texas.
- Q You know what a treaty is? A Well a little, slightly.
- Q When two Nations make an agreement in writing that agreement is called a treaty? A Yes.

Now the law under which the Commission is acting at this time in hearing these applications gives it 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 the western part of Alabama for the purpose of exchanging their land with them for lands west of the Mississippi River but some of the Indians did not want to come west and the other's would not sign an treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi and Alabama. Article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in the old 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 and told him that they wanted to stay and take land there and become citizens of the States but when a locating agent was sent down by the government to locate the land for the Indians it was found that many Indians claimed they had gone to the Indian 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 this matter and find out which of these Indians really had a right 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 they refused. In those cases which the Commissioners allowed 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 your father own any land in Mississippi in eighteen hundred
 Q Nintythree? Was he married man and the head of a family in 1830?
 A Yes.
- Q Are you the oldest one of your father's children? A No.
- Q How much older than you is the oldest one? A 14 or 15 years.
- Q Were you born in Mississippi? A Yes.
- Q How long had your father been in Mississippi when you were born?
 A Well about four years.
- Q Where was your father born? A I could not tell you exactly where he was born. He came from North Carolina and was married in Georgia, then lived in Alabama right smart while and came from there to Texas.
- Q Are you sure your father's Indian blood was Choctaw? A Which?
 Q Are you sure your father's Indian blood was Choctaw? A Yes.
- Q How did you know that? A I was taught that, the citizens that knows in there..
- Q Are you sure it was not Cherokee blood? A No more than I know, about Choctaw I could not swear to either one.
- Q Did your father go to the Indian Agent within six months after the treaty was ratified and tell him that he wanted to stay there in Mississippi and take land? A I could not tell you.
- Q Did he come west with the other Choctaws between eighteen hundred and thirty three and eighteen hundred and thirty eight? A No.
- Q Did he die in Mississippi? A No in Texas.
- Q When did he leave Mississippi? A He left Mississippi in forty six.
- Q Have you any evidence to show that your father lived in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian? A No not here.
- Q You expect to secure such evidence? A Yes.
- Q Do you expect to bring your witnesses in person before the Commission to prove that? A I don't know that I can.
- Q You understand that the oral testimony of witnesses carries more weight than their depositions or affidavits? A Yes.
- Q

- Q Can you secure any evidence to show whether he went to the Indian Agent there within six months and told him that he wanted to stay? A I don't know for certain.
- Q You expect to try? A Yes.

- Have you any evidence to show whether your father got any scrip for land or if he owned any land in Mississippi, Arkansas, Louisiana or Alabama that he got from the government? A No.
- Q How old was your father when he died? A About eighty years old.
- Q How old were you when he died? A No? I was twenty-one or two.
- Q Did he ever talk to you about these things? A No that is what's the matter he never did teach his children anything about it.
- Q Did he tell you you had Choctaw blood? A He hardly never mentioned anything of the kind. A long time ago it was a terrible disgrace among the white folks and his wife did not want to come to Texas at all when he moved there.
- Q You should endeavor to secure evidence to show that your father was living in Mississippi in eighteen hundred and thirty and was a recognized Choctaw Indian and that he within six months from the ratification of this treaty went to the Indian Agent and told him that he wanted to stay there in Mississippi and take land or that he attempted to do so. Have you any papers that you want to file now? A No.

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

This applicant has gray hair and beard and blue eyes and medium 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 and it appears from his testimony that his father formerly lived in North Carolina and emigrated from there to Mississippi or Alabama and the applicant states that his father was living in Mississippi when the treaty of 1830 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 September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 23, day of November 1901.

Clara Mitchell Wood
Notary Public.

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

In the application of Benson W. Moore for enrollment as a
Choctaw; being sworn and examined by Com'r McKesson he testifies:

- Q What is your name? A Benson W. Moore.
Q How old are you? A Sixty-five.
Q Where do you live? A In the Territory.
Q How long have you lived here? A Five years.
Q Have you ever been on the Choctaw rolls? A No sir.
Q You claim as a Choctaw? A Yes sir, Mississippi Choctaw.
Q Were your father and mother ever on the rolls here?
A No sir.
Q When did you come from Mississippi? A In 1846.
Q How old were you then? A Twelve years old.
Q Where did you go to? A To Texas.
Q Have you been living there ever since? A Yes sir, partly,-
I have been backwards and forwards.
Q Backwards and forwards where to? A Sometimes over here, and
I went back to Mississippi once.
Q But you lived in Texas all that time up until five years ago?
A Yes sir, most of that time.
Q You have been living here five years? A Yes sir.

Com'r McKesson: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes
I hereby certify that the foregoing is a true and correct
statement of the facts as given to me by the applicant, and
this is a true and correct translation of
my stenographic notes.

B. M. McKesson

Miss. Choctaw
3879 and 3883

Muskogee, Indian Territory, April 14, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 9, inclosing marriage license and certificate between O. W. Moore and Jackie Smith, offered in support of the application for identification as Mississippi Choctaws of Oscar Moore, et al.; also certified copy of marriage license and certificate between Benson W. Moore and Susan Moore, offered in support of the application for identification as Mississippi Choctaws of Benson W. Moore, et al. The same have been filed with the records in the above named cases.

The certified copy of marriage license and certificate between Walter Moore and Callie Bell is herewith return to you for the reason that a careful search of our records has not enabled us to discover that any application for identification as Mississippi Choctaws has been made by either of the parties therein named. If either of these persons have appeared as applicants for identification as Mississippi Choctaws, kindly advise when, where, and under

B.S.J. 2

what name such application was made, the names of other members of the family who appeared at the same time, and any other information which you may possess that would enable us to identify the parties as applicants, and the matter will receive further consideration.

Yours truly,

Acting Chairman.

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Enfoguee, Indian Territory, September 3, 1908

Denson W. Moore,

Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Elias Sharpe, et al., embracing the following applications for identification as Mississippi

Choc laws:

Elias Sharpe, et al.,	M.C.R.	3540
Billy Quaid,	"	3583
Burjamin W. Quaid,	"	3458
John T. Quaid, et al.,	"	3628
Samuel Lodaska Walls, et al.,	"	3438
Sharruda Elias Fleet, et al.,	"	3479
Wills Quaid,	"	3541
William Ambrose Quaid,	"	3343
Amelia J. Bennett, et al.,	"	3512
Anna Elizabeth Smith,	"	3514
Harnest W. Long, et al.,	"	4364
Young Harrington Quaid, et al.,	"	3437
Magpie Bell Strother,	"	3613
Billy G. Inman, et al.,	"	3580
Thomas Dodd, et al.,	"	3449
Lee Harrington Quaid,	"	3439
Hinnie Dugart, et al.,	"	3444
Sirson M. Moore, et al.,	"	3650
Valix F. Moore, et al.,	"	3707
John R. Moore,	"	3994
Walter B. Moore,	"	3640
Ray Moore,	"	3493
Dooty Moore,	"	4560
Denson W. Moore, et al.,	"	3579
Thomas L. Moore,	"	3551

Emma V. Moore

Oscar Moore, et al.,	M.C.R. 3583
Willie Moore,	" 3584
Emma Moore, et al.,	" 3587
Mollie E. Pirtle, et al.,	" 3620

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

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin V. Quaid, John T. Quaid, Fred R. Quaid, Frank R. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodocka Wells, Martha Elizabeth Wells, John Richardson Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Annie Lodocka Wells, Simeruda Ellen Tice, Julia May Tice, Eliza Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Water Lonnie Bennett, Emma Elizabeth Smith, Earnest G. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Millie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily C. Irwin, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thanie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Leland Moore, Minlan Moore, Felix V. Moore (2), Walter L. Moore, Nora V. Moore, Mary F. Moore, Leta B. Moore, Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Emma V. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willie Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consuelo Pirtle and Roselle Pirtle 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."

James W. Stewart

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 **him.**

Yours truly,

(SIGNED)

James Dixie

Acting Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1903.

Benson W. Moore,

Troy, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Elias Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

B.W.M.-----2

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

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

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

3-

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 3370.

COPY.

Muskogee, Indian Territory, July 23, 1904.

Benson W. Moore,
Troy, Indian Territory,

Dear Sir:-

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

T. D. Needles.

Commissioner in Charge.

M.C.R. 3579.

COPY

Muskogee, Indian Territory, November 15, 1906.

Benson W. Moore,

Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Bixby.
Commissioner.

Muskogee, Oklahoma, June 12, 1909.

Mr. Benson W. Moore,
Troy, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Benson W. Moore

Age 67 Blood 1/4

Post Office, Troy, L. T.

Father: Elias Moore (dead)

Mother: Morning Moore (dead)

Claims through father

wife: Susan Moore
(No claim for her)

Children:

Lizzie Hearst 15

Bruce " 13

Mother: Octavia Hearst (dead)

Father: Lee Hearst (dead)

(Claim through mother)

Claims for self and 2
grand-children.

Stenographer

J. Rosenwinkel

Choctaw MCR 3580

Emily G. Inman

See MCR 3540

MCR 3580

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

3580

In the matter of the application of Emily G. Inman for identification of herself and her four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Emily G. Inman being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Emily G. Inman.
Q I-n-m-a-n? A Yes.
Q What is your age? A Forty-two.
Q What is your post-office address? A Troy.
Q Indian Territory? A Yes.
Q How long have you lived there? A Five years.
Q Where did you live before you lived there? A I lived at Wapanucka here in the Nation.
Q How long have you lived in the Indian territory? A Ten years.
Q Do you hold any land in the Indian Territory? A No.
Q Just rent? A Contract.
Q Where did you live before you lived in the Indian Territory?
A Texas.
Q How long did you live in Texas? A Born and raised there.
Q What is your father's name? A Thomas Walter Quaid.
Q Is he living? A No.
Q What is your mother's name? A Emily Quaid.
Q Is she living? A Yes.
Q Through which parent do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A I could not tell you.
Q You never have been taught how much Choctaw blood you had? A No.
Q Was 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 No I am a widow.
Q What was your husband's name? A Alexander Randolph Inman.
Q He was a white man? A Yes.
Q And made he claim to Choctaw blood? A No.
Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes.
Q Give the names and ages of these children? A America Elizabeth Chapman.
Q How old? A Seventeen.
Q Next? A Thomas Harrington Chapman.
Q How old? A Fifteen.
Q Next? A Napoleon Bonapart Chapman.
Q How old is Napoleon Bonapart? A Twelve.
Q Are these all the children by your first husband? A Yes.
Q What was his name? A James Richard Chapman.
Q He is dead? A Yes.
Q Have you any other children? A Yes one.
Q Give that child's name? A Emily Jane Reed.
Q You have been married three times? A Three times.

- Q R-e-e-d? A Yes.
- Q How old? A Eight years old.
- Q What is the name of this child's father? A John A Redd.
- Q He is dead? A Yes.
- Q You have no children by your last husband? A No.
- Q Is your name or are the names of any of your children on the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you ever 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? I don't know whether we did or not in 1896? A
- Q What was five year ago, did you make application five years ago? A No.
- Q Did any one make one for you? A Not that I know of.
- Q Your name was not included in your mother's application then? A I don't know whether it was or not.
- 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 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 that you have ever made? A I reckon it is.
- Q Well would you not know if you had ever made one before? A Yes we came before the Dawes Commission two years ago.
- Q Where? A Here.
- Q Two years ago at Atoka? A Yes.
- Q What kind of an application did you make then? A For Choctaw citizenship.
- Q What was done with that application? A It was rejected.
- Q What kind of an application do you want to make now? A I want to make application for citizenship in the Choctaw Nation, Mississippi Choctaw.
- Q You claim a Mississippi Choctaw A Yes.
- Q You claim under any of the treaties between the United States and the Choctaw Indians? A I don't know.
- Q You know what a treaty is? A Yes.

The law which gives the Commission the right to hear these applications for citizenship in the Choctaw Nation expired within ninety days after the passage of the act of June 10, 1896 and the law under which the Commission is now acting authorizes it 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 Indian who lived then in Mississippi and a few of them in the State of Alabama but some of the Indians did not want to leave their homes there in the old Choctaw Nation and come to the new country west of the Mississippi River where it was the desire of the government to move them and the other Indians 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 those Indians who wished to remain in the old 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 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 Indians who claimed they had gone to the Indian agent 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 and find out just who of these Indians really had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases, 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 it had been sold they were given scrip. This scrip could be used in locating 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 What was your mother's father's name? A Moore, Silas.
- Q What was your mother's mother's name? A Morning.
- 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 grandfather and grandmother? A No.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application.

- Q How old is your mother? A She is about eighty-three I reckon.
- Q Your grandfather then was a married man and the head of a family in 1830? A I guess so.
- Q Did he live in Mississippi in eighteen hundred and thirty? A I reckon so.
- Q Was he a recognized Choctaw Indian? A I don't know.
- Q Did he ever have any Choctaw name? A I don't know.

- Q Did he go to the Indian Agent there within six months from the ratification of this treaty and tell him that he wanted to stay there? A I don't know whether he did or not.
- Q Did he come west with the other Choctaws between the year eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I don't know whether he did or not.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to produce evidence to show that your grandfather lived in the old Choctaw Nation in eighteen hundred and thirty and was a recognized Choctaw Indian and that he within six months after the treaty was ratified went to the Indian Agent and told him that he wanted to stay there and take land or attempted to do so.

- Q Have you any evidence on these points? A I think we have? A
- Q Have you that evidence now? A No.
- Q You expect to produce it later? A Yes.
- Q You expect to bring witnesses before the Commission in person to testify? A I don't know that I can do that.
- Q You understand that the oral testimony of witnesses carries more weight than their depositions or affidavits? A Yes.
- Q What kind of evidence do you expect to bring? A I expect to bring evidence to prove that.
- Q Do you expect to bring it in the form of depositions or affidavits? A I don't know whether we can bring it that way.

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 his case.

- Q Have you any papers that you want to file now? A No.
- Q If it is possible for you to do so will you bring your witnesses before the Commission in person to testify and if not will you get their deposition? A Yes.

This applicant has straight grayish black hair (course) brown eyes and dark complexion. Her cheek bones are a trifle prominent. It may be possible that she is possessed of a small proportion of Choctaw 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 she states that her grandfather lived in Mississippi at the time of the making of this treaty of 1830.

Sub:

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 September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of September 1901,

Subscribed and sworn to before me this 23rd day of November 1901.

G. Rosenwinkel
Clara H. [unclear]
 Notary Public.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Emily J. Inman for enrollment as a
cheetaw; being sworn and examined by Com'r McKenna she testifies:

- Q What is your name? A Emily J. Inman.
Q How old are you? A Forty-two.
Q Have ever you been on the cheetaw rolls? A No sir.
Q Have your father and mother ever been on the cheetaw rolls?
A No sir.
Q You were born and raised in Texas? A Yes sir.
Q Who did you come to the Territory? A Eight years ago.
Q Have been living here ever since? A Yes sir.

Com'r McKenna: Enrollment is refused; you are not on
the rolls, and the commission has no authority to enroll you.

Department of the Interior
Commission to the Five Civilized Tribes
I hereby certify upon the official oath as
stenographer to the named Commission, that this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

COPY.

M.C.P. 2000

Mustang, Indian Territory, September 3, 1902.

Emily G. Inman

Troy, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

Choctaws:

Silas Sharpe, et al.,	M.C.R.	3540
Emily Quaid,	"	3585
Benjamin W. Quaid,	"	3436
John T. Quaid, et al.,	"	3628
Susan Lodeska Wells, et al.,	"	3439
Suzerude Ellen Tice, et al.,	"	3479
Kliha Quaid,	"	3542
William Amburse Quaid,	"	3543
America J. Bennett, et al.,	"	3512
Fema Elizabeth Smith,	"	3514
Ernest W. Long, et al.,	"	4864
Young Harrington Quaid, et al.,	"	3437
Maggie Ball Strother,	"	3513
Emily G. Inman, et al.,	"	3590
Thomas Quaid, et al.,	"	3445
Lee Harrington Quaid,	"	3439
Minnie Nugent, et al.,	"	3444
Simpson M. Moore, et al.,	"	3630
Felix F. Moore, et al.,	"	3707
John R. Moore,	"	3994
Valter D. Moore,	"	3640
Romy Moore,	"	3493
Booby Moore,	"	4360
Benson W. Moore, et al.,	"	3579
Thomas L. Moore,	"	3581

Oscar Moore, et al.,	H.C.R. 3883
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richardson Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Nlihu Quaid, William Amburse Quaid, America J. Bennett, Luther K. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Bebie M. Quaid, Lee Harrington Quaid, Minnie Eugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Nona V. Moore, Mary E. Moore, Leta B. Moore, Janina E. Moore, John E. Moore, Walter D. Moore, Remy Moore, Beety Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consuela Pirtle and Roselle Pirtle 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."

July 6, 1900

You are further advised that the Council on Jan. 23, 1900, 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.

Muskege, Indian Territory, July 14, 1903.

Emily G. Inman,

Troy, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 23, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states. "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

The Commission is directed to advise you that said records

E.O.I.-----2

relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

H.C.I.-----3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R ' & R Dep.
Registered.

W. O. B.

COMMISSIONERS:
TAMM BEERY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE,
WM. O. BEALL,
Secretary.

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

<p>REFER IN REPLY TO THE FOLLOWING:</p> <p>W.C.R. 3580</p>
--

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

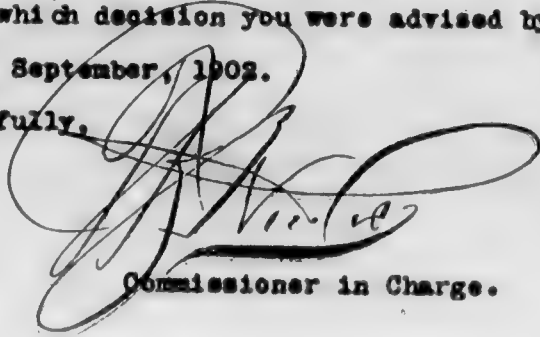
Muskogee, Indian Territory, July 23, 1904.

Emily G. Inman,
Troy, Indian Territory,

Dear Madam:

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,



Commissioner in Charge.

M C R 3580

Muskogee, Indian Territory, October 29, 1906.

Emily G. Inman,

Reagan, Indian Territory.

Dear Madam:

Replying to your letter of the 23rd instant, you are informed that you may designate to the Chickasaw land office the lands upon which you and your minor children who are Mississippi Choctaw applicants are the actual owners of improvements and which you anticipate taking in allotment in the event you are finally identified as Mississippi Choctaws.

The designation of a prospective allotment by an undetermined applicant does not prevent a duly enrolled citizen from selecting the same in allotment. It is simply a notice that the undetermined applicant has a claim to such land.

Respectfully,

Commissioner.

M.C.R. 3580.

COPY

Muskogee, Indian Territory, November 15, 1906.

Emily G. Inman,

Reagan, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tank Bixby.
Commissioner.

M C R 3560

Muskogee, Oklahoma, June 12, 1909.

Mrs. Emily G. Inman,
Reagan, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

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

FILED

SEP 26 1904

CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

M. C. R.

General Office

35-817
S



Emily H. Tolan,

Troy, I. T. Ter.

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Emily G. Luman

Age 44 Blood don't know

Post Office, Troy, I. T.

Father: Thomas H. Luid (dead)

Mother: Emily Luid ✓

Claims through mother

husband: Alexander B. Luman
(dead)

Children:

America Elizabeth Chapman 17

Thomas Harrington " 15

Napoleon Bonaparte " 12

Father: James A. Chapman (dead)

Emily Jane Reed 8

Father: John A. Reed (dead)

Claims for self and 4
children

Stenographer

G. Rosenwinkel.

Choctaw MCR 3581

Thomas L. Moore

See MCR 3540

MCR 3581

RECEIVED from the Commission to the Five Civilized Tribes

a copy of the receipts of the following CASH:

Silas Sharpe, et al.,	M. O. R.	3540
Emily Quaid,	"	3585
Benjamin W. Quaid,	"	3435
John T. Quaid, et al.,	"	3628
Susan Lodesaka Wells, et al.,	"	3438
Simerruda Ellen Tice, et al.,	"	3479
Elihu Quaid,	"	3541
William Amburse Quaid,	"	3543
America J. Bennett, et al.,	"	3512
Ema Elisabeth Smith,	"	3514
Earnest W. Long, et al.,	"	4864
Young Harrington Quaid, et al.,	"	3437
Maggie Bell Strother,	"	3513
Emily G. Inman, et al.,	"	3580
Thomas Quaid, et al.,	"	3445
Lee Harrington Quaid,	"	3489
Minnie Nugent, et al.,	"	3444
Simpson M. Moore, et al.,	"	3630
Felix F. Moore, et al.,	"	3707
John R. Moore,	"	3994
Walter D. Moore,	"	3640
Remy Moore,	"	3493
Booty Moore,	"	4560
Benson W. Moore, et al.,	"	3579
Thomas L. Moore,	"	3581
Oscar Moore, et al.,	"	3583
Willis Moore,	"	3584
Rosa Moore, et al.,	"	3582
Mollie E. Firtle, et al.,	"	3629

Muskogee, Indian Territory,
 July 23, 1903.

B. Johnson

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

In the matter of the application of Willis Moore for identification as a Mississippi Choctaw, heard at Atoka, I.T. September 21, 1901. M.C.R. 3584

In the matter of the application of Thomas L. Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. M.C.R. 3581

In the matter of the application of Rosa Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901, M.C.R. 3582

In the matter of the application of Oscar Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. M.C.R. 3583

TESTIMONY OF BENSON W. MOORE.

Benson W. Moore being first duly sworn testified as follows, as a witness for applicants:

Examination by the Commission:

- Q What is your name? A Benson W. Moore.
Q What is your age? A Sixty seven years old.
Q What is your post office address? A Troy, Indian Territory.
Q You are an applicant for identification as a Mississippi Choctaw?
A Yes.
Q Are you acquainted with Willis Moore, Thomas L. Moore, Rosa Moore and Oscar Moore? A Yes.
Q What relation are they to you if any? A My children.
Q Do they claim their Choctaw blood from you? A Yes.
Q Have you any evidence of your marriage to your wife? A Not here.
Q You have that evidence? A No, I can get it though.

As it was told your children in their applications, it will be necessary that the Commission be supplied with evidence of that marriage in support of their applications.

- Q What is the name of the mother of these children? A Susan Moore.
Q They don't get any Choctaw blood through their mother? A No.
Q What is your father's name? A Silas Moore.
Q What is your mother's name? A Morning Moore. Morning Dundas was.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q These children all get their Choctaw blood through Silas Moore, your father? A Yes.

May not be derived any other source? A No.

Witness Handwritten

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes on said date.

Henry G. Hains

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

Charles K. Sawyer

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, Indian Territory, September 21, 1901.

#3581.

In the matter of the application of Thomas L. Moore
for identification as a Mississippi Choctaw,

Applicant not represented by Attorney.

Thomas L. Moore, being first duly sworn, testified
as follows:-

Examination by the Commission.

- Q What is your name? A Moore.
Q Well, what's---? A Thomas L.
Q Thomas L. Moore, is it? A Yes.
Q How old are you? A Twenty-six.
Q What is your Post Office address? A Troy.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian territory? A Seven years.
Q Do you hold any land here? A No.
Q Must rent? A Yes.
Q Where did you live before you lived in the Territory? A Texas.
Q How long did you live in Texas? A Nineteen years. Born there
and lived there till I came to the Territory.
Q What is your father's name? A B. W. Moore. He's that old
gentleman here on the stand awhile ago. That was him.
Q He is living? A Yes.
Q What is your mother's name? A Susan Moore.
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 He claims a quarter, I
think.
Q Well, how much do you think you claim? A I don't know.
Q Do you know what the half of a quarter is? A No, I don't.
Q Have you any evidence of your father's and mother's marriage?
A No.

- 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. Are you married? A No.
- Q You are making this application for yourself alone? A Yes.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q Did you ever apply 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, 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 Which?
- Q Have you been admitted to citizenship in the Choctaw Nation by the Dawes Commission or by the Choctaw Tribal Council? A No.
- Q Have you been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q This is the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Why, for the right of a Mississippi Choctaw I suppose. I think that's the head father's coming in under.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I don't know. I haven't paid any attention to it much. He's the one that's been tending to it and this is the first time I ever had anything to do with it. He wanted me to come down here.
- Q You don't know anything about the treaties? A No.
- Q You know what a treaty is? A I don't know whether I do or 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? A Yes.
- Q The law under which the Commission is acting at this time authorizes it 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 were living then in Mississippi and the Western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them to the country west of the river, but some of the Indians didn't want to come west, and the others wouldn't sign any treaty which did not contain some provision for those Choctaws who wanted to stay in Mississippi. So the fourteenth article was put into the treaty for the sake of those Choctaw Indians who didn't want to come West but wanted to stay there in Mississippi. Article fourteen of the treaty of 1830 provides that:-
- "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him

over 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 numbers of the Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States Government to locate the lands for those Indians, it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down in Mississippi to examine into these claims, and find out which of the Indians had a right to land in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims, and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't 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. What was the name of your ancestor who lived in Mississippi in 1830 and was a recognized Choctaw Indian? A Moore.

- Q What was his given name? A Silas.
- Q What relation was he to you? A Grandfather.
- Q Your father's father? A Yes.
- Q What was your father's mother's name? A Well, I don't know. I have heard him say but I have forgotten. I have heard it lots of times but I don't remember now what it was.
- Q Which one of your father's parents claimed to be Choctaw? A What
- Q Which one of your father's parents claimed to be Choctaw? A His father.
- Q Have you any evidence of the marriage of your grandfather and grandmother? A I havn't.
- Q It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application. Silas Moore was a married man and the head of a family in 1830 when this treaty was made, was he? A I suppose he was----guess he was
- Q Did he live in Mississippi at that time A Yes.
- Q Did he go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him he wanted to stay? A I don't know whether he did or not.
- Q Did he come west to the present Choctaw Nation with the other Choctaws between 1833 and 1838? A I don't know whether he did or not.
- Q Did he ever own any land in Mississippi, Louisiana, Arkansas or Alabama? A I don't know.
- Q How much Choctaw blood did Silas Moore claim to have? A Half I guess. Father claimed a quarter----I guess he claimed a half.
- Q Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your

4.

grandfather was a recognized Choctaw Indian and lived in Mississippi in 1830, and that he within six months after the treaty of 1830 was ratified signified to the Indian Agent his intention of remaining in Mississippi or attempted to do so. Have you any evidence on those points? A No.

- Q Do you expect to be able to produce that evidence later? A I don't know. I suppose I will if it's necessary.
- Q Do you expect to bring your witnesses in person before the Commission? A I think they do, yes.
- Q You understand that the oral testimony of witnesses carries more weight than their depositions or affidavits? A Yes.
- Q And that it would be better for your case to bring your witnesses in person if possible? Have you any papers you want to file now? A No.
- Q Is there any other statement you would like to make at this time? A No.

This applicant has brown hair, slightly curly, blue eyes and brown moustache. 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 1830, although it appears from his testimony that his grandfather lived in Mississippi when that treaty was made.

Hal Belford, being duly sworn on his oath, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the above is a full, true and correct transcript of his stenographic notes in said cause on September 21, 1901.

Hal Belford

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

W. W. Shelby
Notary Public.

Muskogee, Indian Territory, September 3, 1902.

Thomas L. Moore,
Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

Choctaws:

Silas Sharpe, et al.,	M.C.R. 3540
Emily Quaid,	" 3525
Benjamin W. Quaid,	" 3435
John T. Quaid, et al.,	" 3628
Susan Lodenka Wells, et al.,	" 3438
Simerruda Ellen Tice, et al.,	" 3479
Elihu Quaid,	" 3541
William Amourse Quaid,	" 3543
America J. Bennett, et al.,	" 3512
Prima Elizabeth Smith,	" 3514
Harnest W. Long, et al.,	" 4864
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily G. Inman, et al.,	" 3530
Thomas Quaid, et al.,	" 3445
Lee Harrington Quaid,	" 3439
Minnie Nurent, et al.,	" 3444
Simpson M. Moore, et al.,	" 3630
Felix F. Moore, et al.,	" 3707
John R. Moore,	" 3994
Walter D. Moore,	" 3640
Remy Moore,	" 3493
Boety Moore,	" 4560
Benson W. Moore, et al.,	" 3579
Thomas L. Moore,	" 3581
Oscar Moore, et al.,	" 3583

Willis Moore,	M.C.R. 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Edlie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thenie May Nugent, Simpson M. Moore, Felix P. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Emanuel Moore, Minion Moore, Felix P. Moore (2), Walter L. Moore, Nona V. Moore, Mary R. Moore, Leta B. Moore, Janice H. Moore, John R. Moore, Walter D. Moore, Romy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consouela Pirtle and Roselle Pirtle 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

Thomas L. Moore

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.

Muskogee, Indian Territory, July 14, 1903.

Thomas L. Moore, -

Troy, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

T.L.H.---2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

T.I.M.-----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1908, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

K.C.L. 351.

COPY.

Muskogee, Indian Territory, July 23, 1904.

Thomas L. Moore,

Troy, Indian Territory,

Dear Sir:-

You are hereby notified that on the 10th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

T. L. Moore

Commissioner in Charge.

M.C.R. 3661.

COPY

Muskogee, Indian Territory, November 15, 1906.

Thomas L. Moore,
Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Wams Bixby.
Commissioner.

N C R 3561

Muskogee, Oklahoma, June 12, 1909.

Mr. Thomas L. Moore,
Troy, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of ~~Elas~~ Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Thomas L. Moore

Age 26 Blood 1/8 (?)

Post Office, Troy, L. T.

Father: B. H. Moore

Mother: Susan Moore

Claims through father

~~Children:~~

Claims for self alone.

Stenographer

H. Belford.

Choctaw MCR 3582

Rosa Moore

See MCR 3540

MCR 3582

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

In the matter of the application of Willis Moore for identification as a Mississippi Choctaw, heard at Atoka, I.T. September 21, 1901. M.C.R. 3584

In the matter of the application of Thomas L. Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. M.C.R. 3581

In the matter of the application of Rosa Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901, M.C.R. 3582

In the matter of the application of Oscar Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. M.C.R. 3583

TESTIMONY OF BENSON W. MOORE.

Benson W. Moore being first duly sworn testified as follows, as a witness for applicants:

Examination by the Commission:

- Q What is your name? A Benson W. Moore.
Q What is your age? A Sixty seven years old.
Q What is your post office address? A Troy, Indian Territory.
Q You are an applicant for identification as a Mississippi Choctaw?
A Yes.
Q Are you acquainted with Willis Moore, Thomas L. Moore, Rosa Moore and Oscar Moore? A Yes.
Q What relation are they to you if any? A My children.
Q Do they claim their Choctaw blood from you? A Yes.
Q Have you any evidence of your marriage to your wife? A Not here.
Q You have that evidence? A No, I can get it though.

As it was told your children in their applications, it will be necessary that the Commission be supplied with evidence of that marriage in support of their applications.

- Q What is the name of the mother of these children? A Susan Moore.
Q They don't get any Choctaw blood through their mother? A No.
Q What is your father's name? A Silas Moore.
Q What is your mother's name? A Morning Moore. Morning Dundas was.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q These children all get their Choctaw blood through Silas Moore, your father? A Yes.

They don't derive any Choctaw blood from any other source? A No.

Witness Excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony on September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes on said date.

Henry G. Hains

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

Charles Resurveyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 21, 1901.

#3582.

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

Applicant not represented by Attorney.

Rosa Moore, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Rosa Moore.
Q What is your age? A Twenty.
Q What is your Post Office address? A Troy.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Seven years.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Territory? A Texas.
Q How long did you live in Texas? A I was born and raised in Texas.
Q What is your father's name? A B. W. Moore.
Q Did you marry a man by the same name as your father's name? A Yes.
Q Marry a cousin? A No, no kin at all.
Q Your father is living? A Yes.
Q What is your mother's name? A Susan Moore.
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, a fourth or sixth.
Q How much Choctaw blood does your father claim? A Quarter.
Q Well, how much do you think you would have if your father has a quarter? A I don't know. About a fourth I reckon. Fourth or sixth----something---I don't know just what.
Q Have you any evidence of your father's and mother's marriage?
A No.
Q It will be necessary for the Commission to be supplied with evi-

dence of this marriage in support of your application. Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians? A No, not that I know of.

- Q Are you married? A Yes.
- Q What is your husband's name? A W. R. Moore.
- Q He is living? A Yes.
- Q Do you make application for him? A No.
- Q He is a white man? A Yes.
- Q Makes no claim to Choctaw blood? A No.
- Q Have you any children for whom you wish to make application at this time? A What?
- Q Have you any children for whom you wish to make application at this time? A One.
- Q What is that child's name and age? A Clarence Moore, two years old.
- Q Are you the mother of this child? A Yes.
- Q What is the name of its father? A W. R. Moore.
- Q When and where were you married to W. R. Moore. A Troy, Indian Territory?
- Q When? A In '98.
- 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 anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation? 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? 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 that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well, Choctaw---Mississippi Choctaws.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A What?
- Q Do you 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.
- Q Do you know what a treaty is? A I reckon I do.
- Q A written agreement between two Nations. The law which gives the Commission the authority to hear these applications gives it 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 were living then in Mississippi and the western part of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them all to the country west of the River, but some of the Indians didn't want to come away from Mississippi, and the others wouldn't sign any treaty which didn't contain some provision for those Choctaws who wanted to stay. So Article fourteen was put into the treaty for the sake of these Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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 numbers of the Indians went to the Agent there and told him they wanted to stay in Mississippi, but when a man was sent down by the United States Government to locate the lands for those Indians, it was found that there were a great many more who claimed they had gone to the Indian Agent and told him they wanted to stay than there were names registered by that Agent. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into this matter and find out which of the Indians had a right to land in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't 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, Alabama or Louisiana. Did any of your ancestors own land in one of those states? A No.

- Q What was your father's father's name? A Silas Moore.
- Q What was your father's mother's name? A I can't call her name, I can't call it. I know what it is but I can't----
- Q Which one of your father's parents claimed to be Choctaw? A Father----his father.
- Q Have you any evidence of the marriage of your grandfather and grandmother? A No.
- Q It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application. Was Silas Moore a married man and the head of a family in 1830? A Yes, so I have been told.
- Q Did he live in Mississippi at that time? A Yes.
- Q How much Choctaw blood did he claim to have? A Half.
- Q Did he have any Choctaw name? 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 he wanted to stay in Mississippi? A I don't know.
- Q Did he come west with the other Choctaws between 1833 and 1838 to the present Choctaw Nation? A Not that I know of.
- Q Now in order for you to be identified as a Mississippi Choctaw you should bring evidence to show that your grandfather was a

recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are his grandchild, and that he within six months after the treaty of 1830 was ratified, signified to the Indian Agent his intention to remain in Mississippi or attempted to do so. Have you any evidence on those points? A No.

- Q Do you expect to produce that evidence later? A Yes.
- Q Do you expect to bring your witnesses in person before the Commission? A If it's so I can.
- Q You understand that the oral testimony of witnesses carries greater weight than depositions or affidavits? 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. A Yes.
- Q Have you any papers you want to file now? A No.
- Q Is there any other statement you would like to make? A No.

This applicant has light brown hair, bluish 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 1830, although it appears from her testimony that her grandfather lived in Mississippi at the time of the making of that treaty.

Hal Belford, being duly sworn upon his oath, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on September 21, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

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

W. W. Shelby
Notary Public.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Rosa A. Moore for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Rosa A. Moore.
Q How old are you? A Eighteen.
Q Have ever you been on the Choctaw rolls? A No sir.
Q Have your father and mother ever been on the rolls?
A No sir.
Q Were you born and raised in Texas? A Yes sir.
Q When did you come to the Territory? A In 1894.

Com'r McKennon: The Commission has no authority to enroll you; enrollment is refused.

Department of the Interior
Commission to the Five Civilized Tribes.
I hereby certify that the foregoing is a true and correct translation of
my stenographic notes.
M. D. Green

COPY.

Muskogee, Indian Territory, September 3, 1902.

Rosa Moore,

Troy, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

Choctaws:

Silas Sharpe, et al.,	M.C.R. 3540
Emily Quaid,	" 3505
Benjamin W. Quaid,	" 3435
John T. Quaid, et al.,	" 3528
Susan Lodeska Wells, et al.,	" 3438
Simerrada Milen Tice, et al.,	" 3479
Elihu Quaid,	" 3541
William Amburse Quaid,	" 3843
America J. Bennett, et al.,	" 3512
Rosa Elizabeth Smith,	" 3614
Harnest W. Long, et al.,	" 4864
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily G. Inman, et al.,	" 3580
Thomas Quaid, et al.,	" 3445
Lee Harrington Quaid,	" 3439
Minnie Nugent, et al.,	" 3444
Sirson M. Moore, et al.,	" 3630
Felix P. Moore, et al.,	" 3707
John R. Moore,	" 3924
Walter D. Moore,	" 3640
Remy Moore,	" 3493
Booty Moore,	" 4560
Benson W. Moore, et al.,	" 3578
Thomas L. Moore,	" 3581

Oscar Moore, et al.,	M.C.R. 3583
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

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

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

Said decision concludes as follows:

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred A. Quaid, Frank E. Quaid, William J. Quaid, Vernon R. Quaid, Susan Ledeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Ledeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther E. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John A. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lissie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consouela Pirtle and Roselle Pirtle 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."

Dear Madam:

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

Yours truly,

(SIGNED)

Tamc Dixby.
Acting Chairman.

Registered:

M.C.R.
3882

Muskogee, Indian Territory, July 14, 1903.

Rosa Moore,

Troy, Indian Territory.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

R.M.---2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

R.M.--3

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

E & R Dep.
Registered.

7-2 194

Muskogee, Indian Territory, October 14, 1903.

Imindy Wonke,

Sutter, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of October 7, in which you ask that your claim be passed upon as soon as possible, in order that you may file upon your land.

In reply to your letter, you are informed that the Commission has not yet passed upon your application for enrollment as a citizen of the Choctaw Nation.

The Commission is taking up for consideration and determination as rapidly as possible the applications of all persons for enrollment in the Choctaw Nation, and as soon as a decision is reached in this case you will be notified thereof.

Respectfully,

Commissioner in Charge.

M.C.R. 3582

COPY.

Muskogee, Indian Territory, July 23, 1904.

Rosa Moore,

Troy, Indian Territory,

Dear Madam:

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

I. L. Needles.

Commissioner in Charge.

M.C.R. 3882.

COPY

Muskogee, Indian Territory, November 18, 1906.

Rosa Moore,

Troy, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M C R 3582

Muskogee, Oklahoma, June 12, 1909.

Mrs. Rosa Moore,
Troy, Oklahoma,
Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Rosa Moore

Age 20 Blood 1/4 or 1/6. 1/8(?)

Post Office, Troy, L.I.

Father: P. W. Moore

Mother: Susan Moore

Claims through father

Husband: W. R. Moore
(no claim for him)

Children:

Clarence Moore 2

Claims for self and child

Stenographer

H. Belford

Choctaw MCR 3583

Oscar Moore

See MCR 3540

MCR 3583

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 21, 1901.

#3583.

In the matter of the application of Oscar Moore for the identification of himself and his minor child as Mississippi Choctaws.

Applicant not represented by Attorney.

Oscar Moore, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Moore.
Q What is your given name? A Oscar.
Q What is your age? A Twenty-four.
Q What is your Post Office address? A Post Office?
Q Yes? A Troy.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A About seven years.
Q Do you hold any land here? A No.
Q You rent? A Yes.
Q Where did you live before you lived in the Territory? A Texas.
Q How long did you live in Texas? A I was born and raised there till I come to the Territory seven years ago.
Q What is your father's name? A His given name?
Q Well, what is his name? A Moore---my father's name?
Q Yes? A Moore, Benson Moore.
Q Is he living? A Yes.
Q What is your mother's name? A Susan Moore.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I couldn't say.
Q How much Choctaw blood does your father claim? A I couldn't say

- Q You never have been taught? A Yes, I have been taught some but I----.
- Q Well, how do you know that you have any Choctaw blood? A I couldn't swear to it, I have just heard that way. I don't know it.
- Q Has your father ever been recognized or enrolled as a citizen of the Choctaw Nation? A Not that I know of.
- Q Have you any evidence of your father's and mother's marriage? A What?
- Q Have you any evidence of your father's and mother's marriage? A No.
- Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application. Are you married? A Yes.
- Q What is your wife's name? A Jacky Moore.
- Q J-a-c-k-y? A Yes.
- Q Is she living? A Yes.
- Q Do you make application for your wife? A No.
- Q She is a White woman? A Yes.
- Q Makes no claim to Choctaw blood? A No.
- Q Have you any children for whom you wish to make application at this time? A How?
- Q Have you any children for whom you wish to make application at this time? A One.
- Q What is that child's name and age? A John A. Moore, eighteen months old.
- Q Boy? A Yes.
- Q This is your child? A Yes.
- Q What is the name of its mother? A Jacky Moore.
- Q When and where were you married to her? A When and where?
- Q Yes? A Married at Ardmore, last February a year ago.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A By an Official.
- Q Minister? A No, I married at the Court House in Ardmore. I reckon----I don't know what it was married me. It wasn't no minister though.
- Q Was it the Clerk? A Yes.
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I have got them. I havn't got them with me.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your child. Is your name on any of the Tribal Rolls in the Indian Territory? A Not that I know of.
- Q Have you applied to the Choctaw Tribal Authorities to be enrolled as a member of that Tribe? A No.
- Q Did you or did anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation? A I don't know whether they did for me or not. There was part of them.
- Q You don't know whether your name was included in that application or not? A I don't know whether it was ever enrolled or not. This is the first time I have ever been.
- Q You don't know what action was taken on that application? A No I don't.
- 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? 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 that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well Choctaw Indian, I reckon, Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I didn't understand the first part of it.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Well, I don't know. I don't know how about that part of it.
- Q Do you know anything about the treaties? A No.
- Q Do you know what a treaty is? A Well, I don't know for certain that I know. I may know.
- Q You know what an agreement is? A Yes.
- Q When two nations make an agreement in writing that agreement is called a treaty? A Yes, that's what I thought about it.
- Q The law under which the Commission is acting at this time authorizes it 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 Choctaws who were living then in Mississippi and the Western part Of Alabama, for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them all to the country west of the river, but some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay there in Mississippi, so article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to come west. Article fourteen of the treaty of 1830 provides that:-

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

Within six months after the ratification of this treaty numbers of the Indians went to the Agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many more who claimed they had gone to the Agent than there were names on the roll which the Indian Agent had made, so under different Acts of Congress men were appointed as Commissioners and

- sent down to Mississippi to look into this matter and find out which of the Indians had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In the se cases where the claims were allowed by the Commissioners and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't 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, Alabama or Louisiana. Did any of your ancestors own land in one of those states? A Not that I know of.
- Q What was your father's father's name? A Silas Moore.
- Q What was your father's mother's name? A Susan Moore.
- Q Isn't that your mother's name? A Oh! you said my father's mother. I don't know what her name was. I have heard it but I don't recollect it.
- Q Which one of your father's parents claimed to be Choctaw? A Which one of my father's parents?
- Q Yes? A His father.
- Q Silas Moore? A Yes.
- Q How old is your father? A I believe he's sixty-seven. I don't recollect for sure, but I think he is.
- Q Is he the oldest one of his father's children? A No, he's got a sister that's older than him.
- Q Was Silas Moore a married man and the head of family in 1830? A Well, I couldn't say because I don't know, but I think he was.
- Q It's your understanding that he was? A Yes.
- Q Did he live in Mississippi in 1830? A Yes. I have heard 'em say he was. Of course I don't know but then I have heard them he was.
- Q Was he a recognized Choctaw Indian? A Yes.
- Q How much Choctaw blood did he claim to have? A Me?
- Q Did he claim to have? 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 he wanted to stay? A I couldn't say. I don't know.
- Q Did he come west with the other Choctaws to the present Choctaw Nation between 1833 and 1838? A He come West I think I heard them say but I don't know when he come.
- Q To the present Choctaw Nation? A No, he come to Texas.
- Q In order for you to be identified as a Mississippi Choctaw you should bring evidence to prove that your grandfather was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, and that you are his grandson, and that he within six months after the treaty of 1830 was ratified signified to the Indian Agent his intention of remaining in Mississippi or tried to do so. Have you any evidence on those points? A No, I havn't.
- Q Do you expect to secure such evidence? A Well, I don't know what the older ones is doing. I don't know anything about how to start at it.
- Q You are depending on your father to produce the evidence in your case? A Well, there's lots of them older than I am and of course they know more about getting evidence than I do.
- Q Well, I say you are depending on your father to produce the evidence in your case then? A Yes.
- Q Have you any papers you want to file now? A No.
- Q Is there anything else you would like to say? A No.

- 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 allowed to do so, and the same will be made a part of the record in your case. A I havn'g got any.
- Q That's giving you permission to file any such evidence as you may wish in the future. A Yes.

This applicant has brown hair, blue eyes and medium 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 1830, although it appears from his testimony that his grandfather lived in Mississippi when that treaty was made.

Hal Belford, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on September 21, 1901.

Hal Belford

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

David Shelby
Notary Public.

Miss. Choctaw
3579 and 3583

Muskogee, Indian Territory, April 14, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of April 9, inclosing marriage license and certificate between O. W. Moore and Jackie Smith, offered in support of the application for identification as Mississippi Choctaws of Oscar Moore, et al.; also certified copy of marriage license and certificate between Benson W. Moore and Susan Moore, offered in support of the application for identification as Mississippi Choctaws of Benson W. Moore, et al. The same have been filed with the records in the above named cases.

The certified copy of marriage license and certificate between Walter Moore and Callie Bell is herewith return to you for the reason that a careful search of our records has not enabled us to discover that any application for identification as Mississippi Choctaws has been made by either of the parties therein named. If either of these persons have appeared as applicants for identification as Mississippi Choctaws, kindly advise when, where, and und/

B.S.J. 2

what name such application was made, the names of other members of the family who appeared at the same time, and any other information which you may possess that would enable us to identify the parties as applicants, and the matter will receive further consideration.

Yours truly,

Acting Chairman.

AB 1-14

Muskogee, Indian Territory, September 3, 1902.

Oscar Moore,

Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

Choctaws:

Silas Sharpe, et al.,	M.C.R. 3540
Emily Quaid,	" 3585
Benjamin W. Quaid,	" 3435
John T. Quaid, et al.,	" 3628
Susan Lodoska Wells, et al.,	" 3438
Sinerruda Ellen Tice, et al.,	" 3479
Klihu Quaid,	" 3541
William Amburse Quaid,	" 3443
America J. Bonnett, et al.,	" 3512
Emma Elizabeth Smith,	" 3514
Earnest W. Long, et al.,	" 4264
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily G. Inman, et al.,	" 3580
Thomas Quaid, et al.,	" 3445
Lee Harrington Quaid,	" 3439
Minnie Nugent, et al.,	" 3444
Simpson M. Moore, et al.,	" 3630
Felix F. Moore, et al.,	" 3707
John R. Moore,	" 3994
Walter D. Moore,	" 3640
Remy Moore,	" 3493
Booty Moore,	" 4560
Benson W. Moore, et al.,	" 3579
Thomas L. Moore,	" 3561

Oscar Moore-2

Oscar Moore, et al.,	H.C.R. 3583
Willis Moore,	• 3584
Rosa Moore, et al.,	• 3582
Mollie E. Pirtle, et al.,	• 3629

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Nicholson Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Asburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Leticia Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John B. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Steother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Mona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson F. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consuelia Pirtle and Roselle Pirtle 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."

Cesar Moore-3

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

Yours truly,

(SIGNED)

James H. Luby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1903.

Oscar Moore,

Troy, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

O.K.---2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

O.M.-----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.
Registered.

X. O. R. 3583

COPY.

Muskogee, Indian Territory, July 23, 1904.

Oscar Moore,

Troy, Indian Territory.

Dear Sir:-

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

T. I. Needles.
Commissioner in Charge.

M.C.R. 3683.

COPY

Muskogee, Indian Territory, November 15, 1906.

Oscar Moore,

Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Bixby.
Commissioner.

Muskogee, Oklahoma, June 12, 1909.

Mr. Oscar Moore,
Troy, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of these applicants under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

No. 3583

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name *Oscar Moore*

Age *24* Blood *don't know*

Post Office, *Troy, I.T.*

Father: *Perison Moore* ✓

Mother: *Dusan Moore* ✓

Claims through *father*

wife: *Jacky Moore* ✓
(*no claim for her*)

Children:

Johnny Moore M 18 mo.

Claims for self and child

Stenographer

H. Belford

Choctaw MCR 3584

Willis Moore

See MCR 3540

MCR 3584

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I.T., September 22, 1901.

In the matter of the application of Willis Moore for identification as a Mississippi Choctaw, heard at Atoka, I.T. September 21, 1901. W.C.R. 3584

In the matter of the application of Thomas L. Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. W.C.R. 3582

In the matter of the application of Rosa Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. W.C.R. 3582

In the matter of the application of Oscar Moore et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. W.C.R. 3583

TESTIMONY OF BENSON W. MOORE.

Benson W. Moore being first duly sworn testified as follows, as a witness for applicant:

Examination by the Commission:

- Q What is your name? A Benson W. Moore.
Q What is your age? A Sixty seven years old.
Q What is your post office address? A Troy, Indian Territory.
Q You are an applicant for identification as a Mississippi Choctaw?
A Yes.
Q Are you acquainted with Willis Moore, Thomas L. Moore, Rosa Moore and Oscar Moore? A Yes.
Q What relation are they to you if any? A My children.
Q Do they claim their Choctaw blood from you? A Yes.
Q Have you any evidence of your marriage to your wife? A Not here.
Q You have that evidence? A No, I can get it though.

As it was told your children in their applications, it will be necessary that the Commission be supplied with evidence of that marriage in support of their applications.

- Q What is the name of the mother of these children? A Susan Moore.
Q They don't get any Choctaw blood through their mother? A No.
Q What is your father's name? A Silas Moore.
Q What is your mother's name? A Marning Moore, Marning Dundas was.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.
Q These children all get their Choctaw blood through Silas Moore, your father? A Yes.

They can't derive my character from any other source? A No.

Witness Handwritten.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Yonkers Civil and Crimes he reported in full the above testimony on September 22, 1901, and that the above and here-
going is a full, true and correct transcript of his stenographic notes on said date.

Henry G. Hains

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

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

3584

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

No attorney for applicant.

Willis Moore being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Willis Moore.
Q How old are you? A Twenty two.
Q What is your postoffice address? A Troy- Indian Territory.
Q How long have you lived in the Indian Territory? A Seven years.
Q Hold any land here? A No.
Q Where did you live before you lived in the Indian Territory? A
A Texas.
Q How long did you live in Texas? A Lived there fifteen years.
Q Were you born there? A Yes.
Q What is your father's name? A Benson Moore. B.W.Moore.
Q He is living? A Yes.
Q What is your mother's name? A Susan Moore.
Q Is she living? A Yes.
Q Through which one of your parents do you claim Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A I don't know.
Q How much Choctaw blood does your father claim? A I don't know that
either.
Q You have never been taught how much Choctaw blood you have? A I
have heard them say he was a Choctaw Indian but I don't know how much.
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 this marriage in support of this application you are making.

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians? A I don't know.
Q Are you married? A Yes.
Q What is your wife's name? A Maude Moore.
Q She is living? A Yes.
Q Do you make application for your wife? A No.
Q She is a white woman? A Yes.
Q Make no claim to Choctaw blood? A No.
Q Have you any children for whom you want to make application at this time? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
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 Act of Congress of June 10, 1896? A No; my father did.

Q Was your name included in that application? A Don't know; guess it was.

Q Do you know what action was taken on that application? A No.

Q You were not admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q You were not admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory? A I don't know.

Q You never received any notice of it? 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 you have ever made of any kind? A Yes that I ever.

Q What kind of an application are you making now? A Well, as Mississippi Choctaw Indian.

Q Do you 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.

Q Do you know what a treaty is? A No; I don't know whether I do or not.

Q Do you know what an agreement is? A Yes.

Q When two nations make an agreement in writing that agreement is called a treaty. The law under which the Commission is acting in hearing these applications gives it authority to determine the identity of Choctaw Indians claiming rights under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the lands West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay there; so under article fourteen was put into the treaty for the benefit of those who didn't want to come West. Article fourteen 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." Within six months after the ratification of this treaty numbers of the Indians did go to the Indian agent there in Mississippi and tell him they wanted to stay but when a man was sent down by the United States Government to locate the lands for those Indians it was

found that there were a great many who claimed they had gone to the agent and told him they wanted to stay whose names were not on the lists the agent made; so under different acts of Congress were appointed men as Commissioners to go down and find out which of the Indians had right under the fourteenth article. These Commissioners took up and passed on several hundred cases, some of them they allowed, and some they refused; in these cases where the claims were allowed by the Commissioners and their action approved by the Secretary of War if the land which the Indians claimed had not been sold they were given them but if the land had already been disposed of they were given scrip with which to locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q Did any of your ancestors own any land in any of those States?
A I don't know.

Q Which one of your father's parents claimed to be Choctaw? A His father.

Q Silas Moore? A Yes.

Q Do you know how much Choctaw blood he claimed to have? A No.

Q Have you any evidence of your grandfather's and grandmother's marriage? A No.

It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application.

Q How old is your father? A Sixty seven.

Q Was he the oldest one of his father's children? A I don't think he was.

Q Is it your understanding that Silas Moore was a married man and the head of a family in 1830? A Why I don't know.

Q Do you know how much older than your father the oldest one of his father's children was? A No.

Q You never heard then whether Silas Moore was a married man and the head of a family in 1830, seventy one years ago? A No I don't know.

Q Never heard anything about that? A Not that I know of.

Q Did Silas Moore go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that he wanted to stay? A I don't know.

Q Do you know what was Silas Moore's father's name? A No.

Q Do you know what his mother's name was? A No.

Q Do you know if Silas Moore came West with the other Choctaws between 1833 to 1838 to the present Choctaw Nation? A I don't know.

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

Q Did he have a Choctaw name? A Yes there was several of them named

Q Did he have a Choctaw name; that means a name in the Choctaw language? A No, I don't know.

Q Did Silas Moore live in Mississippi in 1830? A I think he did.

In order for you to be identified as a Mississippi Choctaw you should produce evidence to show that your grandfather, Silas Moore, was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830; that you are his grandson and that he within six months after the treaty of 1830 was ratified signified to the Indian agent there in Mississippi his intention to remain in Mississippi or tried to do so.

Q Have you any evidence on these points? A I haven't; I don't know

whether Pa has or not.

Q You are depending on your father to produce evidence in your case?

A Yes

Q Do you expect to bring your witnesses in person before the Commission? A I don't know.

Q You understand that oral testimony of witnesses carries greater weight than depositions or affidavits? A Yes.

Q And that it would be better for your case to bring your witnesses in person if possible? A Understand? I don't know; I expect it would; I don't know anything about it.

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

Q Any other statement you want to make now? A No.

If you wish to offer any evidence in support of your application, either 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; his features and general appearance are those of a white man; he does not know of any compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830 although it appears from his testimony that his grandfather lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 4 day of October, 1901.

Charles H. Sawyer
Notary Public.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Willis Moore,
Troy, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi

Choctaws:

Silas Sharpe, et al.,	M.C.R. 3540
Emily Quaid,	" 3585
Benjamin W. Quaid,	" 3435
John T. Quaid, et al.,	" 3628
Susan Lodeska Wells, et al.,	" 3438
Simerruda Ellen Tice, et al.,	" 3479
Felix Quaid,	" 3541
William Amburse Quaid,	" 3543
America J. Bennett, et al.,	" 3512
Emma Elizabeth Smith,	" 3514
Earnest W. Long, et al.,	" 4364
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily G. Inman, et al.,	" 3580
Thomas Quaid, et al.,	" 3445
Lee Harrington Quaid,	" 3439
Minnie Eugent, et al.,	" 3444
Simson M. Moore, et al.,	" 3630
Felix F. Moore, et al.,	" 3707
John R. Moore,	" 3094
Walter D. Moore,	" 3640
Remy Moore,	" 3493
Booty Moore,	" 4560
Benson W. Moore, et al.,	" 3679
Thomas L. Moore,	" 3562

Oscar Moore, et al.,	M.C.R. 3583
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

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-ninth, eighteen hundred and thirty, and to file and lay administer oaths, examine witnesses, and perform all other acts necessary thereto, and 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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodaska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Lovie Lodaska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Adverse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Beranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Stroher, Billy G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Tonic L. Quaid, Essie M. Quaid, Joe Harrington Quaid, Minnie Nugent, Fannie May Nugent, Simpson M. Moore, Felix P. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix P. Moore (2), Walter L. Moore, Mona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie B. Pirtle, Roscoe Pirtle, Mennie Pirtle, Consuela Pirtle and Roselle Pirtle 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."

Willie Moore-3

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

Yours truly,

(SIGNED)

James Dixby.
Acting Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1903.

Willis Moore,

Troy, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

W.M.-----2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

W.M.----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 3584

COPY.

Muskogee, Indian Territory, July 23, 1904.

Willis Moore,

Troy, Indian Territory,

Dear Sir:-

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

I. B. Needles.

Commissioner in Charge.

M.C.R. 3584.

COPY

Muskogee, Indian Territory, November 15, 1906.

Willis Moore,

Troy, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M C R 3684

Acting Commissioner.

AB

Muskogee, Oklahoma, June 12, 1909.

Mr. Willis Moore,
Troy, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name *Willie Moore*

Age *22* Blood *don't know*

Post Office, *Troy, I. T.*

Father: *Benson H Moore* ✓

Mother: *Cecilia Moore* ✓

Claims through *father*

wife: *Maud Moore* ✓
(*no claim for her*)

Children:

Claims for self only

Stenographer

H. G. Harris

Choctaw MCR 3585

Emily Quaid

See MCR 3540

MCR 3585

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1902.

2308

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

No attorney for applicant.

Emily Quaid being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Emily Quaid.
Q What is your age? A I am eighty three.
Q What is your post office address? A Troy.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A About eleven years.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Indian Territory? A In Texas.
Q How long did you live in Texas? A I reckon I lived there about thirty or forty years I don't recollect.
Q About how long? A About forty I reckon, in Texas, not in the same County, though.
Q Never outside of the State in that forty years? A No.
Q Where did you live before you lived in Texas? A Mississippi.
Q How long did you live in Mississippi? A About twenty years.
Q Where did you live before you lived in Mississippi? A Well, I was born in Alabama; I was about two years old when I left Mississ Alabama and came to ~~Sumner~~ Mississippi; so they told me.
Q Well, that leaves about ten years out of your life; that's just seventy three years accounted for. A Yes.
Q Did you live longer than forty years in Texas? A I am so old I am forgetful.
Q How you say you were born in Alabama? A Yes.
Q And lived there till you were about two years old and went to Mississippi? A Yes.
Q About how old were you when you left Mississippi? A About twenty five years old I reckon; I was raised and married in Mississippi.
Q And you moved from Mississippi to Texas when you were about twenty five years old? A Yes.
Q How you went from Mississippi to Texas and lived in Texas all the time--? A Yes, in Rock County and then to Cook County.
Q You lived in Texas from the time you went there about twenty five years of age until you came to the Territory eleven years ago? A Yes.
Q What is your father's name? A Silas Moore.
Q Is he living? A No.
Q What is your mother's name? A Morning Emma before she was married.
Q Morning Moore after she married? A Yes.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A Father.

Q How much Choctaw blood do you claim? A I don't know; I never heard them say.

Q Do you know how much Choctaw blood your father claimed to have? A Well, I can't tell.

Q You never heard him say? A I have forgot it; that's a thing we never was talking about where I lived.

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 that marriage in support of your application. A I don't know nothing about it.

Q Where were they married? A In Alabama; that's what I have heard them say.

Q Are you married? A I have been; my husband's dead.

Q Have you any children for whom you wish to make application at this time, under twenty one years of age and unmarried? A No; my children is all married.

Q Are you making this application for yourself alone? A Yes.

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

Q Was your father ever enrolled as a member of the Choctaw tribe?

A Not that I can tell you.

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--? A Yes I think so.

Q Do you know what was done with that application? A It was lost or something done with it; I can't tell you.

Q You never got any notice as to what action was taken on it? A No.

Q Was that application to the Dawes Commission made in your name?

A I guess so; I don't-

Q You never got any notice that you were either rejected or accepted? A No.

Q You weren't admitted then to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.

Q Were you admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? A No.

Q Have you ever before this time, except that application in 1896, apply 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 Never have before now.

Q What kind of an application do you want to make now? A Well, I just want my right if there is any coming.

Q What do you claim to be? A Choctaw I reckon, that's what I have always been told.

Q Do you claim as Mississippi Choctaws? A That's where I come from; that's where I lived.

Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A No.

Q Do you know what a treaty is? A I reckon I do; I don't know.

Q You know what an agreement is? A Yes.

Q Well, when two Nations make an agreement it is called a treaty. A Yes

The law under which the Commission is acting at this time gives

it authority to determine the identity of Choctaw Indians claiming under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians living in Mississippi and Western part of Alabama for the purpose of giving them lands in West of the Mississippi River in exchange for their lands in those States and moving them to the lands West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay; so this fourteenth article was put into the treaty for the sake of those who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provided 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 a reservation of 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 numbers of the Indians went to the agent to the Choctaw Indian and told him they wanted to stay but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the lists the agent had made; so under different Acts of Congress men were appointed to go down and look into the matter and find out which of the Indians were entitled to lands under the fourteenth article; these Commissioners took up and passed on several hundred cases some of them they allowed, some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands had not been sold already they were given them, but if the lands had been sold they were given scrip with which they could locate lands in any of the Public Lands in Mississippi Louisiana, Arkansas or Alabama.

- Q What was the name of your ancestor that lived in Mississippi in 1830 who was a recognized Choctaw Indian? A (No answer.)
- Q Were you living in Mississippi in 1830 when that treaty was made? A I guess I was.
- Q Do you remember anything about it? A Yes, I reckon I do. I was one of the Indians moved to the Territory.
- Q What part of Mississippi were you living in? A Helms County.
- Q What part of the State is that in--North, West Central--? A Kind of West I think.
- Q Was it in what was known as the old Choctaw Nation? A Yes, I believe so.
- Q Did you live right among the Choctaws? A There were a great many there when I lived there I was raised amongst them nearly.
- Q Did they recognize your father as Choctaw? A I guess they did; I was small then; I never heard any talk about that.

- Q In 1830 you were about eleven or twelve years old? A I guess so.
- Q Do you remember anything about when the Indians went over there to make that treaty? A I heard them talking about it but I don't recollect much about it.
- Q Did your father go there? A I can't tell whether he did or not; he was gone somewhere; he was one of those kind that was always out from home; I don't know whether he was on that business or not; he may have went.
- Q He never told you anything about it, that he went? A No, I was just a small child then; I don't recollect hearing nothing about it.
- Q Did your father go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that he wanted to stay there? A I don't know.
- Q Never heard him say anything about that? A No.
- Q Did he come West with the other Choctaws between 1833 to 1838? A No, I don't think he did.
- Q Do you remember in 1837 when those Commissioners, Murray & Vroom were in Mississippi looking after these claims of the Indians under article fourteen? A No, I don't recollect anything about that.
- Q Do you remember in 1843 and 1844 when the other Commissioners were there looking into these claims? A No.
- Q Never heard your father say anything about them? A No.
- Q Did your father stay there in Mississippi as long as you lived? A No, he went to Texas before he died.
- Q Do you know what year he went to Texas? A No, I don't know.
- Q Did he go at the same time you did? A No, before we did.
- Q Do you know whether your father ever got any scrip for land--? A No, he never got none.
- Q Did he ever own any land in Mississippi, Alabama, Arkansas or Louisiana? A Yes; he owned land in Mississippi; he bought it- he didn't get it for Indian claims, he bought what land he had.

In order for you to be identified as a Mississippi Choctaw you could bring evidence to prove that your father was a recognized Choctaw Indian and living in Mississippi in 1830, that you are his daughter and that he within six months after the treaty of 1830 was ratified signified his intention of remaining in Mississippi or tried to do so.

- Q Have you any evidence on these points? A No.
- Q You expect to be able to secure any such evidence? A I don't know whether or not.
- Q Do you expect to try? A No, I reckon not; I am too old to begin such work as that now.
- Q Are you depending upon someone else to get that evidence up for you? A Yes, if there is any to get.
- Q Well, do you understand what I said, that it would be necessary to get some evidence along that line? A I expect it would.
- Q Have you any evidence you want to file now? A No.
- Q Is there any other statement you would like to make? A I believe not.

If you wish to offer any 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 gray hair, bluish gray eyes and rather dark complexion; her features and general appearance are those of a white

3

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 1830 and it appears from her testimony that her father lived in Mississippi at that time.

Q Have your children all applied for identification as Mississippi Choctaws? A Yes.

Q Mention the names of these children who have applied? Yes; well, the oldest one I believe is Benjamin Quaid; and Hugh Quaid; America Bennett and Mrs. Inman here she is my daughter.

Q Are these all your children? A Well, I believe so. All I have got living.

(Interruption: her daughter says there is two more.)

Q What are the names of these other two? A Young Harrington and Thomas Quaid.

Q These children of yours all got their Choctaw blood through you? A Yes.

Q And through your father, Silas Moore? A Yes.

Henry S. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Hains

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

Charles H. Sawyer

Notary Public.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Emily Quade for enrollment as a Choctaw;
being sworn and examined by Com'r McKennon she states:

- Q What is your name? A Emily Quade.
Q How old are you? A Eighty-one.
Q Are you on the Choctaw rolls? A No sir.
Q Never have been? A No sir.
Q Have your father and mother ever been on the Choctaw rolls?
A Not that I know of.
Q Are you from Texas? A Yes sir.
Q How long did you live there? A I have ~~lived~~ lived in Texas
about nine years.
Q Where did you come from before? A Mississippi.
Q Have you lived there always? A Yes sir, I was born in
Alabama and I came to Mississippi when I was about two years old
and lived there about- I don't know how long- and then came to
Texas.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commissioner of the Five Civilized Tribes,
Atoka, Indian Territory.
I hereby certify that the official stenographic notes
submitted to me by the applicant are a true and correct translation of
my stenographic notes.

M. D. Green

Mustang, Indian Territory, July 29, 1901.

Mr. O. W. Goodwin,

Attorney at Law,

Starratt, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that some two years ago at Cade, Indian Territory, Y. H. Quaid and other members of the same family appeared before this Commission and made application for their identification as Mississippi Choctaw Indians. You desire to be informed if their statement made at that time is sufficient to enable the Commission to make a report of their names to the Secretary of the Interior.

You are informed that it does not appear from our records that any person by the name of Y. H. Quaid has ever made application to the Commission for identification as a Mississippi Choctaw. It does appear, however, that at Cade, Indian Territory, in August, 1899, Thomas Quaid, of Tishomingo, I. T., made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that it appeared from our records that he was an applicant for citizenship under the Act of Congress of June 10, 1896; that such application was denied by the Commission, and that no appeal had

G. W. G.--2.

been taken therefrom in the time prescribed by law.

It further appears from our records that at Durant, Indian Territory, in August, 1899, John T. Quaid made application for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that he was rejected by the Commission in 1896, from which no appeal was taken.

At Atoka, Indian Territory, in August, 1899, Emily Quaid, eighty-one years of age; John B. Quaid, thirty-one years of age; Eli H. Quaid, fifty-nine years of age; and William A. Quaid, twenty-four years of age, were applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation. The enrollment of all of these persons was at that time refused for the reasons that they were applicants for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, and such application was rejected by the Commission, and there is no record of any appeal having been taken in the time prescribed by law.

All these persons were applicants for citizenship before the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, in the case of Emily Quaid et al. vs. the Choctaw Nation.

As previously stated, there is no record of any application ever having been made by any of these persons for identification as Mississippi Choctaws; and if they now desire to present such a

G. V. G.--3.

which, it will be necessary for them to appear in person at the of-
fice of the Commission at ^{Atoka} ~~Okmulgee~~, Indian Territory.

Yours truly,

Acting Chairman.

7-R 240
7-R 241
7-R 242
7-R 243
7-R 244
7-R 245

COPY.

Muskogee, Indian Territory, September 3, 1902.

Emily Quaid,

Troy, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

Silas Sharpe, et al.,	M.C.R.	3540
Emily Quaid,	"	3588
Benjamin W. Quaid,	"	3438
John T. Quaid, et al.,	"	3628
Bessie Ledeska Wells, et al.,	"	3438
Sinerrada Ellen Tice, et al.,	"	3479
Elisha Quaid,	"	3541
William Ambrose Quaid,	"	3543
America J. Bennett, et al.,	"	3512
Anna Elizabeth Smith,	"	3514
Barnest W. Long, et al.,	"	4864
Young Harrington Quaid, et al.,	"	3437
Maggie Ball Strother,	"	3513
Emily G. Knapp, et al.,	"	3588
Thomas Quaid, et al.,	"	3448
Lee Harrington Quaid,	"	3439
Minnie Nugent, et al.,	"	3444
Simpson M. Moore, et al.,	"	3630
Felix F. Moore, et al.,	"	8707
John M. Moore,	"	3994
Walter D. Moore,	"	3640
Ruby Moore,	"	3493
Becky Moore,	"	4589
Benson W. Moore, et al.,	"	3579
Thomas L. Moore,	"	3561

Emily Quaid-2

Oscar Moore, et al.,	M.C.R. 2083
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin V. Quaid, John T. Quaid, Fred H. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Manie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Lerman Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily O. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Eugent, Themie May Eugent, Simpson H. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore, (2), Walter L. Moore, Hona V. Moore, Mary E. Moore, Letta E. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Bosty Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Beate Pirtle, Mannie Pirtle, Consuela Pirtle and Reselle Pirtle 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."

Early Qualification

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)

Wm. Dixby

Acting Chairman.

Registered.

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

Langhorne, Indian Territory, February 23, 1903.

Otto Marshall,
Cumberland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if the names of Elias Sharp, Emily Quaid, America J. Bennett, Thomas Quaid and Simpson M. Moore are enrolled or registered. You state that you have not yet put in your application and ask if you can make such application at Tishomingo, Indian Territory.

In reply you are advised that the persons above named made application to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission, on September 3, 1902, rendered its decision refusing their applications and on the same date they were notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. The Commission has not up to the present time been advised of any departmental action thereon. As soon as the Commission is informed of the decision of the Secretary of the Interior, the several applicants will be duly notified.

You are further advised that the authority vested in this Commission to determine the identity of so-called Mississippi Cho-

taws is contained in a provision of the twenty-first section 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."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

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

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, requires that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subac-

quently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 25, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of Congress of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

O M 4

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 26, 1902, provides:

"The applications of all persons 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."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 14, 1903.

Emily Quaid,

Troy, Indian Territory.

Dear Madame:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Elias Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

The Commission is directed to advise you that said records

H. Q. ----2

14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

In accordance with the instructions above referred to,

H. Q. -----3

you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.
Registered.

M.O.R. 3585

COPY:

Muskogee, Indian Territory, July 23, 1904.

Emily Quaid,

Troy, Indian Territory,

Dear Madam:

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MCR-3885

Muskogee, Indian Territory, October 29, 1906.

Emily Quaid,
Reagan, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd instant, in which you state that you are an applicant in the consolidated Mississippi Choctaw case of Silas Sharpe et al. and request to have land set aside pending final determination of this case.

In reply you are advised that you may designate in person or by petition to the Chickasaw Land Office at Ardmore, Indian Territory, the lands upon which you are the actual owner of improvements and which you anticipate selecting in allotment in the event you are finally identified as a Mississippi Choctaw.

This action is taken in order that if any duly enrolled citizen files upon your improved holdings you may institute contest proceedings for such land if you so desire.

This designation of your prospective allotment does not prevent an enrolled citizen from selecting the same in allotment. However, it will be a notice to him that you have a claim to the land.

Respectfully,

Commissioner.

M.C.R. 3585.

COPY

Muskogee, Indian Territory, November 15, 1906.

Emily Quaid,

Reagan, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Bixby.
Commissioner.

M C R 500

Muskogee, Oklahoma, June 12, 1909.

Mrs. Emily Quaid,
Reagan, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting C'

AB

No. 3585

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Emily Lucid

Age 83

Blood don't know

Post Office, Troy, I.T.

Father: Silus Moore (dead)

Mother: Morning Moore (dead)

Claims through father

~~Children:~~

Claims for self alone

Stenographer

H. G. Haine

Choctaw MCR 3586

Eunice L. Rogillio

See MCR 726

MCR 3586

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

TESTIMONY OF J.B. ATKINS AND W.C. ATKINS

In the matter of the application of James Atkins et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. March 20, 1901. M.C.R. 1527

In the matter of the application of Eunice Rogillio et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. M.C.R. 3586

In the matter of the application of Ella Gatlin et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. M.C.R. 3587

J.B. Atkins being first duly sworn as a witness in these cases testified as follows:

Examination by the Commission:

- Q What is your name? A J.B. Atkins.
Q What does that J. stand for? A James.
Q What is your age? A Forty five; will soon be forty six.
Q What is your post office address? A Well, I come from Pickett; Durant now, I live in the Nation.
Q You have moved your family there now? A Yes, since April last.
Q You are an applicant for identification as a Mississippi Choctaw? A Not today; but I have.
Q I mean you are here in the position of an applicant? A Yes.
Q Are you acquainted with Eunice Rogillio and one Ella Gatlin? A Yes.
Q What relation are they to you? A My daughters.
Q They claim their Choctaw blood through you? A Yes.
Q You claim your Choctaw blood through which one of your parents? A My mother.
Q What is your mother's name? A Sarah Atkins.
Q Is Sarah Atkins living now? A No.
Q What is your father's name? A W.C. Atkins; Clark Atkins.
Q How old would Sarah Atkins be if living now? A Some thirty near sixty four years of age.
Q What was her father's name? A James Head.
Q What was her mother's name? A Rebecca Head after she married him.
Q Which one of your mother's parents claimed to be Choctaw? A Through Rebecca Head, my mother's mother.
Q Was Sarah Atkins the oldest one of her mother's children? A No.
Q How much older than she was the oldest one of your mother's children? A I can't tell you just how much; they was some of the children younger than mother and some older; there was several.
Q Was your grandmother a married woman and head of a family in 1850? A I suppose so; I haven't calculated.
Q That's seventy one years ago? A Yes; she died about the age of 68.
Q Who did? A Rebecca Bussler Head.
Q How long has she been dead? A About twenty two years.

Q Then it is your best information that she was a married woman and head of a family in 1830? A Yes, the best of my information.

Q And your children all claim their Choctaw blood through the same common ancestor that you do? A Yes.

Q Did Rebecca Head go to the Indian agent there in Mississippi and tell him that she wanted to stay in Mississippi-did she within six months after the treaty of 1830 was ratified? A I can't tell you.

Q Did she come West with the other Indians between 1830 to 1835? A No.

Q Where was she living in 1830? A I can't tell you in 1830; somewhere in Mississippi I suppose from what I have been told.

Q Did she remain in Mississippi until she died? A No, moved to Illinois and died there.

Q How much Choctaw blood did she claim to have? A She claimed to have one fourth; a quarter supposed to be; that's from the very best information we could arrive at.

Q Did she have a Choctaw name? A My mother always taught us there was Indian blood in them and my brothers and they vs. the first Indian people I ever seen.

Q Did she have an Indian name? A Nothing more than the name I have given you; so far as I know.

(Witness excused.)

W.C. Atkins being first duly sworn as a witness in the case testified as follows:

Q What is your name? A W.C. Atkins.

Q What is your age? A Seventy two years old.

Q What is your post office address? A Sulphur Springs, Texas.

Q Are you an applicant for identification as a Mississippi Choctaw? A No.

Q You are a white man? A I am a white man.

Q Are you acquainted with James Atkins, Eunice Rogillie and Ella Gatlin? A I am.

Q What relation are they to you, if any? A This is my son and the two are my grand-daughters.

Q James Atkins is your son and Eunice Rogillie and Ella Gatlin are his children, your grand-children? A Yes.

Q You don't claim to have any Choctaw blood? A No.

Q Where do your son and his children get their Choctaw blood? A On their mother's side.

Q What is their mother's name? A I married Rebecca Head and her maiden name was Rebecca Bass; and the Bass family was the Choctaw side-about generally known as Choctaws.

Q Did I understand you to say that you married Rebecca Head? A I married Rebecca Head's daughter.

Q What was her name? A Sarah A. Head.

Q Did you know Rebecca Head in Mississippi? A I did.

Q When? A Well, in 1855; I got acquainted with the Head and Bass families in '54 and '55 and knew them several years afterwards married into the Head family.

Q You don't know anything about Rebecca Head's living in Mississippi in 1830 or where she lived at that time do you? A At the time I was acquainted?

Q In 1830-seventy one years ago? A No, I don't know where they lived; I suppose they lived in North Carolina.

Q In 1830? A In 1830.

Q Do you know when she moved to Mississippi? A No I can't tell you. My wife was born in North Carolina and the Head family and the Bass family came from North Carolina; they come right from the same country the balance of the Indians come from.

Q Well, wasn't Rebecca Head a Cherokee then instead of a Choctaw?

A Why her father was known as a Choctaw.

Q Where? A When I became acquainted with them.

Q In Mississippi? A Yes, in Mississippi. I know he was known as a Choctaw 'cause his complexion showed up that way and his eyes was that way and his general make-up showed that he was Choctaw and he owned up to it at home and his boys they all owned up to it they all knowed that he had Indian, the Choctaw.

Q You say that your wife would be sixty eight if living now? A Yes.

Q And that she was born in North Carolina? A Yes.

Q Do you know who were the children next older than your wife- Rebecca Head's children? A Catherine McKid; she has been here before the Commission.

Q How much older was she? A I suppose about three years.

Q Where was she born? A In North Carolina.

Q Then in 1830 Rebecca Head was not a resident of the State of Mississippi according to your best knowledge? A No, I think not.

Q You got that from the history of the family; they told it to you?

A Yes.

Q Of course you can't know it personally? A No I just got it from the history of the family.

Q Is there anything more you would like to have brought out? (To applicants; and the father says: "We have an aunt Catherine McKee down here in Texas, we would like to offer testimony; and we have another boy who is Cynthia Bass' child.")

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date, September 21, 1901.

Henry G. Hains

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

Charles W. Henry

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

3500

In the matter of the application of Eunice Regillio for the identification of herself and her four minor children as Mississippi Choctaws.

No attorney for applicant.

Eunice Regillio being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A L.N.Regillio; R-e-g-i-l-l-i-o.
Q What is your given name? A Eunice.
Q Is that right-(showing memorandum slip)? A Yes.
Q How old are you? A I was born in '77; twenty four I guess.
Q What is your post office address? A Pietsen, Hopkins County, Texas.
Q How long have you lived in Texas? A All my life.
Q Were you born in Texas? A Yes in Hopkins County.
Q Never have had a home outside of that State? A No.
Q What is your father's name? A J.S.Atkins; A-t-k-i-n-s .
Q Is he living? A Yes.
Q What is your mother's name? A H.N.Atkins.
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 thirty second.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians? A As far as I knew he was; ask the question over again I didn't understand it exactly.
Q Has your father been recognized as a member of the Choctaw tribe of Indians or enrolled as such? A No, not as I knew of.

Proof of marriage between J.S.Atkins and Henrietta Cooper filed in case of James Atkins et al., M.C. 1527

- Q Are you married? A Yes.
Q What is your husband's name? A I.F.Regillio.
Q Is he living? A Yes.
Q Do you make any application for your husband? A No
Q He is a white man? A Yes.
Q makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application at this time? A Yes.
Q Give the names and ages of these children. A Lillie M. Regillio; L-i-l-l-i-e N-i-n-y. She is seven in May, born in 1894.
Q Next. A Clevis Henry; C-l-o-v-i-s.
Q How old? A He was born in 1896; he is five.
Q Next? A Luther Regillio; he is two years old.
Q Next? A Anna Belle; B-e-l-l-e; eight months.
Q These are all your children? A Yes.
Q What is the name of their father? A I.F.Regillio
Q When and where were you married to him? A In Hopkins County, Texas in 1895.

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, nothing only father's.

Q Is your father's name on any of the tribal rolls of the Choctaw Nation here in the Indian Territory? A No, not as I know of.

Q Have you ever applied to the Choctaw tribal authorities here in the Territory to have yourself or children enrolled as members of that tribe? A I don't understand the question.

Q Have you applied to the Choctaw tribal council here in the Indian Territory to have yourself or your children enrolled as members of that tribe? A No, I never.

Q Did you ever go or send to the Choctaw tribal council here at Tuskahoma to have yourself or children enrolled as Choctaws? A No.

Q Did you or did any one for you or for your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.

Q Have you or your children been admitted or enrolled as citizens of 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 judgment of the United States Court in Indian Territory? A No.

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

Q You never applied before to either the Choctaw tribal authorities or the authorities of the United States to have yourself or children admitted or enrolled as citizens of the Choctaw Nation? A No.

Q What kind of an application do you want to make now? A I claim through my father.

Q What do you claim to be? A I claim to be a Choctaw tribe.

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 Under the fourteenth.

Q fourteenth? A Treaty.

Q Do you know what a treaty is? A That's an agreement made between United States and the tribe and the Nation or certain Indians.

The law under which the Commission is acting in hearing these applications gives it authority to determine the identity of Choctaws who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians living then in Mississippi and the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those States and moving them all to the country west of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi; so article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to come West. Article fourteen 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. Within six months after this treaty was ratified numbers of Indians went to the agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate the land for these Indians it was found that there were a great many who claimed they had gone to the agent and told him they wanted to stay whose names were not on the lists of Indians made; so under different acts of Congress men were appointed and sent down to locate the lands and find out which of the Indians were entitled to lands under the fourteenth article. These Commissioners took up and 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 their action approved by the Secretary of War, if the land which the Indians claimed had not been sold they were given it, but if the lands had already been disposed of they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q What was the name of the Choctaw ancestor who lived in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A Re-

becca Bass.

Q What relation was she to you? A My great grandmother.

Q What was your father's father's name? A W.C. Atkins.

Q What was your mother's name? A Sarah Atkins.

Q Which one of your father's parents claimed to be Choctaw? A His mother; my grandmother.

Q Is your grandmother living? A No.

Q How long has she been dead? A A little over a year.

Q How old was she when she died? A I don't know exactly about 75.

Q What was your grandmother's father's name? A One Head, Jim Head.

Q What was your grandmother's mother's name? A Rebecca Head.

Q And that was the one you meant when you said Rebecca Bass a few moments ago? A Yes.

Q Was she Rebecca Head or Rebecca Bass in 1830? A She was Rebecca Head.

Q How much Choctaw blood did she claim to have? A A quarter.

Q Did she live in Mississippi in 1830? A Yes.

Q Did she have a Choctaw name? A I don't know.

Q Did she go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that she wanted to stay in Mississippi? A I don't know nothing about that.

Q Did she come West with the other Choctaw Indians from 1835 to 1838? A Not that I know of.

Q Do you know where she died? A In North Carolina I believe.

Q You think then she died in North Carolina? A Yes.

Q Do you know when she went to North Carolina? A No.

Q Was your grandmother born in Mississippi? A I don't know.

Q Did you say that your great grandmother, Rebecca Head lived in Mississippi in 1830? A Yes.

In order for you to be identified as a Mississippi Choctaw you should bring evidence to prove that your great grandmother, Rebecca Head, was a recognized Choctaw Indian and lived in the old Choctaw

Nation in 1830 and that you are her great-grandchild; and that she within six months after the treaty of 1830 was ratified signified her intention of remaining in Mississippi or tried to do so.

Q Have you any evidence on these points? A I have been taught she was.

Q Have you any evidence on these points? A No.

Q Expect to produce any evidence? A Well, I do my father and grandfather; by them.

Q Are you depending on your father to produce the evidence in your case? A Yes. No.

Q You expect to produce it yourself? A Me and him together.

Q Do you expect to bring your witnesses here before the Commission in person? A Yes.

Q Have you any here now? A Yes.

Q Who is it? A J.S. Atkins and W.C. Atkins.

Q What relation are they to you? A Father and grandfather.

Q Do you expect to bring any other witnesses in person before the Commission to testify? in regard to your claim? A I do if it is needed.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, 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.

Q Have you any papers you want to file now? A Not now.

Q Is there any other statement you would like to make? A No.

This applicant has brown hair, brown eyes and florid complexion; her features and general appearance are those of a white woman; she she does not know of any compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830 although it appears from her testimony that her great grandmother lived in Mississippi when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

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

Charles H. Sawyer

Notary Public.

COPY.

M. C R. 3586.

Muskogee, Indian Territory, July 29, 1902.

L. Eunice Rogillio,
Picton, Texas.

Dear Madam:

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

James F. Head, et al.,	M C R	726
Laura Pickens, et al.,	"	730
Lydia Head, et al.,	"	731
William A. Head, et al.,	"	732
Alzada Hash, et al.,	"	735
Cassie Elizabeth Cammie Lancaster, et al.,	"	900
James H. Head,	"	904
Leonard Mason Head,	"	906
Annie Lee Stith, et al.,	"	908
William Y. Head,	"	909
Dunreath Wilkinson, et al.,	"	1137
Owen Head, et al.,	"	1143
James Head,	"	1415
Sidney A. Head, et al.,	"	1430
Sidney I. Watson,	"	1526
James Atkins, et al.,	"	1527
Guy S. Watson,	"	1544
Georgia Vaden, et al.,	"	1747
Fannie McCaulley,	"	1748
Catherine McKee,	"	1749
Effie Keltner, et al.,	"	1750
Hugh N. Watson, et al.,	"	1887
Theibert Otho Head, et al.,	"	3487
L. Eunice Rogillio, et al.,	"	3586
Ella Gatlin, et al.,	"	3787
Dora Harvey,	"	4062
Julia Castle, et al.,	"	1904
Millie J. Wilcox, et al.,	"	2048
Willies J. Atkins, et al.,	"	5239
John R. Atkins, et al.,	"	5240

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 in this case is insufficient to determine the identity of James F. Head, Walter Isaac Head, Laura Pickens, William Pickens, Dovie E. Pickens, Herbert Houston Pickens, Jesse Leroy Head, Henry Floyd Head, William A. Head, Olive M. Head, Wm. P. Head, Isaac L. Head, Rosy M. Head, Myrtle E. Head, Alzada Hash, Millie Irene Hash, James Arthur Hash, Cassie Elizabeth Cammie Lancaster, Hubert W. Lancaster, James D. Lancaster, Lula Edna Lancaster, Noley May Lancaster, Robert L. Stuckey, Mary Stuckey, William G. Stuckey, James H. Head, Leonard Mason Head, Annie Lee Stith, Stella Maud Stith, William Y. Head, Dunreath Wilkinson, Marcus Gillespie Wilkinson, Asalee Dunreath Wilkinson, Thomas Moody Wilkinson, Mattie Audry Wilkinson, Owen Head, Lee Head, May Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Sidney A. Head, Willavery Head, Bessie Lou Head, Hilliard Head, Leonard G. Head, Sidney Head, Sidney I. Watson, James Atkins, Essie O. Atkins, Guy E. Watson, Georgia Vaden, Leon Vaden, Fannie McCauley, Catherine McKee, Effie Koltner, Valton Koltner, Norman Koltner, Hugh H. Watson, Houston Pete Watson, Thelbert Otho Head, Carl Head, Fannie Head, Birdie Head, Ruby Head, L. Eunice Rogillio, Lillie Miny Rogillio, Clevis Henry Rogillio, Luther Rogillio, Anna Belle Rogillio, Ella Gatlin, Loes Adelia Gatlin, Verdie Luceil Gatlin, Dora Harvey, Julia Castle, Lessie Castle, Millie J. Wilcox, Belle Wilcox, Ulysses Wilcox, Lurie Wilcox, Dealy Wilcox, Tommy Wilcox, Guy Wilcox, Willies J. Atkins, Miles Marvin Atkins, Ida May Atkins, John R. Atkins and Orbyrie Atkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James F. Head for the identification of his wife, Lucinda Head, by Laura Pickens for the identification of her husband, Joseph Pickens, by Lydia Head for the identification of herself, and by Alsada Hash for the identification of her husband, Robert C. Hash, in each case as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

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

Yours truly,

T. B. Meade

Commissioner in Charge.

Registered.

W-05

COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING
L.C.R. 3886

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

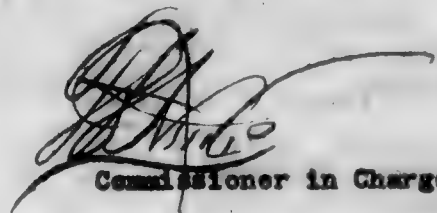
Muskogee, Indian Territory, October 11, 1902.

L. Eunice Rogillio,
Picton, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James F. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,



Commissioner in Charge.

MCR 3586

Muskogee, Indian Territory, December 5, 1906.

Kunice L. Rogillio,

Durant, Indian Territory.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

Acting Commissioner.

1586

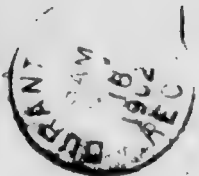
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1902



ACTING CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



~~L. Eunice Rogillo~~

L. Eunice Rogillo,

Pleton, Texas.

For Identification as a Mississippi Choctaw

Date SEP 21 1901

Name Eunice Rogillio

Age 24 Block 132

Post Office, Pictou, Texas

Father: J. D. Atkins

Mother: H. E. Atkins

Claims through father

husband: Q. F. Rogillio
(no claim for him)

Children:

Lillie May Rogillio	7
Clovis Henry " M	5
Luther " "	2
Anna Belle " "	8 mo.

Claims for self and 4 children

Stenographer

H. G. Hains.

Choctaw MCR 3587

Ella Gathin

See MCR 726

MCR 3587

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 21, 1901.

3587

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

No attorney for applicant.

Ella Gatlin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ella Gatlin.
Q E-l-l-a G-a-t-l-i-n? A Yes.
Q What is your age? A Twenty three the 7th of last November.
Q What is your post office address? A Picton, Texas; Picton County.
Q How long have you lived in Texas? A I was born and raised there.
Q Never had a residence outside of the State? A No.
Q What is your father's name? A Atkins.
Q What is the rest of it? A Jim Atkins.
Q Is he living? A Yes.
Q What is your mother's name? A Nettie Atkins; H.E. Atkins.
Q How do you get that Nettie? A Henrietta.
Q Your mother is living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States? the Dawes Commission? A Yes, he has been before the Commission.
Q You mean he came before the Commission and applied for identification as a Mississippi Choctaw? A Yes.
Q How much Choctaw blood did your father claim to have? One sixteenth; my great grandfather was a quarter.
Q How much Choctaw blood did your father claim? A One sixteenth.
Q You think you have the same amount of Choctaw blood your father has? A No.
Q How much do you claim then? A One thirty second.
Q Then you were mistaken a while ago when you said you had a sixteenth?
A No.
Q You think you have a sixteenth? A Yes-
Q Well-- A One thirty second it is.
Q Well when you said a while ago that you had a sixteenth you were mistaken were you? A Yes.
Q Have you any evidence of your father's and mother's marriage? A No. They was married in Texas in 1876

Evidence of the marriage of J.S. Atkins and Henrietta Cooper filed in application James Atkins et al., M.C. 1527.

- Q Are you married? A Yes.
- Q What is your husband's name? A Burrell Kavanaugh Gatlin.
- Q Is that middle name with a C or K? A K; Burrell Kavanaugh.
- Q Is he living? A Yes.
- Q Make application for your husband? A No.
- Q He is a white man? A Yes.
- Q Makes no claim to Choctaw blood? A No.
- 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 One is four years old the last day of April.
- Q What is the name? A Lees Adelia; L-e-e-s A-d-e-l-i-a.
- Q Is that a girl? A Yes.
- Q Next? A Verdie Lucile; V-e-r-d-i-e L-u-c-e-i-l.
- Q Is that a girl? A Yes.
- Q How old is she? A 1901; three months old past.
- Q These are both your children? A Yes.
- Q What is the name of their father? A Burrell Kavanaugh Gatlin.
- Q When and where were you married to him? A Hopkins County, Picton, Texas.
- Q When? A In 1895- 1894- December 16.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Ask that question again, please.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Yes.
- Q On which one of these rolls? A Mississippi Choctaw.
- Q Well, I said was your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory here? A No not as I ever knew of.
- Q Have you ever lived in the Indian Territory? A No, never did.
- Q Have you applied to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A Never till now.
- Q This is not the tribal authorities. A No.
- Q Then you haven't any reason to think your name is on any of the tribal rolls? 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 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 ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decisions of the Choctaw tribal authorities or the Dawes Commission? A Not as 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 have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A I never have.
- 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 As Mississippi Choctaw.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A 1830.
- Q Under the whole treaty or some particular part of it? A The treaty of 1830.

The law under which this Commission is acting in hearing these applications gives it authority to determine the identity of Choctaws 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 there in Mississippi for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States- Mississippi and the Western part of Alabama- and removing them to the lands West of the River; but some of the Indians didn't want to come West and the others would not sign any treaty until something was done for those who wanted to stay; so article fourteen was made a part of the treaty for the benefit of those who didn't want to come West. Article fourteen of the treaty 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 Choctaw citizens 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 numbers of the Indians went to the agent there in Mississippi and told him they wanted to stay but a man was sent down by the United States Government to look into the matter it was found that a great many claimed they had gone to the agent and told him they wanted to stay whose names were not on the lists he made; so under different Acts of Congress men were appointed to go down and find out which of the Indians were entitled to lands under the fourteenth article. These Commissioners took up and passed on several hundred cases, some they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands had not been sold they were given them but if the lands had already been disposed of they were given scrip with which they could locate lands on any of the Public lands in Mississippi, Alabama, Arkansas or Louisiana.

- Q Did any of your ancestors own lands in any of these States? A I don't know.
- Q What was your father's father's name? A James Atkins.
- Q Your father's father's name was James Atkins? A No; Clark Atkins.
- Q What was your father's mother's name? A Head; Sarah Head.
- Q Sarah Head? A She was a Head and married Atkins.
- Q Which one of your parents claimed to be Choctaw? A Why my mother.
- Q I thought you said you claimed your Choctaw blood through your father? A Well, his mother; I made a mistake then.
- Q Is your grandmother living now? A No.
- Q How long has she been dead? A I don't know how long she was; I can't tell you.
- Q You don't remember your grandmother? A I don't remember her death; she died in Illinois.
- Q Do you know about how long ago it was? A No, I can't tell you.
- Q Do you know how old she would be if living now? A No, I can't tell you that; was about seventy six when she died.

- Q Has she been dead long? A Yes a long time.
 Q Ten years? A I suppose so; longer.
 Q Are you speaking now about your grandmother, Sarah Atkins? A No, my great grandmother.
 Q I am asking you about your grandmother Sarah Atkins. A She has been dead about two years.
 Q How old would she be if living now? A About sixty six or so.
 Q What was Sarah Atkins' father's name? A Head.
 Q What was his given name? A Head; one Jim Head.
 Q What was your grandmother's mother's name? A Rebecca Bass.
 Q Rebecca Head? A She was a Bass and married a Head.
 Q Was your great grandmother's name Head or Bass in 1830? A She was a Bass.
 Q Wasn't she married in 1830? A I can't tell you.
 Q You don't know? A No.
 Q Was Rebecca Head living in Mississippi in 1830? A Yes she--I can't tell you.
 Q Did she go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him she wanted to stay? A I can't tell you.
 Q Did she come West to the present Choctaw Nation with the other Choctaw Indians between 1833 to 1838? A I can't tell you that.

In order that you be identified as a Mississippi Choctaw you should bring evidence to prove that- which one of your ancestors was living in the old Choctaw Nation in 1830 who was a recognized Choctaw Indian and that you are a lineal descendant of that ancestor and that he or she signified to the agent his or her intention to remain in Mississippi or attempted to do so.

- Q Have you any evidence on these points? A None that I know of.
 Q Do you know Rebecca Bass' father's name? A No, I don't.
 Q Do you know what her mother's name was? A No.
 Q Know which one of her parents claimed to be Choctaw? A Can't tell you.
 Q Do you know if Rebecca Head had a Choctaw name? A I don't know.
 Q Have you any witnesses here whose testimony you would like to introduce in support of your application? A Well, my father and grandfather.
 Q Are there any other witnesses whose testimony you expect to introduce at some future time? A We haven't here; we can get them if it is necessary.
 Q Do you understand that the oral testimony of witnesses carries greater weight than depositions or affidavits? A I don't know.
 Q It would be better for your case to bring your witnesses in person before the Commission for examination if it is possible to do so.

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

- Q Have you any papers you want to file now? A No.
 Q Anything more you want to say? A No.

This witness has been born, single, eyes and rather dark complexion; she has no other persons, and she is of a white person; she has no other persons on the part of her ancestors with the provisions of the Treaty of 1830 although it appears from her testimony that her great grandmother lived in Mississippi when the Treaty was made.

Henry G. Haines being duly sworn in his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on September 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said case on said date.

Henry G. Haines

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

Charles K. Sawyer

Notary Public.

Department of the Interior,
Committed on to the New Civilized tribes,
Atoka, I.T. September 21, 1901.

TESTIMONY OF J.B. ATKINS AND W.C. ATKINS

In the matter of the application of James Atkins et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. March 20, 1901. H.C.R. 1387

In the matter of the application of Eunice Hagillie et al., for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. H.C.R. 2386

In the matter of the application of Ella Gatlin et al. for identification as Mississippi Choctaws, heard at Atoka, I.T. September 21, 1901. H.C.R. 2387

J.B. Atkins being first duly sworn as a witness in these cases testified as follows:

Examination by the Commission:

- Q What is your name? A J.B. Atkins.
Q What does that J. stand for? A James.
Q What is your age? A Forty five; will soon be forty six.
Q What is your post office address? A Well, I come from Pictou; Parent now, I live in the Nation.
Q You have moved your family there now? A Yes, since April last.
Q You are an applicant for identification as a Mississippi Choctaw?
A Not today; but I have.
Q I mean you are here in the position of an applicant? A Yes.
Q Are you acquainted with Eunice Hagillie and one Ella Gatlin? A Yes
Q What relation are they to you? A My daughters.
Q They claim their Choctaw blood through you? A Yes.
Q You claim your Choctaw blood through which one of your parents?
A My mother.
Q What is your mother's name? A Sarah Atkins.
Q Is Sarah Atkins living now? A No.
Q What is your father's name? A W.C. Atkins; Clark Atkins.
Q How old would Sarah Atkins be if living now? A Some thing near sixty four years of age.
Q What was her father's name? A James Head.
Q What was her mother's name? A Rebecca Head after she married him.
Q Which one of your mother's parents claimed to be Choctaw? A Through Rebecca Head, my mother's mother.
Q Was Sarah Atkins the eldest one of her mother's children? A No.
Q How much older than she was the eldest one of your mother's children?
A I can't tell you just how much; they was some of the children younger than mother and some older; there was several.
Q Was your grandmother a married woman and head of a family in 1830?
A I suppose so; I haven't calculated.
Q How old was she seventy two years ago? A Yes; she died about the age of 80.
Q How old? A Rebecca Head.
Q How long has she been dead? A About twenty two years.

- Q How is it in your best information that she was a married woman and head of a family in 1800? A Yes, the best of my information.
- Q And your children all claim their Choctaw blood through the same woman ancestor that you do? A Yes.
- Q Did Rebecca Head go to the Indian agent there in Mississippi and tell him what she wanted to pay in Mississippi--did she within six months after the treaty of 1830 was ratified? A I can't tell you.
- Q Did she come West with the other Indians between 1825 to 1830? A No.
- Q Where was she living in 1800? A I can't tell you in 1800; somewhere in Mississippi I suppose from what I have been told.
- Q Did she remain in Mississippi until she died? A No, moved to Illinois and died there.
- Q How much Choctaw blood did she claim to have? A She claimed to have one fourth; a quarter supposed to be; that's from the very best information we could arrive at.
- Q Did she have a Choctaw name? A My mother always taught me there was Indian blood in them and my brothers and they was the first Indian people I ever seen.
- Q Did she have an Indian name? A Nothing more than the names I have given you; so far as I know.

(Witness excused.)

V.C. Atkins being first duly sworn as a witness in these cases testified as follows:

- Q What is your name? A V.C. Atkins.
- Q What is your age? A Seventy two years old.
- Q What is your post office address? A Sulphur Springs, Texas.
- Q Are you an applicant for identification as a Mississippi Choctaw? A No.
- Q You are a white man? A I am a white man.
- Q Are you acquainted with James Atkins, Eunice Bagillie and Ella Gatlin? A I am.
- Q What relation are they to you, if any? A This is my son and these are my grand-daughters.
- Q James Atkins is your son and Eunice Bagillie and Ella Gatlin are his children, your grand-children? A Yes.
- Q You don't claim to have any Choctaw blood? A No.
- Q Where do your son and his children get their Choctaw blood? A On their mother's side.
- Q What is their mother's name? A Married Rebecca Head and her maiden name was Rebecca Head; and the Head family was the Choctaw side--about generally known as Choctaws.
- Q Did I understand you to say that you married Rebecca Head? A I married Rebecca Head's daughter.
- Q What was her name? A Sarah A. Head.
- Q Did you know Rebecca Head in Mississippi? A I did.
- Q When? A Well, in 1800; I got acquainted with the Head and Bass families in '54 and '55 and knew them several years afterwards married into the Head family.
- Q You don't know anything about Rebecca Head's living in Mississippi in 1800 or where she lived at that time do you? A At the time I was acquainted.
- Q In 1800--seventy two years ago? A No, I don't know where they lived; I suppose they lived in North Carolina then.
- Q In 1800? A In 1800.

Q Do you know when she moved to Mississippi? A No I can't tell you. My wife was born in North Carolina and the Head family and the Bass family came from North Carolina; they come right from the same country the balance of the Indians come from.

Q Well, wasn't Rebecca Head a Cherokee when instead of a Choctaw?

A Why her father was known as a Choctaw.

Q Where? A When I became acquainted with them.

Q In Mississippi? A Yes, in Mississippi. I know he was known as a Choctaw 'cause his complexion showed up that way and his eyes was that way and his general make-up showed that he was Choctaw and he owned up to it at home and his boys they all owned up to it they all knowed that he had Indian, the Choctaw.

Q You say that your wife would be sixty eight if living now? A Yes.

Q And that she was born in North Carolina? A Yes.

Q Do you know who were the children next older than your wife- Rebecca Head's children? A Catherine McKid; she has been here before the Commission.

Q How much older was she? A I suppose about three years.

Q Where was she born? A In North Carolina.

Q Then in 1830 Rebecca Head was not a resident of the State of Mississippi according to your best knowledge? A No, I think not.

Q You got that from the history of the family; they told it to you? A Yes.

Q Of course you can't know it personally? A No I just got it from the history of the family.

Q Is there anything more you would like to have brought out (To applicants; and the father says: "We have an aunt Catherine McKee down here in Texas, we would like to offer testimony; and we have another boy who is Cynthia Bass' child.)

Witness excused.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the above testimony and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said testimony on said date, September 21, 1901.

Henry G. Hains

Subscribed and sworn to before me this 8th day of October, 1901.

W. H. H. Hains

Notary Public.

COPY.

Muskogee, Indian Territory, July 29, 1902.

Ella Gatlin,
Picton, Texas.

Dear Madam:

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

James F. Head, et al.,	N C R	726
Laura Pickens, et al.,	"	730
Lydia Head, et al.,	"	731
William A. Head, et al.,	"	732
Alzada Hask, et al.,	"	735
Cassie Elizabeth Camie Lancaster, et al.,	"	900
James H. Head,	"	904
Leonard Mason Head,	"	906
Annie Lee Stith, et al.,	"	908
William Y. Head,	"	909
Dunreath Wilkinson, et al.,	"	1137
Owen Head, et al.,	"	1143
James Head,	"	1415
Sidney A. Head, et al.,	"	1430
Sidney I. Watson,	"	1528
James Atkins, et al.,	"	1527
Guy E. Watson,	"	1544
Georgia Vaden, et al.,	"	1747
Fannie McCamley,	"	1748
Catherine McKee,	"	1749
Effie Keltner, et al.,	"	1750
Hugh E. Watson, et al.,	"	1887
Thelbert Othe Head, et al.,	"	3487
L. Eunice Rogillie, et al.,	"	3585
Ella Gatlin, et al.,	"	3787
Dora Harvey,	"	4062
Julia Castle, et al.,	"	1904
Willie J. Wilson, et al.,	"	2948
William J. Atkins, et al.,	"	6239
John B. Atkins, et al.,	"	6340

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence in this case is insufficient to determine the identity of James L. Head, Walter Isaac Head, Laura Pickens, William Pickens, Dovie E. Pickens, Herbert Houston Pickens, Jesse Leroy Head, Henry Floyd Head, William A. Head, Olive M. Head, Wm. P. Head, Isaac L. Head, Roxy M. Head, Myrtle E. Head, Alzada Hash, Millie Irene Hash, James Arthur Hash, Cassie Elizabeth Carmie Lancaster, Hubert W. Lancaster, James D. Lancaster, Eula Edna Lancaster, Noley May Lancaster, Robert L. Stuckey, Mary Stuckey, William G. Stuckey, James H. Head, Leonard Mason Head, Annie Lee Stith, Stella Head Stith, William Y. Head, Dunreath Wilkinson, Marcus Gillespie Wilkinson, Azalee Dunreath Wilkinson, Thomas Moody Wilkinson, Mattie Audry Wilkinson, Owen Head, Lee Head, May Head, Bertha Head, Pearl Head, Ruth Head, Herbert Head, Ralph Head, James Head, Sidney A. Head, Willavery Head, Bessie Lou Head, Williard Head, Leonard G. Head, Sidney Head, Sidney I. Watson, James Atkins, Essie O. Atkins, Guy W. Watson, Georgia Vaden, Leon Vaden, Fannie McCauley, Catherine McKee, Effie Keltner, Walton Keltner, Norman Keltner, Hugh L. Watson, Houston Pete Watson, Theibert Otho Head, Carl Head, Fannie Head, Birdie Head, Ruby Head, L. Eunice Rogillio, Lillie Miny Rogillio, Clovis Henry Rogillio, Luther Rogillio, Anna Belle Rogillio, Ella Gatlin, Lora Adelia Gatlin, Verdie Luceil Gatlin, Fora Harvey, Julia Castle, Lessie Castle, Millie J. Wilcox, Belle Wilcox, Blyssae Wilcox, Lurie Wilcox, Dealy Wilcox, Tommy Wilcox, Guy Wilcox, Willie J. Atkins, Miles Marvin Atkins, Ida May Atkins, John R. Atkins and Orbyrie Atkins, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of this Commission that under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by James W. Head for the identification of his wife, Lucinda Head, by Laura Pickens for the identification of her husband, Joseph Pickens, by Lydia Head for the identification of herself, and by Alzada Head for the identification of her husband, Robert C. Head, in each case as an intermarried Mississippi Choctaw, should therefore be refused, and it is so ordered."

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

Yours truly,

F. B. Medico

Registered.

Commissioner in Charge.

M.C.R. 3587

COPY.

Muskogee, Indian Territory, October 11, 1902.

Ella Gatlin,
Picton, Texas.

Dear Madam:

You are hereby advised that on the 1st day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James F. Head, et al., of which decision you were advised by registered mail on the 29th day of July, 1902.

Respectfully,

SIGNED

[Signature]
Commissioner in Charge.

MCR 3587

Muskogee, Indian Territory, December 5, 1906.

Ella Gatlin,

Picton, Texas.

Dear Madam :-

You are hereby notified that the Secretary of the Interior on November 23, 1906, denied a motion for rehearing filed by Attorney D. H. Linebaugh of Atoka, Indian Territory, June 25, 1906, in the consolidated Mississippi Choctaw case of James F. Head, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Ella Gattin

Age 22 Blood 1/32

Post Office, Pictou, Texas

Father: Jim Atkins

Mother: H. E. Atkins

Claims through father

Husband: Merrill K. Gattin
(No claim for him)

Children:

- | | | |
|---------------------|---|-------|
| Loves Adelia Gattin | F | 4 |
| Verdie Luciel | F | 3 mo. |

Claims for self and 3 children

Stenographer

H. G. Hains

Choctaw MCR 3588

Eddie Thompson

MCR 3588

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

In the matter of the application of Eddie Thompson for
identification as a Mississippi Choctaw, M.C.R. 3586.

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Eddie Thompson.

(Page)

Original application of Eddie Thompson before
the Daves Commission for identification
as a Mississippi Choctaw1

Decision of the Commission refusing the application
of Eddie Thompson for identification
as a Mississippi Choctaw.....7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 21st, 1901.

In the matter of the application of Eddie Thompson for the identification of himself as a Mississippi Choctaw.

Said Eddie Thompson, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Eddie Thompson.
Q What is your age? A Twenty-three.
Q What is your postoffice address? A Newton, Mississippi.
Q How long have you lived in Newton? A Moved to Newton in 1891.
Q Where did you live before that? A Lauderdale County.
Q Where were you born? A In Lauderdale County.
Q Always lived there until you went to Newton? A Yes sir.
Q What is your father's name? A Edward Thompson.
Q Is he living? A Yes sir.
Q What is your mother's name? A Caroline Thompson.
Q Is she living? A No sir.
Q Through which one of your parents do you claim Choctaw blood?
A Through mother.
Q How much Choctaw blood do you claim? A About one-fourth.
Q Has your mother, through whom you claim your right to be identified as a Mississippi Choctaw, ever been enrolled in any way or recognized by the Choctaw Tribal authorities as a member of the Choctaw Tribe of Indians in Indian Territory? A No sir.
Q Are you married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know, sir.
Q Did you ever make application to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A Never have.
Q Did you or anyone for you in 1896, under the Act of Congress of June 10, 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for admission as a member of the Choctaw Nation either to the Choctaw Tribal authorities or to the Commission to the Five Civilized Tribes? A This is the first time.
Q Now do you come before the Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory as a beneficiary under article 14 of the treaty of 1830? A Yes sir.
Q Do you understand article 14 of the treaty of 1830? A I don't believe I do.

The treaty of Dancing Rabbit Creek was made between the Choctaw Tribe of Indians and the United States government on the 27th day of September, 1830. At that time the Choctaw Indians were living in Mississippi and Alabama and the object of this treaty was to remove the Choctaw Indians from those two states to the Choctaw Nation in

Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to Indian Territory and in order to protect their interests article 14 was put into the treaty. Article 14 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 You understand that, do you? A Yes sir, I believe I do.
- Q Did any of your ancestors, if Choctaw Indians, ever comply or attempt to comply with the provisions of article 14 of the treaty of 1830, do you know? A Yes sir, I think they did.
- Q How do you know that? A I know from my mother.
- Q Your mother told you what? A My mother said that all of her foreparents, except her father, went to the Territory.
- Q I did not ask that question. My question is did any of your Choctaw ancestors ever comply or attempt to comply with article 14 of the treaty of 1830? A I don't know, sir.
- Q Did they ever have any land in Mississippi under article 14? A I don't know, sir; I guess not.
- Q Did they ever have any improvements on land in Mississippi in 1830 or previous to that year or up to the time of the ratification of the treaty? A I don't know, sir.
- Q Were any of them recognized members of the Choctaw Tribe of ~~Indian~~ Indians in 1830? A Yes sir.
- Q How do you know? A They were all full blood Choctaws.
- Q Were they recognized members of the Choctaw Tribe of Indians-that is, were they recognized by the Choctaw Council as Indians and members of that Tribe? A I don't know, sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A Yes sir.
- Q When did they go? A I couldn't say exactly what year it was.
- Q You don't know whether they went between the years 1833 and 1838? A No sir.
- Q Who of your people went to the Territory? A All of my people except my mother's father.
- Q Your grandfather and grandmother? A Yes sir.
- Q What are their names? A John Tinkahoma.

Eddie Thompson---3

- Q That is your grandfather on your mother's side? A Yes sir.
Q Did he go to the Territory? A No sir, he didn't go.
Q Did he speak the Choctaw language? A Yes sir.
Q How do you know? A He couldn't speak only Choctaw.
Q How do you know it? A My mother said so.
Q Did he have an Indian name other than John Tinkahoma.
A Not that I know of.
Q Was your mother's mother a Choctaw Indian? A She was only a half.
Q Half Choctaw? A Yes sir.
Q Do you know that? A No sir, no more than what my mother said.
Q And half what? A Colored.
Q Was she a slave before the war? A Yes sir, I think she was.
Q Was your mother a slave? A No sir.
Q Are you sure about that? A No sir, I never heard her say anything about that.
Q Was her father a slave? A No sir.
Q Was Edward Thompson a slave? A Yes sir.
Q He was a full blood negro, was he? A Yes sir.
Q What was his master's name? A Dave Thompson.
Q And he took his master's name? A Yes sir.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent who lived in Mississippi at that time and whose name was Col. Ward, that they intended to stay in Mississippi and take land there and become citizens of the States? A Not as I know of.
Q Did any of your ancestors, if Choctaw Indians, claim or receive any land in Mississippi as beneficiaries under article 14 of the treaty of 1830? A I don't know, sir.
Q Did any of your ancestors, if Choctaw Indians ever receive any land or any benefits whatever in Mississippi from the Government of the United States under any other article of the treaty of 1830 than article 14 or under the supplement of that treaty? A I don't know, sir.

In accordance with the provisions of article 14 of the treaty of 1830 the Government required the United States Indian Agent, Col. Ward, to make a list of all Choctaw claimants who came before him within six months from the ratification of the treaty of 1830 and declared their intention to stay in Mississippi and take land there and become citizens of the States. The records in the possession of the Government show that comparatively few of the Choctaw Indians who did make this declaration before Col. Ward, within the required time, had their names placed upon the so called Ward's Register. On account of this neglect, a great many Indians were dispossessed of their lands and the improvements upon their lands. This led to a great many complaints and in 1837 by Act of Congress approved March 3, 1837, a Commission was appointed, which Commission came to the State of Mississippi and heard claimants under article 14 of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.

- Q Do you know if any of your ancestors, if Choctaw Indians, appeared before either of these Commissions and claimed benefits under article 14 of the treaty of 1830? A I don't know, sir.

Eddie Thompson---4

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

Q Do you know whether any of your ancestors ever received any such scrip from the Government under this act of Congress of 1842? A No sir, I don't know.

Q Have you any documentary evidence that you want to introduce now in support of your claim-have you anything in writing, any papers?

A No sir.

Q No documentary evidence showing your ancestry? A No sir.

Q Have you any proof that your mother was a half Choctaw Indian?

A Yes sir.

Q What proof have you? A Bill Lee.

Q He is a witness? A Yes sir.

Q Is he any relation to you? A No sir.

Q Through whom does your mother claim her Choctaw blood-through her father or mother? A Through her father.

Q What was his name? A John Tinkahoma.

Q How much Choctaw blood did he have? A He was full blood.

Q Did you ever see him? A No sir.

Q What proof have you that he was a full blood Choctaw Indian?

A This witness.

Q Do you know what his father's name was? A No sir.

Q Do you know what his mother's name was? A No sir.

Q Do you know whether he was a slave before the war? A No sir, he wasn't a slave.

Reasonable time will be allowed this applicant in which to introduce documentary evidence in support of his application, is he so desires.

Q Is there anything further you want to say about your claim?

A I don't believe so.

William Lee, being called to testify on behalf of this applicant and being first duly sworn, states as follows:-

Examination by the Commission.

Q What is your name? A William Lee.

Q Where do you live? A Newton Station.

Q What is your business? A I just come up here with Ed.

Q What is your occupation? A Farming.

Q What is your age? A I don't know, sir.

Q How old do you think you are? A Fifty or sixty.

Q You appeared before the Commission for identification as a Mississippi Choctaw at Hattiesburg, Mississippi, did you? A Yes sir.

Q You and your family are claimants, are you? A Yes sir.

Q You married a colored woman, didn't you? A Yes sir.

Eddie Thompson---5

- Q How much Choctaw blood do you claim? A I claim to be half.
- Q What do you know about this applicant, Eddie Thompson; having any Choctaw blood? A Well, sir, I don't know anything about that, I would swear to the blood.
- Q What do you swear to-do you know anything about this boy having Choctaw blood? A No sir, I don't know only just what I hear.
- Q Do you know anything about this boy? A Just acquainted with him.
- Q Do you know anything about his people being Choctaws? A No sir.
- Q Do you know his father personally? A Yes sir.
- Q When and where did you know him? A I just got acquainted with him this year.
- Q You didn't know him previous to this year, did you? A No sir.
- Q You don't know whether or not he has Choctaw blood? A No sir.
- Q Do you speak the Choctaw language yourself? A Yes sir.
- Q Can he? A No sir, they are American raised.
- Q He looked like a colored man, didn't he? A He looks just like me.
- Q This boy looks like a colored boy, don't he? A Yes sir.
- Q He don't look like an Indian, does he? A He looks like my children.
- Q Don't he look like a nigger? A Of course he looks--
- Q You don't see any Choctaw in him, do you? A No sir.
- Q Does his father look like a colored man or an Indian? A Like a Choctaw, I say; he has features like them.
- Q Don't he look as much colored as this boy? A Well, he is a little darker.
- Q What is his hair-straight or curly? A Never noticed his hair.
- Q Is his nose broad, or straight and narrow? A Sort of like mine.
- Q Did you ever notice his nose? A No sir.
- Q Has he got dark eyes or light eyes? A Tolerable light eyes.
- Q Did you ever notice his eyes particularly? A Not exactly. They are sort of light though.
- Q How are his lips, thick or thin? A They are thin.
- Q Did you notice particularly? A No sir.
- Q How do you know they are thin then? A I don't know, sir.
- Q You don't know anything about it, do you? A Not to swear about.
- Q Where is the boy's father? A In Newton.
- Q Why couldn't his father come down here and testify? A He ~~is~~ thought it was useless.

Witness excused.

This applicant has the appearance and all the physical characteristics of a full blood negro. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 21st, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic

Edie Thompson---

notes taken in said proceedings on said date.

subscribed and sworn to before me this the 23rd day of September,
1901, at Meridian, Mississippi.


Notary Public.

J. F. H.
Coll.

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

---o---

In the matter of the application of Eddie Thompson for identification as a Mississippi Choctaw, H.C.R. 3868.

--: 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 Eddie Thompson for himself, under the following provision of the act of Congress approved June 26, 1895 (30 Stats., 495):

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

It also appears that the said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being a descendant of one John Tinkahema, who is alleged to have been a full blood

Cheetaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that the said applicant has never been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Tinkahema 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., 150) 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 Eddie Thompson as a Cheetaw Indian entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

OCT 23 1902

Muskogee, Indian Territory, October 23, 1902.

Mansfield, McFurray & Cornish,
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 Eddie Thompson, 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., 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 Eddie Thompson as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which

N N N & C S

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

Respectfully,

(SIGNED).

James Bixby.
Acting Chairman.

Muskogee, Indian Territory, October 23, 1902.

Eddie Thompson,
Newton, Mississippi.

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

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

E T S

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.

COPY

M C R 3588

Muskogee, Indian Territory, November 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Eddie Thompson, 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,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 inclosure, M C R 3588

(COPY)

D C 8419-1903.

DEPARTMENT OF THE INTERIOR.

BAF.

ITD.2054-1903.

Washington.

L.R.S.

March 21, 1903.

Commission to the Five Civilized Tribes,

Muskegee, I. T.

Gentlemen:

November 8, 1902, you transmitted the record in the matter of the application of Eddie Thompson for identification as a Mississippi, Choctaw, including your decision of October 23, 1902, refusing the application.

The applicant claims to be a descendant of one John Tinkahoma, alleged to have been a full blood Choctaw Indian, and of Caroline Thompson.

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

Reporting February 19, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

-2-

Finding no reason to disturb your decision, the Department affirms the same.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

(COPY)

Land.
67,815-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Feb. 19, 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 Eddie Thompson for the identification of himself as a Mississippi Choctaw.

On October 23, 1902, the commission rendered a decision in this case finding that the evidence submitted by the applicant is insufficient to identify him as a Mississippi Choctaw entitled to rights in the lands of the Choctaw Nation by reason of the provisions of article 14 of the Choctaw treaty of 1830.

An examination of the record evidence shows that the applicant claims to have derived his Choctaw blood by reason of his descent from Caroline Thompson and John Tinkahoma, but neither the record evidence nor the records of this office in any way tend to show that either of said ancestors ever complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 or

secured a patent for land thereunder. The evidence does show that the applicant is not of the full blood.

The office therefore considers that the decision of the commission refusing to identify the applicant is correct, and recommends that the same be affirmed by the Department.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

(W.C.B.)

P.

M.C.R. 3588.

BY:

Muskogee, Indian Territory, March 31, 1903.

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

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Eddie Thompson, of which decision you were advised by mail on the 23rd day of October, 1902.

Respectfully,

Tamm C.

Chairman.

#1407

No. 3588

For Identification as a Mississippi Choctaw.

Date

SEP 21 1901

Name Eddie Thompson

Age 23 -

Blood

1/4

Post Office,

Newton, Miss.

Father:

Edward Thompson, l

Mother:

Caroline "

d

Claims through

Mother -

~~Newton~~

Claims for self
alone

Stenographer

J. S. Niles

Choctaw MCR 3589

Anna McIntosh

MCR 3589

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Anna McIntosh, et al., for identification as Mississippi Choctaws, K O R 3589.

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

	Page.
Original application of Anna McIntosh, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Certificate of C. C. Ferrill	6
Joint affidavit of Dorcas Townsend and William Allen, marked "Exhibit A"	7
Joint affidavit of Dorcas Townsend and William Allen, marked "Exhibit B"	8
Joint affidavit of William Allen and Dorcas Townsend	9
Decision of the Commission refusing the application of Anna McIntosh, et al., for identification as Mississippi Choctaws	10

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 20th, 1901.

In the matter of the application of Anna McIntosh for the identification of herself and four minor children as Mississippi Choctaws.

Said Anna McIntosh, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Anna McIntosh.
Q What is your age? A Thirty-nine years.
Q What is your postoffice address? A Shubuta, Mississippi.
Q Where were you born? A Born in Mississippi and raised here.
Q What county? A Clarke.
Q How long did you live in Clarke county? A I always lived in Clarke county, except three years I was in Mobile.
Q Your father's name is what? A Reuben McIntosh.
Q Is he living? A No sir, he is dead.
Q Is your mother dead? A No sir.
Q What is her name? A Winey Harris.
Q What was your father's blood? A Indian.
Q He was whole Indian was he? A Yes sir.
Q Was he a full blood? A Yes sir.
Q You think he was a full blood do you? A Yes sir.
Q Was he a slave before the war? A No sir, I don't think so.
Q What was your mother's blood? A Negro.
Q Was she a slave? A Yes sir.
Q You claim your Choctaw Indian blood then through your father?
A Yes sir, through my father.
Q How much Choctaw blood do you claim? A About one half.
Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory?
A Not that I know of.
Q Are you married? A No sir, my husband is dead.
Q What was his name? A Israel Alexander, but I go by my father's name.
Q He is dead, is he? A Yes sir.
Q What was his blood? A He was negro, or one-half Creek Indian.
Q Half Creek and half negro? A Yes sir, at least that is what he claims.
Q Your childrens names are what-give me the name of the oldest under 21 years of age and unmarried? A Daniel McIntosh.
Q How old is he? A He is thirteen.
Q Next? A Velma McIntosh.
Q Is that a girl? A Yes sir.
Q How old? A Twelve years old.
Q Next? A Arthur.
Q How old? A Nine.
Q Next? A Annie M.
Q How old is she? A Four.
Q Any more? A No sir.
Q Are these all the children of Israel Alexander and yourself?
A Yes sir.
Q And you have given them your maiden name instead of your husband's name? A Yes sir.

Q So that you wish to have them recorded as McIntosh? A Yes sir.

Q Were you married to your husband by a minister and under a license? A Yes sir.

Q When and where were you married? A I was married to him in Mobile.

Q How long ago? A It has been about eighteen or nineteen years.

Q You don't remember the exact date? A No sir, I don't remember the exact date.

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

Q Did you ever make application to the Choctaw Tribal authorities for citizenship in the Choctaw Nation? A No sir.

Q Did you make application either for yourself or children in 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896?

A No sir.

Q Have you ever been admitted-you or your children-as citizens of the Choctaw Nation by either the Choctaw Tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Is this the first application of any kind that you have ever made of any description either for yourself or children to become members of the Choctaw Tribe of Indians? A Yes sir.

Q Do you now come before the Commission for yourself and children for the purpose of being identified as Mississippi Choctaws and claiming lands in Indian Territory as Choctaw Indians under article 14 of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir.

On the 27th day of September, 1830, a treaty was made between the Choctaw Indians who lived in Mississippi and Alabama at that time, and the United States Government. This treaty is sometimes called the treaty of Dancing Rabbit Creek. The object of the treaty was the removal of all of the Choctaw Indians who lived in Mississippi and Alabama from those two States to the Choctaw Nation Indian Territory. It became apparent before the treaty was signed that a great many Indians would not go to the Territory and in order to protect their interests article 14 of the treaty of 1830 was inserted into the treaty. That article 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 whom claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that, do you now? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this 14th article of the treaty of 1830-(I mean by ancestors your father, mother, grandfather, grandmother, great-grandfather or great-grandmother)? A No sir, I don't know.
- Q Do you know whether any of your Choctaw ancestors were living in Mississippi or Alabama in 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know, sir.
- Q Did your father, whom you say was a full blood Choctaw Indian, have an Indian name? A My grandfather did.
- Q Your father's father? A Yes sir.
- Q And your father didn't? A Yes sir, he didn't.
- Q Could your father talk Choctaw? A I don't know sir. I wasn't big enough quite to remember him. My grandfather could.
- Q Your grandfather's name was what? A Tom Tubbe.
- Q Was he a full blood Choctaw Indian? A Yes sir.
- Q Could he talk Choctaw? A Yes sir.
- Q Did you ever hear him talk Choctaw? A Yes sir.
- Q Did he look like a full blood Indian? A Yes sir.
- Q And did your father? A I don't much remember about how my father looked.
- Q You knew your grandfather better? A Yes sir.
- Q He lived a long time after you were born? A Yes sir.
- Q And you know well that he could talk Choctaw? A Yes sir, he could and he was a full blood Indian.
- Q Do you know whether he ever owned any land or claimed any land in Mississippi as a Choctaw Indian from the Government under article 14 of the treaty of 1830? A I don't know that.
- Q You never heard he ever got any land, or your father? A No sir.
- Q How old was your grandfather when he died? A He looked to be about seventy or eighty years old.
- Q When did he die? A He has been dead about eighteen or nineteen years.
- Q He lived in Mississippi then in 1830, didn't he? A Yes sir, I guess he did.
- Q Where was Tom Tubbe born? A I don't know.
- Q Was he born in Mississippi? A The first that I ever knowed of him he was in Mississippi.
- Q Did he die in Mississippi? A I don't know, sir. My father died in Alabama.
- Q Do you know whether your father, or his father, Tom Tubbe, or any of your Choctaw ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama in 1830? A No sir, I don't know about that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir, I don't think they did.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified tell the United States Indian Agent, Col. Ward, that they intended to stay in Mississippi and take land there and become citizens of the States? A I don't know, sir.
- Q You don't know whether any of your ancestors went from Mississippi or Alabama to the Indian Territory with the other Indians? A I don't know.

Anna McIntosh et al---4

Q Did any of your Choctaw ancestors claim any rights or benefits under any other article of the treaty of 1830 than article 14 or under the supplement of 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 required the United States Indian Agent who lived in Mississippi at that time, to make a complete list of all the names of Choctaw Indians who within six months after the ratification of the treaty of 1830 declared their intention to become citizens of the United States and their desire to remain in Mississippi and take land there. This Indian Agent failed to record on his registry list the names of a great many Choctaw Indians who did appear before him and make those declarations as required by article 14 of the treaty of 1830. On account of this neglect many Indians who held land in Mississippi and upon which they had improvements lost both the land and improvements. This caused a great many complaints on the part of the Indians and as a result a Commission was appointed in 1837 by act of Congress approved March 3rd of that year which Commission went to Mississippi and heard claimants under article 14 of that treaty. In 1842 another Commission was appointed by act of Congress approved August 23, 1842, and they also heard claimants under article 14 of the treaty of 1830.

Q Do you know of any of your Choctaw ancestors, your father, grandfather or any others of your ancestors appeared before either of these Commissions and attempted to establish their rights under article 14 of the treaty of 1830? A No sir, I don't know.

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

Q Did any of your ancestors ever receive any scrip from the United States Government as Choctaw Indians under this Act of Congress?

A No sir.

Q Have you any documentary evidence that you want to introduce now in support of your claim--any papers? A Yes sir.

There is offered in evidence the two joint affidavits of Darcas Townsend and William Allen, presented by this applicant, received, marked exhibits A and B, respectively, and made a part of the records in this case.

Reasonable time will be allowed this applicant in which to file other documentary evidence, if she desires, in support of her application.

Anna McIntosh et al--5

Q Do you know if any of your ancestors at any time attempted to establish their rights as Choctaw Indians under any article whatever of the treaty of 1830 or under the supplement of that treaty? A No sir.

Q Is there anything more you want to say in support of your claim? A No sir.

This applicant has the appearance and all of the physical characteristics of being descended from mixed parentage of Indian and negro blood. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830. Her appearance is more that of an Indian than a negro. The Commission is of the opinion that she certainly has one-half Indian blood and she says that Indian blood is Choctaw.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled case, heard at Meridian, Mississippi, September 20th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

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


Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Anna McIntosh,
et al., for identification as Mississippi Choctaws, N.C.R. 1588.

-----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 Anna McIntosh for herself and her four minor children, Daniel, Velma, Arthur and Annie M. McIntosh, 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 Tom Tubbe (or Tubby) 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. 321).

It is found that on page 632 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims, No. 12742, the name of Tubbee appears in a list of cases allowed by the Choctaw Commissioners but rejected by the Secretary of War, said Tubbee being a child under ten years of age of Ahu-to-nah, a claimant under article fourteen of the treaty of eighteen hundred and thirty; on page 701 of the same record appears the name Tubbee, the same being signed to an application for land under the fourteenth article of the treaty of eighteen hundred and thirty; on page 861 of said record is found the name of Tubbee, the same being in a general affidavit of Ahu-to-nah, wherein she testifies that she was the Choctaw head of a family and had living with her at the date of the treaty one unmarried child under ten years of age, named Tubbee. It does not appear from the evidence submitted by the applicants herein that the Tom Tubbe (or Tubby) through whom they claim is identical with the Tubbee mentioned in the records above cited.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted

to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Tom Dobby (or Dobby) through whom these applicants claim, or an ancestor in any way, 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. 160) and August 23, 1842 (5 Stats. 61A).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Anna McIntosh, Daniel McIntosh, Velma McIntosh, Arthur McIntosh and Annie M. McIntosh 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 application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

James Birby
Acting Chairman

T. B. Noodles
Commissioner

J. E. Breckinridge
Commissioner

Muskogee, Indian Territory

DFC 22 1902

M. O. R. 3589.

COPY.

Muskogee, Indian Territory, December 22, 1908.

Hankfield, McHenry & Connish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22nd day of December, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Anna McIntosh, 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 Anna McIntosh, Daniel McIntosh, Volma McIntosh, Arthur McIntosh and Jennie M. McIntosh as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

Tame Ditt
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 22, 1902.

Anna McIntosh,

Shubata, Mississippi.

Dear Madam:

You are hereby advised that on the 22nd day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Anna McIntosh, 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 Anna McIntosh, Daniel McIntosh, Velma McIntosh, Arthur McIntosh and Annie M. McIntosh as Choctaw Indians entitled 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,

A. McI., 2.

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

Respectfully,

MSIC 117

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Anna McIntosh, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 22, 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. 3589

(C O P Y)

D.C.16896

ITD.2266-1903.

L.R.S.

DEPARTMENT OF THE INTERIOR,
W A S H I N G T O N .

W.C.F.

EAF.

June 3, 1903.

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

Gentlemen:

January 7, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Anna McIntosh and her minor children, Daniel, Velma, Arthur and Annie M. McIntosh, including your decision of December 22, 1902, refusing the application.

The applicants claim rights to Choctaw Lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Tom Tubbee, through his son, Reuben McIntosh, the father of the principal applicant, it being alleged that Tom Tubbee was a full blood Choctaw Indian and a resident of Mississippi at the time of the signing of said treaty.

The evidence fails to show that either of said ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

In your decision you state that the name Tubbee appears on the records in your possession, but that the evidence fails to show that the ancestors by that name, through whom the applicants

claim, is identical with the one by that name on the records in your possession.

The records of the Indian Office show that an Indian woman by the name of O-na-he-ke-ta, wife of Tem-ma-tubbee, deceased complied with the provisions of article 14 of the treaty of 1830, and that at the date of said treaty she had two children: one, Vina, a female, about two years old at the date of said treaty; the other, Jimson, a male, who could just sit alone at the time of the treaty.

The Acting Commissioner of Indian Affairs reporting February 25, 1903, recommends that your decision be approved. A copy of his letter is inclosed.

Comparing the evidence furnished by the record with the information furnished by the Indian Office, the Department is of the opinion that the Tem Tubbee, grandfather of the principal applicant, could not have been identical with the Tem-ma-tubbee who was the deceased husband of O-na-he-ke-ta. The Department therefore affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

(C O P Y)

Land.
2181--1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Feb. 25, 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 Anna McIntosh for the identification of herself and her four minor children, Daniel, Welma, Arthur and Annie M. McIntosh, as Mississippi Choctaws.

On December 22, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their application for such identification should be refused.

An examination of the record evidence shows that the applicant, Anna McIntosh and her children claim to have inherited their Choctaw blood from her father, Reuben McIntosh, and her grandfather, Tom Tubbee; but said record evidence does not show that either the said Reuben McIntosh or Tom

Tubbee ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or received a patent for land thereunder. An examination of the records of this office shows that an Indian woman by the name of O-na-he-ke-ta, wife of Tom-ma-tubbee, deceased, complied with the provisions of article 14 of the treaty of 1830, and testifies that at the date of said treaty she had two children, one Vima, a female a little more than two years old at the date of the treaty, and the other Jimson, a male could just sit alone at time of treaty; but there is nothing in the record evidence which shows or tends to show that said Tom Tubbee, claimed by Anna McIntosh to be her grandfather, is the same person as Tom-ma-tubbee, the deceased husband of O-na-he-ke-ta.

The record evidence shows that none of these applicants is a Chectaw Indian of the full blood.

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

Very respectfully,

A. C. Tenner,

Acting Commisniener.

W.C.B.(S)

M. C. R. 3589.

COPY.

Muskogee, Indian Territory, July 16, 1903.

Mansfield McMurry & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 3rd day of June, 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 Anna McIntosh et al., of which decision you were advised by mail on the 22nd day of December, 1902.

Respectfully,

(SIGNED)

T. B. Needles

Commissioner in Charge.

M C R 3339

COPY.

Muskogee, Indian Territory July 16, 1903.

Anna McIntosh,
Shubuta, Mississippi.

Dear Madam:

You are hereby advised that on the 3rd day of June 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Ghosts of the several persons included in the case of Anna McIntosh et al., of which decision you were advised by registered mail on the 22nd day of December 1902.

Respectfully,

I. B. Neelice.
Commissioner in Charge.

For Identification & Mississippi Census.

Date SEP 20 1901

Name Anna Mc Intosh

Age 39 - Blood 1/2

Post Office, Shubuta, Miss

Father, Reuben McIntosh, d

Mother, Vincy Harris, s

Claims through father

~~husband~~ Isaac Alexander - d

He was 1/2 land bond, & 1/4
neg -

Children: Daniel Mc Intosh, 13

Velma " 12

Arthur " 9

Annie M " 4

Claims for neg &
children.

Registrar J. A. Miles

Choctaw MCR 3590

Mack Brooks

MCR 3590

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

In the matter of the application of Mack Brooks, et al.,
for identification as Mississippi Choctaws, M.C.R. 3890.

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

	(Page)
Original application of Mack Brooks, et al., before the Dawes Commission for identification as Mississippi Choctaws	6
Affidavit of Harvy Linch	7
Affidavit of Clem Jackson	8
Affidavit of Wesley Butler	9
Joint affidavit of E. Kuehrt and Jim Warren	10
Decision of the Commission denying the application of Mack Brooks, et al. for identification as Mississippi Choctaws	11

Department of the Interior.
Commission to the Five Civilized Tribes/
Atoka, I.T. September 23, 1901.

3890

In the matter of the application of Mack Brooks for identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Mack Brooks being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mack Brooks.
Q What is your age? A About fifty years.
Q What is your post-office address? A Bass.
Q What state? A Texas, Smith County.
Q How long have you lived in Texas? A About thirty years.
Q Where did you live before you lived in Texas? A Louisiana.
Q How long did you live in Louisiana? A I lived there until I was about fifteen years old.
Q And where did you go from Louisiana? A To Texas.
Q Were you born in Louisiana? A No.
Q Where were you born? A In Mississippi.
Q How long did you live in Mississippi? A They brought me away from there when I was a small boy.
Q How old were you then? A I don't know I was a small boy.
Q You don't remember anything about them bringing you from Mississippi to Louisiana? A Only what my mother and father told me.
Q You lived in Louisiana until you were fifteen years old? A Yes.
Q And went from there to Texas? A Yes.
Q And how long did you live in Texas? A About thirty years.
Q That only makes about forty-five years and you say you are about fifty? A Yes fifty years old.
Q You say you were fifteen years old when you went to Texas? A Yes.
Q Well it would not make any difference about how long you lived in Mississippi, if you were just 15 years old when you came from Louisiana to Texas and lived in Texas thirty years that would only make you forty-five years old? A That is about right.
Q Well but what were you doing the other five years. Did you back from Louisiana to Mississippi? No I went back from Texas to Louisiana since the Civil War but I don't know how long I stayed.
Q Well how long have you been in Texas the last time you went there? A I don't know. I never moved away I just went back before I married.
Q How long did you stay, a year? A Yes about a year.
Q What did you do the other five years? A I don't know I guess at it about thirty years. I can tell by when I was married I was here two or three years when I was married and I was married when I was eighteen years old the other time I was drifting backward and forwards. I was a young man and did not keep any count on the time.
Q Have you ever lived anywhere except in Mississippi, Texas and Louisiana? A No.
Q What is your father's name? A Alex Brooks.
Q Is your father living? A No.
Q What is your mother's name? A Hannah Brooks? 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 Both my grandmother and grandfather.
- Q You get your Choctaw blood through your father? A Yes and my Grandmother.
- Q And your mother? A A I think her mother was a Choctaw but her father was a ~~negro~~ colored man.
- Q How much Choctaw blood do you claim? A One-quarter.
- Q How much Choctaw blood did your father claim? A One-half breed his mother was a full breed.
- Q What was the other half? A White.
- Q Your father was one half Choctaw and one half white? A No.
- Q Was your father ever a slave? A No.
- Q Was you ever a slave? A I was a slave through my mother and her father, through my father and his mother I was not a slave.
- Q How much Choctaw blood did your mother claim to have? A My mother.
- Q Yes? A I don't know how much she claimed, her mother was a full Choctaw, her daddy was a slave that makes my granddaddy on my mother's side a slave.
- Q Then your mother was one half Choctaw? A Yes.
- Q And the other half negro? A Yes.
- Q Were your father and mother ever recognized in any way or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or the authorities of the United States? I am not able to state I don't know, he always told me that his mother died?
- Q Are you married? A Yes.
- Q What is your wife's name? A Mattie Lee Brooks.
- Q Is she living? A Yes.
- Q You make any application for your wife? A Yes.
- Q What do you claim for your wife? A I don't know that I claim anything, she is not no Indian.
- Q What is she? A She is a part, one-half.
- Q She is negro? A Why she was part White and part Negro.
- Q Then you don't 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 Yes I have five.
- Q Give the names and ages of these children? A (applicant produces memorandum from which examiner reads: Lavirter Brooks,
- Q "Is that a boy or girl? A Girl." eighteen years old. Perkins. "Q Is that a boy or girl?" That is a boy" born August 5, 1885. Annie Bell Brooks, born November 17, 1890, Jessie Brooks. "Q: is that a girl? A Yes" Nine years old.
- Q The name of the first child appears on this slip as Joyce? A Yes.
- Q Now Joyce is past twenty-one and will have to apply for himself or herself? A Yes.
- Q When and where were you married to Mattie Lee Brooks? A Tyler Texas? A Yes.
- Q When? A In seventy.
- Q Did you get a license to marry? A Yes.
- Q Were you married by a minister? A Yes..
- Q Have you your marriage license and certificate and do you wish to offer same in evidence? A I went down to get them, and they had moved the Clerk's office and had the books put away some way or another and could not get them, they told me to get two men to swear to it, it was about half-way to sun and I got them two men to swear to it and the Country clerk said it would do until he could find the.,.

Joint affidavit of R. Everhart and Jim Warren as to the marriage of Marek Brooks and Mattie V. Warren offered in evidence marked exhibit A"A filed and made a part of the record.

#5

- Q You expect to send in the certificate of the clerk later? A
A Yes if he can find it.
- 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
not that I knows of.
- 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 Before now.
- Q This is not the Choctaw tribal authorities, these are the
United States authorities? A No I have not, I did 'nt know what
to do.
- Q You never applied to the Choctaw tribal authorities to have your-
self or your children enrolled as members of the Choctaw Nation?
I can't tell you, we did seven or eight years ago, there was a
man down there who said he would take all the names down. He took
my name but he said he could not do any thing with it.
- Q Well you did not make any application? A No I never did.
- Q Did you or did any one for you or your children in 1896 make appli-
cation to the Dawes Commission for citizenship in the Choctaw
Nation under the act of Congress of June 10, 1896? A Eighty-six
- Q No ninety-six? 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 Com-
mission 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
of the Choctaw Nation? A No just I told you I sent a petition
to try to find out.
- Q Is this the first application of any kind you have ever made? A
Yes only the paper I sent by a white man up here.
- Q What kind of a papers was that? A It was a blank application
to fill, that is all that I sent for we did not know what to do.
- Q When was that? A About one month ago, about four weeks ago.
- Q Well what kind of an application was that that you made seven or
eight years ago? A I did not make any. Martin brought our paper
and our names.
- Q What kind of papers? A He did not, he had a man down there.
- Q Who was he. A Mr. Martin and Richardson at Kilgore, Texas. He
took a whole lot of names but I don't know what was done with them
I seen a lawyer since.
- Q Who was the lawyer? A Bride Martin.
- Q Where does he live? A Grayson, County, Texas.
- Q You know where he was going to send these names? A No I don't.
- Q What kind of an application do you want to make now? A I could
not tell you.
- Q What do you claim you are? A Choctaw?
- Q Choctaw freedman? A Could I make it as a freedman?
- Q I am asking you what claim to be? A I claim that---
- Q Are you here now trying to make application as a Mississippi
Choctaw? A Yes.
- Q You claim under any of the treaties between the United States
and the Choctaw Nation? A I don't know much what to claim.
- Q You what a treaty is? A What my father was.
- Q You know what a treaty is? A No not exactly.
- Q You know what an agreement is? A When I make an agreemtn with
anybody I knows.
- Q Well when two Nations make an agreement that is called a treaty?
A Yes.
- Q Now I want to know whether you know anything about the treaties
and agreements that has been made between the United States and

or agreements that have been made between the United States and the Choctaws? A No I don't know anything about that.

The law under which the Commission is acting at this time in hearing these applications gives it authority 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 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 some provision was made for those Choctaws who wanted to stay there in the old Choctaw Nation. So article fourteen was made a part of the treaty for the benefit of these Indians who wanted to remain in Mississippi and Alabama. Article fourteen 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 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 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 go down into Mississippi and investigate 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 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 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 What was your father's father's name? A My father's father, that is further back that I can tell.
- Q Did you never hear your father's father's name? A No I never did hear him say.
- Q I am trying to find out what your father's father's name is? A Bill Brooks.
- Q Then your father's father's name was Bill Brooks? A Yes.

- Q How what is your father's mother's name? A India Brooks.
- Q Which one of your father's parents claimed to be Choctaw? A Which one of my father's parents?
- Q Yes? A Let me see, my grandparents.
- Q Your father's mother then claimed to be Choctaw? A Yes.
- Q How much Choctaw blood did she claim to have? A She claimed to be full breed, Bill Brooks was a white man and married her from amongst the Indians.
- Q How old would your father be if he were living now? A My father died in 1878 and as near as I can make it out he was about fifty years old then.
- Q Then your grandmother was a married woman and the head of a family in 1830? A Yes.
- Q And her name was India Brooks? A Yes.
- Q Now what was your mother's father's name? A Jack Marcellos.
- Q What was your mother's mother's name? A Annie Marcellos? A Yes.
- Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
- Q Annie Marcellos? A Yes.
- Q How old would your mother be if she were living now? A She died about--in the civil War, she was about thirty years old then. She died the last year of the civil War.
- Q Was your mother the oldest one of her mother's children? A Yes she was the oldest.
- Q Well do you know whether your grandmother's name was Annie Marcellos in 1830. Do you know whether she was married before that time? A I expect she was. I don't know. She lived until she was about one-hundred years old, my grandmother on my mother's side.
- Q You know what Annie Marcellos father's name was? A No.
- Q You know what her mother's name was? A No I could not say.
- Q You know how much Choctaw blood she claimed to have? A The old lady claimed that she was Indian, full, she married a slave that came along but she was a full Indian.
- Q She was an Indian and married a slave? A Yes.
- Q Now did Indian Brooks and Annie Marcellos live in Mississippi in eighteen hundred and thirty? A Yes they was living there. Indian died there but Annie came to Louisiana before she died.
- Q When did Annie come to Louisiana? A I could not tell you exactly. We all came together when I was a boy. It was before the War.
- Q Did India Brooks or Annie Marcellos go to the Indian Agent there in Mississippi within six months after that treaty was ratified and tell him that they wanted to stay and become citizens of the States and take land there? A No.
- Q Did they ever own any land in Mississippi, Louisiana, Arkansas or Alabama? A My grandfather Brooks owned land but not in Mississippi.
- Q Well he was not an Indian? A No.
- Q What was his blood? A He was a white man.

Now in order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandmothers, one or both of them, lived in the old Choctaw Nation in eighteen hundred and thirty and were recognized Choctaw Indians and went to the Indian Agent there in Mississippi within six months after that treaty was ratified and told him that they wanted to stay in Mississippi or tried to do so.

- Q Have you any evidence on these points now? A No the old man Whittaker he died and the other one is so far away that I could not find out anything about him.

#6

Q You want to file these papers? A Yes.

Affidavit of Harvey Linch offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

Affidavit of Flem Jackson offered in evidence, marked exhibit "C" filed and made a part of the record in this case.

Q Who is Harvey Linch? A He is a colored man.

Q He don't say how old he is. He says he was well acquainted with Alex Brooks who is the father of Mack Brooks and that Alex Brooks was a son of India Brooks and that Indian Brooks was a full blood Choctaw Indian, born and raised in Mississippi and that she died in Mississippi but he don't say whether she lived there in Mississippi in eighteen hundred and thirty and does not say anything about whether or not she went to the Indian Agent there within six months and told him that she wanted to stay? A I don't suppose he knowed that.

Q And Flem Jackson says that he was acquainted with Alex Brooks who was the father of Mack Brooks and he always understood that Alex Brooks was a son of a full blood Indian? He does not say that he ever knew Alex Brooks in Mississippi? A No he volunteered that information and made it out himself. I would get Wesley Butler from Mississippi but it would cost right smart to get him here.

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

This applicant has the appearance and characteristics of a full blood negro, his hair is kinky, nose broad and flat and his complexion looks like that of a negro. His lips may be a trifle less thick than those of the ordinary negro. He claims a mixture of white, negro and Choctaw blood although the traces of negro blood are apparent. He does not know of any compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty and knows very little about his ancestors.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 23rd 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 September 23rd 1901.

Subscribed and sworn to before me this 23rd day of November 1901.

W. A. Mitchell Wood
Notary Public.

11

11

W
C. W.

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

---D---

In the matter of the application of Mack Brooks, et al.,
for identification as Mississippi Choctaws, N.C.R. 3590.

---: 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 Mack Brooks for himself and his four minor children, Lavirter,
Perkins, Annie Bell and Jessie Brooks, under the following provis-
ion of the act of Congress approved June 23, 1898 (30 Stats., 498):

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

It also appears 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

(2)

of one India Brooks and one Annie Marcellos, both of whom are alleged to have been full blood Choctaw Indians and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said India Brooks, or Annie Marcellos, 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., 813).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mack Brooks, Lavister Brooks, Perkins Brooks, Annie Bell Brooks and

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman

Commissioner.


Commissioner.

Muskogee, Indian Territory,
AUG 8 1902

Ateka, Indian Territory, October 16, 1901.

Mack Brooks,

Bagg,

Texas.

Dear Sir:-

Receipt is hereby acknowledged of your letter without date, enclosing the affidavit of Wesley Butler, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same has been made a part of the record in your case and will receive consideration in determining your right to identification as a Mississippi Choctaw.

Yours truly,

M.C.3590

COPY.

H.C.R. 2890

Muskogee, Indian Territory, August 8, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Mack Brooks, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 8th, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

(SIGNED)

Tams Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs
1 enclosure.

COPY.

M.C.R. 3590

Muskogee, Indian Territory, August 8, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mack Brooks, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1895 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and 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 Mack Brooks, Lavirter Brooks, Perkins Brooks, Annie Bell Brooks and Jessie Brooks, as Choctaw Indians entitled 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."

MM & 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,

James D. Dineen
Acting Chairman.

COPY.

M.C.R. 3590

Muskogee, Indian Territory, August 8, 1902.

Mack Brooks,
Bass, Texas.

Dear Sir:

You are hereby advised that on the 8th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Mack Brooks, 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 Mack Brooks, Lavirter Brooks, Perkins Brooks, Annie Bell Brooks and Jessie Brooks, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

N B _____

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)

Tamio Dixby.

Acting Chairman.

Registered.

- - - COPY - - -

Land 47,877-1908'

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs,

Washington, Oct. 6, 1908.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record and the proceedings had before the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of Mack Brooks, et al., in which the applicant makes application for himself and his four minor children, Lavitar, Perkins, Annie Bell and Jessie B.

The record evidence shows that none of these applicants are of the full blood and the principal applicant sets out that his ancestors who resided in the State of Mississippi in 1830 were India Brooks and Annie Marcellos.

The testimony of the applicant is to the effect that he knows nothing about the 14th article of the treaty of 1830 and there is no record evidence showing that either of said ancestors, or any of their descendants ever received a patent for lands under said article of said treaty, nor is there anything of record in the office which in any way sustains the claim of the applicant that he and his children are entitled to be identified as Mississippi Choctaws.

The office considers the decision of the Commission refusing to identify the applicants in accordance with the evidence, and recommends that the same be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. G. Tonner.

Acting Commissioner.

(W.G.B.)

P.

--- COPY ---

D. C. 18747.

DEPARTMENT OF THE INTERIOR EAF.

WASHINGTON.

ITD. 6223-1902.

October 21, 1902.

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

Gentlemen:-

August 8, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Mack Brooks and his minor children, Lavirter, Perkins Anie Bell and Jessie Brooks.

The applicants endeavor to trace their descent from one, India Brooks and One, Annie Marcellos, both of whom are said to have been full blood Mississippi Choctaw Indians residing in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Citizen of the Choctaw Nation, or that either of said alleged ancestors, or a less remote ancestor of the applicants, complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the Acts of March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513). You refused the application August 8, 1902.

Forwarding the papers October 6, 1902, the Acting Commissioner of Indian Affairs recommends your decision be approved.

- - - B - - -

A copy of his letter is inclosed. The Department has carefully reviewed the entire record and hereby affirms the decision rendered.

Respectfully,

E. A. Hitchcock,

Secretary.
J. M. D.

1 Inclosure.

M.C.R. 3890

COPY

Muskegee, Indian Territory, November 7, 1902.

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

Gentlemen:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Mack Brooks, et al., of which decision you were duly advised by mail on the 8th day of August, 1902.

Respectfully,

(SIGNED):

Samuel D. Smith
Acting Chairman.

M.C.R. 3590

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mack Brooks,

Bass, Texas.

Dear Sir:

You are hereby advised that on the 21st day of October, 1902, the Secretary of the Interior affirmed the decision of the Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Mack Brooks, et al., of which decision you were duly advised by registered mail on the 8th day of August, 1902.

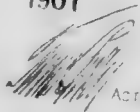
Respectfully,

Tamm Dixie.
Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FIELD

SEP 1901



ACTING CHAIRMAN

3590

Jayce Brook + farm = 13 Jan = 1880
Gaston Brooke farm = 8 Jan = 1883
Pine Brook farm = 5 Jan = 1885
The ... = 7 Jan = 1890
Jennie ... = 292

For Identification as a Mississippi Choctaw.

Date SEP 23 1901Name Mack BrooksAge 30 Blood 1/4Post Office, Pass TexasFather: Aleck Brooks (dead)Mother: Hannah Brooks (dead)

• Claims through both parents

wife: Mattie Lee Brooks ✓
(No claim for her)

Children:

<u>Joyce Brooks</u>		
<u>Larimer Brooks</u>	F	18
<u>Pirkins</u>	" M	16
<u>Annie Bell</u>	"	11
<u>Jessie</u>	"	9

Claims for support of
children.

Stenographer

G Rosenwinkel

Choctaw MCR 3591

William H. Chisholm

See MCR 3802, 3803, 3592
3763, 3762

MCR 3591

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

--0--

In the matter of the application of William H. Chisholm, et al., for identification as Mississippi Choctaws, consolidating the applications of-

William H. Chisholm, et al	M.C.R. 3591
James A. Ladd, et al	" 3592
Walter Chisholm, et al	" 3762
George W. Chisholm, et al	" 3763
John W. Chisholm	" 3802
Thomas Ralph Chisholm, et al	" 3803

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of William H. Chisholm, et al.

	(Page)
Original application of William H. Chisholm, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Testimony of Jack Ames before the Commission at Meridian, Mississippi, January 17, 1902	2
Certified copy of marriage license of W.H. Chisholm and Martha C. Witten	8
Certified copy of marriage license of W.H. Chisholm and Mary E. Frances	9
Affidavit of John Lewis	10
Affidavit of Tobias Edwards	11
Original application of James A. Ladd, et al., before the Dawes Commission for identification as Mississippi Choctaws	12

	(Page)
Testimony of Jack Ames before the Commission at Meridian, Mississippi, January 17, 1902	16
Testimony of Reuben Orr before the Commission at Muskogee, Indian Territory, February 28, 1902	19
Original application of Walter Chishelm, et al before the Dawes Commission for identification as Mississippi Choctaws	23
Certified copy of marriage license of W.T.Chishelm and Lizzie McDaniel	29
Original application of George W. Chishelm, et al before the Dawes Commission for identification as Mississippi Choctaws	30
Original application of John W. Chishelm before the Dawes Commission for identification as a Mississippi Choctaw	36
Original application of Thomas Ralph Chishelm, et al., before the Dawes Commission for identification as Mississippi Choctaws	41
Certified copy of marriage license of T.R.Chishelm and W. J. Farris	46
Decision of the Commission denying the application of William H. Chishelm, et al., for identification as Mississippi Choctaws	47

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 25, 1901.

5881

-Applicant not represented by attorney-

In the matter of the application of William H. Chisholm for the identification of himself and his four minor children as Mississippi Choctaws.

William H. Chisholm being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A William H. Chisholm (spelled by applicant)
Q How old are you? A 51 years old.
Q What is your post office address? A Sherman, Grayson County, Texas.
Q How long have you lived in Texas? A 43 years.
Q Where did you live before you lived in Texas? A Born in Mississippi
Q How long did you live in Mississippi? A About two years.
Q Where did you go to from Mississippi? A Alabama.
Q How long did you live there? A Three years.
Q Where did you go, from Alabama? A I was waterbound in Arkansas two years.
Q Where did you go to from there? A Texas.
Q Have you been living in Texas ever since that time? A Yes.
Q What was your father's name? A Thomas E. Chisholm.
Q Is he living? A He is dead.
Q What is your mother's name? A Levina.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A I claim through both my father and my mother to.
Q How much Choctaw blood do you claim? A One eighth through my mother, I don't know how much through my father.
Q Have your father and mother ever been recognized in any way or enrolled as citizens of the Choctaw Nation in the Indian Territory?
A Not that I know of.
Q Have you any evidence of your father's and mother's marriage? A No I haven't.
Q Do you think that you can secure that evidence? A I might.
Q You should endeavor to secure that evidence in support of your application? A I will.
Q Are you married? A Yes.
Q What is your wife's name? A I have been married a second time.
Q Have you any children by both wives? A Yes.
Q What is the name of your first wife? A Martha.
Q Is she living? A No.
Q What is the name of your second wife? A Mary Elisabeth.
Q Is she living? A Yes.
Q Do you make application for her? A No.
Q Your wives were both white women and made no claims to Choctaw blood?
A No.
Q Give me the names and ages of your children by your first wife who are under twenty one years of age and unmarried? A They are all over twenty one.
Q Give me the names and ages of your children by your present wife who are under twenty one years of age and unmarried? A John H. He is 15 years old
Q Next? A Jennie Fern, a girl, 13 years old.
Q Next? A Henrietta, she is nine years old.
Q Next? A girl

- Q Next? A Winnie Belle.
- Q How old? A She is seven years old.
- Q Is that all? A Yes.
- Q These are the children of your present wife? A Yes.
- Q When and where were you married to her, to Mary Elizabeth? August 2, 1876 in Grayson County, Texas.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister? A Yes.
- Q Have you your marriage license and certificate with you and wish to offer same in evidence? A No I can get a certified copy of it though. It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of your children.
- Q Is your name or 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 tribal authorities of the Choctaw Nation 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 any of your children in 1866 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1898? A No.
- Q Have you or any of 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 judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A Have not.
- Q Have you ever before this time applied to the Choctaw tribal authorities or to the authorities of the United States to have yourself or your children admitted or enrolled as members of the Choctaw tribe? A No, I guess not; there was a lawyer once robbed me out of some money but I don't know if he ever made application.
- Q When was that? A Ten years ago.
- Q That application was to have been made to the Choctaw tribal authorities? A Yes.
- Q You never heard that he did make that application? A No.
- Q Who was that lawyer? A I just forgot his name; I think his name was Gill.
- Q This is the first application you yourself have ever made? A Yes.
- Q What kind of an application do you want to make now? A As a Mississippi Choctaw.
- Q Do you claim under any of the treaties made between the United States and the Choctaw Indians? A 1830.
- Q Do you claim under the whole treaty? A Yes, under the whole treaty.
- The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of those Choctaws who claim rights in Choctaw lands under the article fourteen of the treaty of 1830 - - (By applicant) I said the whole treaty, but I mean the fourteenth article.
- Q Do you understand the provisions of that article? A I think I do.
- Q Just make a statement of what you understand that article? A At the time of 1830 they had a right to take their land there in Mississippi and make their homes there, and if they did that it would not prevent them from sharing in the lands in the Choctaw Nation here in the Territory but they could not get any of the money belonging to the Choctaws.
- Q You claim then as a descendant of a Choctaw Indian who took land in Mississippi under the fourteenth article of the treaty of 1830? A Yes.
- Q What is the name of your ancestor who lived in the old Choctaw Nation in Mississippi and Alabama in 1830? A Ralph Mason, my mother's father.
- Q What is your mother's mother's name? A Rebecca.
- Q How much Choctaw blood did your grand father claim to have? A One half

Q How old would your mother be if she were living now? A That is kind of guess work, she died when I was small, I think she would be 78.

Q Have you any evidence of the marriage of Ralph and Rebecca Mason? A No. It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q You believe then that your grand father Ralph Mason was a married man and the head of a family in 1830? A Yes.

Q Did he live in Mississippi at that time? A Yes.

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

Q What is your father's mother's name? A I don't know.

Q Do you know which one of your father's parents claimed to be Choctaw? A My father's father.

Q Do you know how much Choctaw blood he claimed to have? A I don't.

Q Do you know whether he lived in Mississippi? A Yes.

Q So John Chisholm also lived in Mississippi in 1830? A Yes.

Q But you don't know how much Choctaw blood he had? A No.

Q Have you any evidence of the marriage of your grand father and grand mother, Chisholm? A No.

It will be necessary for the Commission to be supplied with this evidence in support of your application.

Q Do you know if Ralph Mason or John Chisholm came west with the other Choctaw Indians between 1830 and 1838, to the present Choctaw Nation? A They did not.

Q Did they or either of them go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that they wanted to stay there and take land? A I can't answer that.

Q You never heard of that? A No, I heard that they owned land there.

Q Do you know which one of them owned land there? A Ralph Mason.

Q Do you know where that land was located? A No.

Q Don't know what County it was in? A Etowanda County.

Q Do you know how your grandfather got that land? A I do not.

Q Do you know that you can have the land record of that County searched and find out how he acquired that land? A Yes, and I expect to do so.

Q Do you understand that it might be a very important point in your case to have that evidence? A Yes, and I will have it looked into right away.

Q You don't know anything about your father's people having any land there? A No, I know they lived there, but I don't know about the land.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grandfather, one or both of them, lived in Mississippi in 1830, and that they were recognized Choctaw Indians, and that they or either of them within six months after the treaty of 1830 was ratified went to the Indian agent there in Mississippi and signified his or their intention to remain in Mississippi and become citizens of the States.

Q Have you any evidence on these points at this time? A I am going to bring depositions and affidavits of some of my witnesses and some of my witnesses I shall bring in person.

Q Where you can't bring your witnesses in person, will you have their depositions taken? A Yes.

Q You understand that the oral testimony of witnesses carries more weight with it than their affidavits or 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 allowed to do so and the same will be made a part of the record in your case.

Q Have you any papers that you want to file now? A No, not to-day.

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has brown hair, brown eyes, a rather florid complexion and tawny moustache; his features and general appearance are those of a white man; he knows of no compliance of his ancestors

with the provisions of the treaty of 1825, although it appears from
his testimony that his grand father lived in accordance with that
treaty was made.

.....

Chas. J. W. being sworn states that no objection is made
by the Five Civilized Tribes, he swears that the
proceedings in the above case and that the foregoing is a true
and correct transcript of his statements.

Chas J W

Subscribed and sworn to before me this 24 day of September, 1881.

W. H. Chubb
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, January 17th, 1902.

J. A. Ladd et al, M.C.R. 3592)
vs
The Choctaw Nation. }

W. H. Chisholm et al, M.C.R. 3591)
vs
The Choctaw Nation. }

Additional testimony taken at Meridian, Mississippi, on the 17th day of January, 1902, in the above styled and numbered cases.

Jack Amos, having been first duly sworn, testified as follows:-

(Oscar Billey, official interpreter).

Examination by the Commission.

- Q What is your name? A Jack Amos.
Q What is your Choctaw name? A I-yah-han-tha-tubbee.
Q How old are you? A I cant tell you.
Q About how old are you? A About seventy-two or seventy-three.
Q What is your postoffice address? A Melon, Mississippi.
Q What County? A Newton County.
Q Are you a full blood Choctaw Indian? A Yes.
Q How long have you lived in Mississippi? A All my life. Born here.
Q Were you ever in Indian Territory? A I was there a little while.
Q How long? A About two weeks.
Q When? A Way before the war. I had a wife named Sooky and she went there.
Q Do you appear before the Commission at this time for the purpose of testifying in the cases of J.A.Ladd et al vs the Choctaw Nation and W.H.Chisholm et al vs The Choctaw Nation? A Yes.
Q Are you acquainted with either of the applicants? A No sir.
Q Do you know the name of the mother of either of them? A No sir.
Q Or of the father of either of them? A No sir.
Q Do you know the names of any one of the ancestors of either of these applicants? A No sir, I appear here at the request of the applicants to testify with reference to one Ralph Mason who the applicants claim is their mother's father. I haven't seen Mason since sometime in the forties and of course have no knowledge as to whether the applicants are the descendants of the Ralph Mason whom I knew in Mississippi at an early day.
Q You were at one time acquainted with a man here in Mississippi by the name of Ralph Mason, were you? A Yes sir.
Q When and where did you make his acquaintance? A Old Yazoo Village, in Neshoba County, sometime in the forties when the Government Commissioners were in session at that place hearing the cases of Choctaws claiming land here in Mississippi from the Government.
Q About how old a man was Ralph Mason at the time you saw him there?
A I cant tell you that.
Q Was he an old man or a young man? A He was a young man.
Q Was he married at that time? A I don't know, sir-I don't think he was.

Q Do you think he was as much as thirty years old? A I reckon so.

Q About how old were you at that time? A I reckon I was about fourteen or fifteen.

Q You went there with your parents, did you, to Yazoo Village? A Yes sir.

Q How long did you remain there at Yazoo Village? A About one month.

Q What month was it you were there? A I don't know.

Q Was it in Winter or Summer? A Summer.

Q Did you know this man Ralph Mason during that whole month? A Yes, he was there pretty much all the time.

Q You just struck up with him there where the Choctaws were in camp around the town where the Commission was in session? A Yes sir.

Q Do you know where he lived at that time? A No sir.

Q Did he speak or understand the Choctaw language? A Pretty good.

Q Did he talk English too? A Yes sir.

Q How much Choctaw blood did this man have? A I cant tell you about that.

Q How much would you think he had? A I think he was about half.

Q Did you ever hear him say? A No sir, I heard others say that he was half Choctaw.

Q Did he associate with the Choctaws or with the white folks? A He stayed with the Choctaws most of the time-he was in camp with the Choctaws.

Q Did you ever see his father or mother? A No sir.

Q You were there a month with him but you never did see either of his parents? A No sir, none but him.

Q Were his parents with him there in camp at that time? A I don't know.

Q Did you ever hear him say what the name of either his father or mother was? A No sir, never heard that.

Q Did you ever hear him say what his business was there at Yazoo Village? A After some land.

Q Did he tell you that that was what he was there for? A Hugh McDonald said he was after land.

Q That is-Hugh McDonald told you that Ralph Mason was there after land? A Yes sir, he told my uncle that. I heard it.

Q You heard the conversation? A Yes sir.

Q Do you know whether Ralph went before the Commissioners and tried to get land? A All I know is he went there and talked.

Q He went before them, did he? A Yes sir.

Q Do you know whether he got any land or not? A I don't know.

Q Do you know whether he got any scrip or not? A I don't remember whether he did or not.

Q Did you ever see Ralph Mason again after you left that camp?

A No sir, never saw him no more.

Q Do you know where he went from there? A No sir, he was there when we left. He was with Adam Morris and Jim Morris.

Q You don't know whether Ralph ever went to Indian Territory, do you? A No sir, I don't know about that.

Q Do you understand the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Did Ralph Mason or any of his ancestors ever comply or attempt to comply with the provisions of this 14th article or ever receive any benefits thereunder? A I don't know.

Q Do you know where he was living when the treaty was made? A nNo sir, I don't know-I was small then.

J.A.Ladd et al---3

Q You never heard of him at all until you went there before the Commission in the forties? A No sir, just know him then.

Q Did you ever hear him say whether he had a Choctaw name? A No sir.

Q You don't know whether he had one or not? A No sir, I don't. He may have had but I don't know.

Q Do you understand what this scrip is that was issued under the act of Congress approved August 23, 1842? A Yes sir, I have seen it here at an early day.

Q You don't know whether this man Ralph Mason ever got any of this scrip, or not? A No sir, I do not.

Q Or whether he ever got any land here in Mississippi or elsewhere from the Government? A No sir, I don't know anything about that.

Q Or any money? A No sir.

Q You spoke a while ago about Ralph Mason having appeared before the Commission--were you there when Ralph went up before the Commissioners and was examined? A I was close, I was not right there.

Q Were you in the room when he went before them? A Yes sir, I was in the same house.

Q Do you remember the names of either one of these Commissioners? A No sir, I forgot.

Q Do you know whether when he appeared before these Commissioners he appeared there in his own behalf to establish his right to land or whether he was there to testify for some one else? A I wasn't close enough to hear what was said.

Q Are you related in any way to these applicants, are you any kin to them--these people Ladd and Chisholm? A I don't know whether I was or not.

Q Were you any kin to Ralph Mason? A No sir.

Q Are you interested in any way in the result of their cases? A No sir.

This witness is undoubtedly a full blood Indian--he speaks and understands the Choctaw language and also speaks and understands English fairly well, the examination having been conducted chiefly in English. He is an Indian of above the average intelligence and has given in his testimony in a straight forward manner, impressing one with the truthfulness of his statements.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause, heard at Meridian, Mississippi, January, 17th, 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 22nd day of January, 1902, at Meridian, Mississippi.

L. B. Marley
Clerk U. S. Circuit Court, Southern
District of Mississippi.

By *[Signature]* Deputy.


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

-----eOee-----

In the matter of the consolidated Mississippi Choctaw case of William H. Chisholm, et al., M C R 3591.

Now on this 18th day of April, 1904, comes W. H. C. Greer, Agent for the applicants in the above entitled cause, and files his motion for a continuance in said case for thirty days in order that the depositions of certain witnesses may be introduced, and, after a consideration of said motion, it is the opinion of this Commission that the same should be granted, and it is so ordered. And, further, that said W. H. C. Greer be advised of the action of the Commission and that the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. be allowed until Wednesday, May 18, 1904, in which to introduce the testimony of witnesses in support of their claim.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.

Muskogee, Indian Territory

J. G. W.
C. v. W.

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

In the matter of the application of William H. Chishelm, et al., for identification as Mississippi Choctaws, consolidating the applications of-

William H. Chishelm, et al	H. C. R. 2691
James A. Ladd, et al	" 2692
Walter Chishelm, et al	" 2702
George W. Chishelm, et al	" 2703
John W. Chishelm	" 2802
Thomas Ralph Chishelm, et al	" 2803

-- DECISION --

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by William H. Chishelm for himself and his four minor children, John H., Jessie Fern, Henrietta and Winnie Belle Chishelm; by James A. Ladd for himself and his three minor children, James Luther, Arthur and Levia Belle Ladd; by Walter Chishelm for himself and his minor child, Pearl Chishelm; by George W. Chishelm for himself and his three minor children, William H. Jr., John W. Jr., and Ethel Chishelm; by John W. Chishelm for himself, and by Thomas Ralph Chishelm for himself and his three minor children, Hennie, Allie and Jessie Lois Chishelm, under the following provision of the Act of Congress

approved June 28, 1898 (30 Stats., 498):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Ralph Mason, 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, 1890 (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 Ralph Mason, or ancestors less remote than him, or any of the applicants herein, signified

(3)

(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., 813).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chishelm, John H. Chishelm, Jessie Fern Chishelm, Henrietta Chishelm, Winnie Belle Chishelm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chishelm, Pearl Chishelm, George W. Chishelm, William H. Chishelm Jr., John W. Chishelm Jr., Ethel Chishelm, John W. Chishelm, Thomas Ralph Chishelm, Bessie Chishelm, Allie Chishelm and Jessie Lois Chishelm, as Chectaw Indians entitled to rights in the Chectaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.



ACTING CHAIRMAN.

Muskogee, Indian Territory,
JUL 22 1902



Commissioners.

COPY.

H.C.R. 3691.

Muskogee, Indian Territory, July 28, 1908.

W.H.C. Greer,

Attorney at Law,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William K. Chishelm, et al., embracing the following applications for identification as Mississippi Choctaws:

William K. Chishelm, et al.,	H.C.R. 3691
James A. Ladd, et al.,	" 3692
Walter Chishelm, et al.,	" 3762
George W. Chishelm, et al.,	" 3763
John W. Chishelm,	" 3808
Thomas Ralph Chishelm, et al.,	" 3809

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 William K. Chishelm, John K. Chishelm, Jessie Fern Chishelm, Henrietta Chishelm, Winnie Belle Chishelm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chishelm, Pearl Chishelm, George W. Chishelm, William K. Chishelm, Jr., John W. Chishelm, Jr., Ethel Chishelm, John W. Chishelm, Thomas Ralph Chishelm, Bessie Chishelm, Allie Chishelm and Jessie Lois Chishelm, 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,

(S)

E. D. Hedico

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, July 23, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Chisholm, et al.,	H.C.R. 3591
James A. Ladd, et al.,	" 3592
Walter Chisholm, et al.,	" 3762
George W. Chisholm, et al.,	" 3765
John W. Chisholm,	" 3802
Thomas Ralph Chisholm, et al.,	" 3803

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

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

Said decision concludes as follows:

H M M A C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William N. Chishelm, John N. Chishelm, Jessie Fern Chishelm, Henrietta Chishelm, Winnie Belle Chishelm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chishelm, Pearl Chishelm, George W. Chishelm, William N. Chishelm, Jr., John W. Chishelm, Jr., Ethel Chishelm, John W. Chishelm, Thomas Ralph Chishelm, Bessie Chishelm, Allie Chishelm and Jessie Lois Chishelm, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

Commissioner in Charge.

COPY.

M.C.R. 8391.

Washington, Indian Territory, July 22, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William H. Chisholm, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 22, 1908.

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

William H. Chisholm, et al.,	M.C.R.	3691
James A. Ladd, et al.,	"	3752
Walter Chisholm, et al.,	"	3762
George W. Chisholm, et al.,	"	3763
John V. Chisholm,	"	3808
Thomas Ralph Chisholm, et al.,	"	3803

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.

(Secretary - 2)

Respectfully,

Yours,

T. E. Juddies.

Through the Commissioner of
Indian Affairs.

Commissioner in Charge.

1 enclosure.

COPY.

H.C.R. 2891.

Washgton, Indian Bureau, July 22, 1908.

William N. Chisholm,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William N. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

William N. Chisholm, et al.,	H.C.R.	2891
James A. Ladd, et al.,	"	2892
Walter Chisholm, et al.,	"	2762
George W. Chisholm, et al.,	"	2763
John W. Chisholm,	"	2893
Thomas Ralph Chisholm, et al.,	"	2894

These applications were made under the provision of the act of Congress of June 22, 1906 (34 Stat. 426) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chisholm, John K. Chisholm, Jessie Fern Chisholm, Henrietta Chisholm, Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Lovina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm, Jr., John W. Chisholm, Jr., Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm and Jessie Lois Chisholm, 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,

(S)

[Signature]

Commissioner in Charge.

Registered.

CONF.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS

Land
42907-1902.

WASHINGTON, October 13, 1902.

The Honorable,

The Secretary of the Interior.

Sirs

There is transmitted, herewith, the record and evidence had before the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of William H. Chisholm, et al.

The following cases are consolidated therein:

William H. Chisholm, et al.

James A. Ladd, et al.

Walter Chisholm, et al.

George W. Chisholm, et al.

John W. Chisholm,

Thomas Ralph Chisholm, et al.

On July 22, 1902, the said commission rendered a decision in this consolidated case finding that the evidence submitted in behalf of their claim is insufficient to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

The applicants claim their right to identification as Mississippi Choctaws by reason of being the descendants of one Ralph Mason who they claim was married and the head of a family in 1830 and resided in Mississippi.

There is no evidence submitted by the applicants which shows that their alleged ancestor, Ralph Mason, or any of their ancestors, ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 nor is there any evidence tending to show that any of their said ancestors ever received a patent for land by complying or attempting to comply with the provisions of said article.

The record evidence does show that none of the applicants are Choctaw Indians of the full blood.

The office records have been examined relative to the compliance with the provisions of article 14 on the part of said ancestors and it nowhere shows that Ralph Mason or any of said ancestors complied or attempted to comply with the provisions of said article or received a patent for land thereunder.

The office therefore considers said decision of the commission correct and recommends that it be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

(W. C. B.)

P.

D.C. 21769

COPY

JP

DEPARTMENT OF THE INTERIOR.

I.T.D 6367-1902.

WASHINGTON

FILE

LES.

November 11, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

July 22, 1902, you submitted the consolidated Mississippi Choctaw case of William W. Chisholm, John M. Chisholm, Josie Fern Chisholm, Henrietta Chisholm and Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm Jr., John W. Chisholm Jr. Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm, and Jossie Lois Chisholm, No. 3891, having found that the evidence was insufficient to determine the identity of the applicants as Choctaw Indians entitled to rights in the Choctaw Nation under the provisions of article 14 of the treaty of 1830.

* The Acting Commissioner of Indian Affairs, October 13, 1902, submitting the case, stated that there is no evidence which shows that the claimants' alleged ancestor, Ralph Mason, or any of their ancestors, ever complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, nor is there any evidence tending to show that any of their said ancestors ever received a patent for land by complying or attempting to comply with the provisions of said article; that it is shown that none of the

applicants are full blood Choctaw Indians; that the records of his office, do not yet show that Ralph Mason complied or attempted to comply with the provisions of said article, or received a patent for land thereunder, and he recommends that your decision be affirmed.

The name of "Mason" appears on a list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian office, this, however, in the absence of any suggestion from the claimants, would not warrant the Department in remanding the case to allow them an opportunity to appear and show that this "Mason" was the Ralph Mason through whom they claim.

Your decision is hereby affirmed. You will furnish the principal applicants a copy hereof in giving notice, in order that they may have due opportunity, if they consider they have any rights through said "Mason", to file a motion for rehearing and furnish affidavits as a basis therefor. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

EMB.

COPY.

M. C. R. 3591

Muskogee, Indian Territory, November 22, 1902.

William H. Chisholm,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 11th 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 William H. Chisholm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

Acting Chairman.

Inclosures.
MCS 2

COPY.

M. C. R. 3591.

Muskogee, Indian Territory, November 22, 1902.

W. H. C. Greer,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 11th 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 William H. Chisholm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

By direction of the Secretary of the Interior, the principal applicants have this day been furnished a copy of his letter affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

(SIGNED)

James D. Doby.

Acting Chairman.

COPY.

M. O. R. 3591.

Muskogee, Indian Territory, November 22, 1902.

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

Gentlemen:

You are hereby advised that on the 11th 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 William H. Chishelm, et al., of which decision you were advised by mail on the 22d day of July, 1902.

By direction of the Secretary of the Interior, the principal applicants have this day been furnished a copy of his letter affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

~~CHISHELM~~

Acting Chairman.

Refer in reply to
the following:

(COPY)

Land.
43082-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, February 16, 1904.

The Honorable,
Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of July 7, 1903, referring to the fact that with departmental letter of June 5, 1903, (I.T.D. 4432, 1903), the record of the Mississippi Choctaw case of Malinda C. Satterfield et al was remitted to the Commission for further hearing.

In said letter the Department stated as follows:

"The Department finds that the name Mason appears on a list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830 furnished the Department by the Indian Office. In view of this fact the Department is not willing that the case should be adjudicated at the present time and it is hereby returned to you for proper action."

The Commission expresses a desire to call the attention of the Department that on July 22, 1902, the Commission transmitted to the Department the record in the consolidated Mississippi Choctaw case of William H. Chisholm together with its decision of that date refusing the applications of the several persons included therein for identification as Mississippi Choctaws and on November 11, 1902, (I.T.D. 6367, 1902) you confirmed the decision of the Commission in the following language:

"The name of 'Mason' appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office, this, however, in the presence of any suggestion from the claimants would not warrant the Department in remanding the case to allow them an opportunity to appear and show that this "Mason" was the Ralph Mason through whom they claim. Your decision is hereby affirmed. You will furnish the principal applicant a copy thereof in giving notice, in order that they may have due opportunity if they consider they have any rights through said "Mason", to file a motion for a re-hearing and furnish affidavits as a basis therefore"

The Commission say it is believed by them that the Department has undoubtedly overlooked the fact that the applicants in the case of Malinda C. Satterfield et al claim descent from the same ancestors as the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm et al which fact was called to the Department's attention by the note attached to the record in the case of Malinda C. Satterfield et al.

The record in the Mississippi Choctaw case of Malinda C. Satterfield et al is therefore returned by the Commission in order that the Department if it considers that the applicants in said case are entitled to the re-hearing, may, if it so desires, reopen the consolidated Mississippi Choctaw case of William H. Chisholm et al for taking of additional testimony therein.

Very respectfully,

A C Tonner

Acting Commissioner.

C O P Y

W.C.F.

DEPARTMENT OF THE INTERIOR,
Washington.

I.T.D. 1330-1904.

March 2, 1904.

L R S

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

Gentlemen:

With your letter of July 7, 1903, you returned the record in the Mississippi Choctaw case of Malinda C. Satterfield, et al.

The applicants in this case trace their Choctaw descent from Ralph (or Thomas Ralph) Mason.

You rejected the applicants April 10, 1903. On June 5, 1903, the Department remanded the case for the reason that the name of Mason appears on a list of Choctaws to whom scrip was issued under the Choctaw treaty of 1830.

You call attention to the fact that the applicants in this case claim descent from the same ancestor as do the applicants in the case of William H. Chisholm, et al., in which case your decision rejecting the applicants was approved by the Department on November 11, 1902 (I.T.D. 6367-1902); you therefore returned the record in the case of Malinda C. Satterfield, et al., in order that the Department may, if it desires, reopen the case of William H. Chisholm, et al.

In order that the rights of the applicants in both cases may be fully protected, the Department returns herewith the evidence submitted in the case of Malinda C. Satterfield, et al.; also

that in the case of William H. Chisholm, et al., and you are directed to take appropriate action in each case, in accordance with the instructions contained in departmental letter of June 5, 1903, remanding the case of Malinda C. Satterfield, et al.

A copy of the Acting Commissioner of Indian Affairs' letter of February 16, 1904, submitting your letter of July 7, 1903, is inclosed herewith.

Respectfully,

Thos. Ryan,

Acting Secretary.

3 inclosures.

Muskogee, Indian Territory, March 24, 1904.

W. H. C. Greer,
Attorney at Law,
Sherman, Texas.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

In a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda C. Satterfield, et al., the Secretary of the Interior stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Depart-

WRCC 2

ment by the Indian Office.

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

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

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

Muskogee, Indian Territory, March 24, 1904.

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

Gentlemen:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such

M McM & C 2

witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon the opposite party.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, March 24, 1904.

William H. Chisholm,
Sherman, Texas.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., it appearing from the records that said Malinda C. Satterfield claimed her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated case of William H. Chisholm, et al. claim their descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda Satterfield, et al., stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Department by the Indian Office.

W H C 2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants ancestors.

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by

W H C 3

the acts of Congress of March 3, 1837 and August 23, 1842.

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

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

M.C.R.3591

Muskogee, Indian Territory, April 15, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 11, 1904, requesting that the Commission furnish you with copies of the testimony of the following persons given at the time they made application for identification as Mississippi Choctaws:

Malinda C. Satterfield,	M.C.R.3843.
William H. Chisholm,	M.C.R.3591.
Walter W. Chisholm,	M.C.R.3762.
James A. Ladd,	M.C.R.3592.
John W. Chisholm,	M.C.R.3802.
George W. Chisholm,	M.C.R.3763.
Thomas Ralph Chisholm,	M.C.R.3803.

In reply to your letter you are advised that copies of such testimony are herewith enclosed you.

Respectfully,

Commissioner in Charge.

JYM-19.

Muskogee, Indian Territory, April 15, 1904.

Mansfield, McMurray & Cornish,

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

Gentlemen:

Receipt is hereby acknowledged of your letter of April 11, 1904, in which you ask that the Commission furnish you a copy of the testimony of Jack Amos, given at Meridian, Mississippi, on January 17, 1902, in the Mississippi Choctaw case of William H. Chishelm, et al.; also a copy of the testimony of Reuben Orr, taken on February 28, 1902, at Muskogee, Indian Territory, in the same case.

In reply to your letter you are advised that a certified copy of the testimony of Jack Amos referred to in your letter is herewith enclosed. There is also enclosed a copy of the testimony given by Reuben Orr before this Commission in the matter of the application for identification as Mississippi Choctaws of James A. Ladd, et al. It is presumed that this is the testimony requested by you.

Respectfully,

JYM-21.

Commissioner in Charge.

M.C.R.3591

Muskogee, Indian Territory, April 20, 1904.

W. H. O. Greer,

P. O. Box 157,

Sherman, Texas.

Dear Sir:

There is enclosed you herewith one copy of the decision of the Commission to the Five Civilized Tribes, granting your motion for a continuance of thirty days from April 18, 1904, in the consolidated Mississippi Choctaw case of William H. Chisholm, et al.

Respectfully,

Chairman.

JYM-26.

M.O.R.3591

Muskogee, Indian Territory, April 23, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

There is enclosed you herewith one copy of the decision of the Commission granting a continuance in the consolidated Mississippi Choctaw case of William J. Chisholm, et al., until Wednesday, May 18, 1904.

Respectfully,

Chairman.

JYM-28.

Muskogee, Indian Territory, May 24, 1904.

Butchings, Murphoy & Parker,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of April 22, 1904, relative to the Mississippi Choctaw case of William H. Ohishola, et al., referred to you by Mr. W. H. C. Greer, of Sherman, Texas. You therein request that the Commission communicate with the Department and obtain certain records relating to one Mason, whose name is similar to that of an ancestor through whom the applicants in the above entitled case claim.

In its letter of May 6, 1904 (I.T.D.5303-1902-7856-1903-3560-1904), touching a similar case, the Department states:

"In this report the Commissioner purposely omitted to set out in detail the information contained in the records of the Indian Office relative to the Foster family, believing at that time, as the Department understands, that to disclose such evidence as the records of his office might afford would be impolitic."

Such being the attitude of the Department, it would be useless to make such request.

Respectfully,

Commissioner in Charge.

Waukegee, Indian Territory, June 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On June 8, 1903 (I T D 4482-1903), the Department remanded the record theretofore forwarded it in the Mississippi Choctaw case of Malinda C. Satterfield, et al., in which case the applicants trace their Choctaw descent from Ralph (or Thomas Ralph) Mason, for the reason that the name of Mason appeared on a list of Choctaws for whom scrip was issued under the Choctaw treaty of 1830.

The record in the above mentioned case was returned to the Department on July 7, 1903, and attention was respectfully invited to the fact that the applicants in this case claim descent from the same ancestor as do the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., in which case the Commission's decision rejecting the applicants was approved by the Department on November 11, 1902 (I T D 6367-1902).

The Department, with its letter of March 2, 1904 (I T D 1330-1904), returned to this Commission the evidence submitted in the case of Malinda C. Satterfield, et al.; also that in the case of William H. Chisholm, et al., in order that the rights of the applicants in both cases might be fully protected, and directed the

Commission to take appropriate action in each case, in accordance with the instructions contained in departmental letter of June 5, 1903, remanding the case of Malinda C. Satterfield, et al.

In accordance with such departmental instructions the Commission, on March 24, 1904, notified all parties in interest in the Mississippi Choctaw case of Malinda C. Satterfield, et al. and the consolidated Mississippi Choctaw case of William H. Chisholm, et al., that it would, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered in support of this case.

On April 18, 1904, W. H. C. Greer, agent for the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., filed a motion for a continuance in said case for thirty days, in order that the depositions of certain witnesses might be introduced, and, after a consideration of said motion, the same was granted by the Commission; a copy of the motion and of the Commission's decision granting the same being attached to the record herewith forwarded.

As there has apparently been no effort made to secure said depositions, and as no additional testimony has been offered by the applicants, the original record in the Mississippi Choctaw

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case of Malinda C. Satterfield, et al., and the consolidated Mississippi Choctaw case of William H. Chisholm, et al. are herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

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43908-1904.

DEPARTMENT OF THE INTERIOR,

42967-1904.

OFFICE OF INDIAN AFFAIRS,

Washington, November 9, 1904

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated June 30, 1904, transmitting the record in the application for identification as Mississippi Choctaws by Malinda C. Satterfield and her four minor children, William Fred, Nellie Lou, Mollie May and Harry Clifford Satterfield; also the record in the consolidated applications for identification as Mississippi Choctaws by William H. Chisholm for himself and his four minor children, John M., Josie Fern, Henrietta and Winnie Belle Chisholm; by James A. Ladd for himself and his three minor children, James Luther, Arthur and Levina Belle Ladd; by Walter Chisholm for himself and his minor child, Pearl Chisholm; by George W. Chisholm for himself and his three minor children, William H. Jr., John W. Jr., and Ethel Chisholm; by John W. Chisholm for himself, and by Thomas Ralph Chisholm for himself and his three minor children, Bessie, Allie and Jessie Lois Chisholm.

April 10, 1903, the Commission decided adversely to the application of Malinda C. Satterfield et al.

July 22, 1902, the Commission decided adversely to the application of William H. Chisholm et al.-and on November 11, 1902, the Department approved the decision.

March 2, 1904, the Department returned to the Commission the record in the case of Malinda C. Satterfield et al; also that in the case of William H. Chisholm et al., in order that the rights of the applicants in both cases might be fully protected and directed the Commission to take appropriate action in each case.

March 24, 1904, the Commission notified all parties in interest in each case, that it would up to and including April 26, 1904, hear the testimony of such witnesses as might present themselves. April 16, 1904, the Commission granted the applicants an extension of thirty days for the purpose of taking depositions. It does not appear that any testimony has been filed since the cases were remanded to the Commission.

The records show that the applicants in the case of Malinda C. Satterfield et al., claim descent from the same ancestor, Ralph (or Thomas Ralph) Mason as the applicants in the case of William H. Chisholm et al.

In view of the approval of the Commission's decision by the Department in the case of William H. Chisholm et al., and the fact that no further evidence has been filed, the approval of the Commission's decision adverse to the applicants, Malinda C. Satterfield et al., and of William H. Chisholm et al., is recommended.

Very respectfully,

A.C. Tonner

Acting Commissioner.

M.M.M.
V.

DEPARTMENT OF THE INTERIOR,

WCF

D. C. 68438-1904.
I.T.D. 11528-1904.

WASHINGTON.

FHE

November 22, 1904.

LRE

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

Gentlemen:

On June 30, 1904, you returned the record in the Mississippi Choctaw case of Malinda C. Satterfield, et al. (M.C.R. 3643); also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. (M.C.R. 3691).

It appears that on November 11, 1902, the Department approved your decision of July 22, 1902, adverse to the applicants in the case of William H. Chisholm, et al. On April 10, 1903, you rejected the applicants in the case of Malinda C. Satterfield, et al, and on June 5, 1903, the Department remanded said case for further investigation. On July 7, 1903, you returned the record in said case and called the attention of the Department to the fact that the applicants in this case claim descent from the same ancestor as do the applicants in the case of William H. Chisholm, et al. On March 2, 1904, the Department returned to you the evidence submitted in the case of Malinda C. Satterfield, et al, also that in the case of William H. Chisholm, et al, and instructed you to conduct further investigation in each case, in accordance with the instructions contained in departmental letter of April 2, 1903, in the Mississippi Choctaw case of Harriet Adkins.

-2-

It appears that on March 24, 1904, you notified all parties in interest that you would, up to April 26, 1904, hear and consider any evidence that might be produced in either of the cases above mentioned. It also appears that on April 18, 1904, W.H.C. Greer, attorney for the applicants in the case of William H. Chisholm, et al, filed a motion for a continuance in said case for thirty days, in order that the depositions of certain witnesses might be introduced, which motion was granted. It appears that no depositions were secured and no additional testimony offered by the applicants.

Reporting in the matter November 7, 1904, the Acting Commissioner in Indian Affairs recommends that your decisions in both cases be approved.

The Department concurs in said recommendation, and your decisions rejecting the applicants in both cases are approved.

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

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 3591

Muskogee, Indian Territory, November 30, 1904.

William H. Chisholm,
Sherman, Texas,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

Commissioner in Charge.

M. C. R. 3591

Muskogee, Indian Territory, November 30, 1904.

W. H. C. Greer,
Attorney at Law,
Sherman, Texas,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 23, 1904, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

RECORDED

T. B. Needles.

Commissioner in Charge.

Muskogee, Indian Territory, November 30, 1904.

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

Gentlemen:

You are hereby notified that the Secretary of the Interior on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Ralph Mason (1/2)
 wife
 R. W. Mason

Mose Mason

Levina Mason (70 or 60)
 lead (1/4?)

married

(1) Thomas E. Chisholm
 dead

Parents:
 Father: John Chisholm
 Mother: Rebecca Chisholm

(2) Hezekiah Ladd
 dead

(+ 3591 app. claims thro' both parents,
 others thro' mother only)

or 211

MCR
 3591

William H. Chisholm 51-1/8
 (or W. H. Chisum)

married

(1) Martha P. Witten - w.
 dead

(2) Mary E. Frances - w.

MCR
 3802

John W. Chisholm 49-1/8

MCR
 3803

Thomas R. Chisholm 44-1/8

married

Mary J. Farris - w.

MCR
 3592

James A. Ladd 39-1/8

wife

Joan Ladd - w.

MCR
 3673

George W. Chisholm 27-1/2

wife

Marcy Chisholm - w.

MCR
 3672

Walter Chisholm 25-1/2
 (or W. B.)

married

Lizzie M. Daniel - w.

MCR
 3596

John M. Chisholm 15

Gosie Fern " 13

Henrietta " 9

Winnie Belle " 7

MCR
 3673

William H. Chisholm 5

John W. " 3

Ethel " 3 m

MCR
 3672

Pearl Chisholm 2

MCR

Bessie Chisholm 14

Allie " 11

Levina Belle " 21 m

MCR
 3572

James Luther Ladd 15

Arthur " 13

Levina Belle " 6

Copy of testimony in this case sent to Mansfield, McMurray & Cornish
April 14, 1904.

McM

10/19/05

Received of the Commissioner to the
5 Civilized Tribes 1 copy each
of the testimony of Jack Amos
& Wm H. Chisholm in the case
of Wm Chisholm, et al

Musfield, W. M. Murrey, Comish

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name William H. Chisholm

Age 51

Blood

1/8

Post Office, Sherman, Texas

Father: Thomas W. Chisholm (dead)

Mother: Levisa Chisholm (dead)

Claims through both parents

1st wife: Martha C. Chisholm (dead)

2nd wife: Mary E. Chisholm
(no claim for her)

Children:

John M. Chisholm 15

Yosie Fern " F 13

Henrietta " 9

Hinnie Belle " 7

Mother: Mary E. Chisholm

Claims for self and 4 children

Stenographer

Charles von Heise

Choctaw MCR 3592

James A. Ladd

See MCR 3591

MCR 3592

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, T. T. September, 23, 1901.

3592

-Applicant not represented by attorney -

In the matter of the application of James A. Ladd for the identification of himself and his three minor children as Chickasaw Indians.

JAMES A. LADD, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A James A. Ladd. (Spelled by applicant)
Q How old are you? A I am 38.
Q What is your postoffice address? A Sherman, Texas.
Q How long have you lived in Texas? A Lived there ever since '84.
Q Where did you live before you lived in Texas? A In Arkansas.
Q How long did you live there? A Eight years.
Q Where did you live before you lived in Arkansas? A Texas.
Q How long did you live in Texas that time? A About thirteen years.
Q Where did you live before you lived in Texas that time? A I was born in Texas.
Q What is your father's name? A Ezekiel Ladd.
Q Is he living? A No.
Q What is your mother's name? A Levina Ladd.
Q Is she living? A No.
Q Through which one of your parents do you claim your Chickasaw blood?
A My mother.
Q How much Chickasaw blood do you claim? A I don't know, I think about one eighth.
Q Has your mother ever been recognized in any way or ever been a member of the Chickasaw tribe of Dallas in the Indian Territory? A No.
Q Are you married? A Yes.
Q What is your wife's name? A Jenn.
Q Is she living? A Yes.
Q Do you make application for her? A No.
Q She is a white woman? A Yes.
Q And makes no claim to Chickasaw blood? A None.
Q Give me the names and ages of your children for whom you are applying who are under twenty one years of age and unmarried? A James Ladd.
Q How old? A 15.
Q Next? A Arthur.
Q How old? A 13.
Q Next? A Levina Belle. (Spelled by applicant)
Q How old? A Six.
Q What all? A Yes.
Q These are your children? A Yes.
Q What is the name of their mother? A Jenn.
Q When and where were you married to her? A At Sherman in '84.
Q Did you get a license to marry her? A Yes.
Q Were you married by an ordained minister or by an officer? A By a minister.
Q Have you your marriage license and certificate and wish to file same at this time? A No.
It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of your the application which you make for your children.
Q Is your name or the names of any of your children on any of the tribal rolls of the Chickasaw Nation in the Indian Territory? A No.

Q Have you ever applied to the tribal authorities of the Choctaw Nation 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 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 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 that you have ever made? A Yes.

Q What kind of an application do you make now? A Under the Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Yes.

Q Under which one of these treaties? A Fourteenth article of 1830.

Q Fourteenth article of the treaty of 1830? A Yes.

Q Do you understand the provisions of that article of the treaty? A I don't know as I do.

In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those states and removing them to the country west of the river; but some of the Indians didn't want to come west, and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west: article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land for 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 land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaws who didn't 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 there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever remove they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him they wanted to stay there and take land, but when a man was sent down there 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 Indian agent there and signified their intention to remain and whose names were not on the list made out by the Indian agent; so under the different acts of Congress, men were appointed as Commissioners and sent down there to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred of this kind of cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could buy land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q What was the name of your ancestor who was living in Mississippi in 1830 and was a recognized Choctaw Indian? A Well my mother's father, Ralph Mason.

Q Is Levina Ladd, your mother, the same Levina who is the mother of William, H. Chicklain? A Yes.

Q Then you and William H. Chicklain are half brothers? A Yes.

Q Was Ralph Mason living in Mississippi in 1830? A I think so.

Q How much Choctaw blood did he claim to have? A One half I think—I don't remember exactly.

Q Did Ralph Mason come to the present Choctaw Nation with the other Choctaw Indians between 1830 and 1835? 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 and take land? A I don't know.

Q What was your mother's mother's name? A Rebecca I think.

Q Did she claim to have any Choctaw blood? A I don't know.

Q Have you any evidence of the marriage between Ralph and Rebecca Mason? A I haven't any now.

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q Did Ralph Mason own any land in Mississippi, Alabama, Arkansas or Louisiana? A I think they said he did.

Q In which State? A In Mississippi.

Q Do you know in what part of Mississippi? A I don't.

Q Do you understand that it might be of considerable importance to your claim if you could find out that fact? A Yes.

Q Do you expect to have it looked up? A Yes.

In order for you to be identified as a Mississippi Choctaw it will be necessary for you to bring evidence to prove that your grand father, Ralph Mason, was living in the old Choctaw Nation in Mississippi, was a recognized Choctaw Indian, that you are his lineal descendant, and that within six months after the treaty of 1830 was ratified, he went to the Indian agent there in Mississippi and signified his intention to remain there or tried to do so.

Q Have you any evidence on those points at this time? A Not now.

Q Do you expect to procure that evidence? A Yes.

Q Will you bring your witnesses in person before the Commission for examination? A Yes, some of them.

Q Those that you cannot bring before the Commission in person, will you take their depositions? A Yes.

Q You understand that the oral testimony of witnesses carries more weight than their depositions or affidavits? A Yes.

Q Have you any papers that you doubt to file at this time? A No.

Q Is there any other statement that you want to make at this time in support of your application? 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 allowed to do so and the same will be made a part of the record in your case.

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This applicant has brown hair and mustache, brown eyes, and a square chin; his features and general appearance are those of a white man; he professes to be a compliance of her Majesty with the provisions of the fourteenth article of the treaty of 1866, although he claims from his testimony that his great father lived in violation of that treaty was made.

.....

Chas. von Weis, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weis

Subscribed and sworn to before me this the 24 day of September, 1901.

Wm. S. Kelley
Notary Public.

TAOKE CHAPIN

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

In the matter of the application for identification as Mississippi Choctaws of James A. Ladd, et al., M.C.R. 2892.

W. H. C. Greer, Agent, representing applicants.

Reuben Orr, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Reuben Orr.
- Q What is your age? A I was born 1828.
- Q What is your present post office address? A Sherman, Texas.
- Q What is your business or occupation? A I have a farm but I really is the County nurse.
- Q Do you know James A. Ladd? A Yes, I know Mr. Ladd.
- Q Where does he live? A He lives South of Sherman in Grayson County.
- Q How old is he? A I can't tell you how old he is.
- Q What is your blood or Nationality? A I can't tell you.
- Q I mean, are you a white man, Indian or Negro? A I am considered Negro.
- Q Were you a slave? A Yes, sir.
- Q Did you ever live in the state of Mississippi? A Yes, sir.
- Q How long have you known James A. Ladd? A About four or five years.
- Q Did you ever know him in Mississippi? A No, sir.
- Q When did you leave Mississippi? A I left there in seventy-three.
- Q Did you know the ancestor of James A. Ladd through whom he claims his right to be identified as a Mississippi Choctaw? A I never had any talk with him; I never heard him say anything about his ancestors. I never had much talk with him.
- Q Well do you know through whom he claims his right to be identified as a Mississippi Choctaw? A He claims his right through Ralph Mason, it seems that is what he told me.
- Q What relation is Ralph Mason to James A. Ladd? A I can't tell you.
- Q Was he his grandfather or great grandfather? A It seems like he told me his great grandfather.
- Q Do you know whether it was his great grandfather? A No, sir; I don't see him often; I knew him when I saw him.
- Q What kind of a looking man was Ralph Mason? A He looked about; --you have seen black headed white men; Master John said he was a half Indian.
- Q You don't know anything about it yourself then? A No, sir.
- Q What do you know about Ralph Mason having lived in Mississippi in 1830 and having a family there then? A I don't know anything about it.
- Q Did Ralph Mason, within six months after the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Oliver Ward and tell him that he wanted to stay in Mississippi, take land there and become a citizen of the United States; did you ever hear that? A No, sir.

- Q Did Ralph Mason own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Did Ralph Mason own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did he own or claim any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Did Ralph Mason go before the Commission appointed by act of Congress approved March 3, 1837 or before the Commission appointed by act of Congress approved August 23, 1842, claiming lands in Mississippi under article fourteen of the treaty of 1830? A I don't remember I was along about twelve years old then.
- Q You were born in what year? A 1828.
- Q In 1837 then you would have been nine years old? A Nine years old.
- Q You did not know much about what was going on then? A No, sir.
- Q In 1842, you were fourteen years old then? A Yes, sir.
- Q You would not know much about them going before that Commission of 1842? A No, sir.
- Q Now then did you ever see Ralph Mason at any place where he seemed to be trying to get any rights as a Choctaw Indian from the government of the United States under article fourteen of the treaty of 1830? A No, sir; if I did I don't know it.
- Q Do you know the name of the mother of James A. Ladd? A No, sir; I don't know that either.
- Q Do you know whether he claimed through his father or mother? A No, sir; I don't know exactly who he claims through.
- Q Do you know how much Choctaw blood James A Ladd has? A No, sir; I don't know how much he has.
- Q You can't tell what relation he was to Ralph Mason? A No, sir; I can't tell only what I heard him say.
- Q How long did you know Ralph Mason in Mississippi? A I knowed him when I was a little fellow.
- Q How old were you the last time you saw him? A I reckon I thought myself a man just before the War, I think, it may have been just before the War and may be a little while after the War.
- Q You don't know how old you was when you last saw him? A No, sir I don't know that.
- Q Did you ever see Ralph Mason at Yazoo Village? A Yes I seen him there, him and my master went down there together.
- Q Where is that village located? A Located down South-west of Tippchee County.
- Q Are you sure of that? A Yes, sir.
- Q You never heard that that village was in Neshoba County? A I don't remember of ever hearing of that old village put into Neshoba County.
- Q What did Ralph Mason do if you know at Yazoo village? A He had a son by the name of Mose who told me and my old master that he was there after land, I don't know whether to buy it.
- Q That is all he said about it? A My old master said they were there buying land, him and other big men.
- Q How old was Mose? A About as old as I was then.
- Q What year did you say that was? A That was in the year 1848 or fifty, I can't tell you exactly.
- Q Did you know Jack Amos? A No, sir I heard---
- Q Did you know Jack Amos? A No, sir I did not know him.
- Q Do you know that a man by the name of Jack Amos was there at that time or claimed to be? A No, sir; I don't know at the present.
- Q How long did you stay at Yazoo village? A Two or three weeks.

- Q Your master buying land there all that time? A Trading and dealing all that God blessed time.
- Q What were you doing all that time? A Waiting on my master.
- Q And when was it winter or summer or when? A As well as I remember in the fall of the year. I eat some ripe fruit I can remember that.
- Q How much did you see Ralph Mason during the time you were there? A I seen him every day, every evening anyhow.
- Q What did he seem to be doing all the time? A He was out there with the other men.
- Q Was he buying land around there? A I could not tell you.
- Q Did Ralph Mason understand or speak the Choctaw language? A I don't know whether he could speak the Choctaw language; I could understand him talk.
- Q He spoke English did he not? A Yes, sir.
- Q You could understand that, could you? A Yes, sir.
- Q Did you ever hear him say how much Choctaw blood he had? A No, sir; not that I remember.
- Q Did he associate with the Choctaws when he was there or with the white people? A It looked like all associated together.
- Q How did they live around there in tents or in houses? A My master lived in a tent, him and some more white men, some times the camp was crowded around with Indians.
- Q Did you see the father and mother of Ralph Mason there? A If I did I don't know them.
- Q How did you know Ralph Mason? A Because my master went to his house and him and me and master came over together..
- Q He lived in a house then did he? A Yes, sir.
- Q At Yazoo Village did he live in a house or tent? A No, sir he went there.
- Q Did he live in a house or tent at Yazoo Village? A No, sir; in a tent.
- Q Who asked you to come here and testify in this case? A Mr. Greer here.
- Q Did Mr. Ladd ask you to come? A Yes, sir.
- Q You came from Sherman? A Yes, sir.
- Q Did you ever hear that there were United States Commissioners there at Yazoo Village when you saw Ralph Mason? A If I heard it I done forgotten it. There are lots of things I don't pay much attention to.
- Q Do you know whether he got any land there at that time? A No, sir.
- Q Did you ever hear that he got any scrip there? A I can't tell that.
- Q Did you ever see Ralph Mason again after you left that last time from Yazoo Village? A I believe he came to our house, my old master's house once or twice after that but it may have been before that.
- Q Do you know whether Ralph Mason ever went to the Indian Territory? A No, sir; I don't know what ever became of him.
- Q Do you understand article fourteen of the treaty? A No, sir.
- Q Did Ralph Mason or any other of James A. Ladd's ancestors comply with article fourteen of the treaty of 1830? A I don't know sir.
- Q Do you know where Ralph Mason was living at the time you met him at Yazoo Village? A He was living up in Tippahoe County on a little farm.
- Q Did you ever hear that scrip was issued to certain Indians by the government of the United States which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that had been taken from them by the government in Mississippi and sold? A I heard it several times.

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- # About scrip? A About scrip.
- Q What do you understand scrip to mean? A I don't know anything more about what scrip means than God's Almighty world.
- Q You don't know whether it was a certificate or not? A No, sir.
- Q Or whether it entitled the holder the select land? A No, sir.
- Q You don't know that you ever heard the word scrip mentioned? A I heard them say that Indians had scrip to their lands.
- Q At this time at Yazoo Village did you hear of any of them getting any scrip? A I heard that word but I don't know anything about what it meant.
- Q That was in fifty or about that time? A Yes, sir; I heard a man say I will give you so much for yourscrip and I heard my master say that he bought scrip.
- Q Did your master trade in scrip? A Yes, sir; I reckon that is that he meant since I came up in years.
- Q Did you hear that Ralph Mason got any scrip? A No, sir.

This witness has the appearance and physical characteristics of being a Negro as he states himself; he does not speak the Choctaw language and has a fair knowledge of the English language. He is not himself an applicant for the right to be identified as a Mississippi Choctaw making no claim to Indian blood.

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

G. Rosenwinkel

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

[Signature]
Notary Public

COPY.

M.C.R. 3592.

Muskogee, Indian Territory, July 22, 1902.

James A. Ladd,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 22d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William H. Chisholm, et al., embracing the following applications for identification as Mississippi Choctaws:

William H. Chisholm, et al.,	M.C.R. 3591
James A. Ladd, et al.,	" 3592
Walter Chisholm, et al.,	" 3762
George W. Chisholm, et al.,	" 3763
John W. Chisholm,	" 3802
Thomas Ralph Chisholm, et al.,	" 3803

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:

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"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Chisholm, John M. Chisholm, Josie Fern Chisholm, Henrietta Chisholm, Winnie Belle Chisholm, James A. Ladd, James Luther Ladd, Arthur Ladd, Levina Belle Ladd, Walter Chisholm, Pearl Chisholm, George W. Chisholm, William H. Chisholm, Jr., John W. Chisholm, Jr., Ethel Chisholm, John W. Chisholm, Thomas Ralph Chisholm, Bessie Chisholm, Allie Chisholm and Jossie Lois Chisholm, 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,

GNEP.

F. G. Woodlee.

Commissioner in Charge.

Registered.

M. C. R. 3592

Muskogee, Indian Territory, November 22, 1902.

James A. Ladd,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 11th 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 William H. Chisholm, et al., of which decision you were advised by registered mail on the 22d day of July, 1902.

The Commission is directed to furnish you a copy of the letter of the Secretary of the Interior affirming the decision of the Commission in this case, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon, and the same are herewith inclosed.

Respectfully,

Acting Chairman.

Inclosures.
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M.C.R. 3598.

Muskogee, Indian Territory, January 19, 1903.

W.H.C. Greer,

Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th inst., in which you ask that you be furnished a copy of the testimony given by Jack Amos in the Mississippi Choctaw case of J.A. Ladd and others.

In compliance with your request, a copy of the testimony of Jack Amos given in said case is enclosed herewith.

Respectfully,

Commissioner in Charge.

Enc B I 50.

Muskogee, Indian Territory, March 24, 1904.

James A. Ladd,
Sherman, Texas.

Dear Sir:

The Secretary of the Interior with his letter of March 2, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by Malinda C. Satterfield for the identification of herself and minor children as Mississippi Choctaws; also the record in the consolidated Mississippi Choctaw case of William H. Chisholm, et al., of which your application is a part, it appearing from the records that said Malinda C. Satterfield claims her Choctaw descent through Ralph (or Thomas Ralph) Mason, the same ancestor through whom the applicants in the consolidated Mississippi Choctaw case of William H. Chisholm, et al. claim their descent. These records were returned in order that the several applicants might be granted an opportunity to introduce additional testimony and evidence in support of their claim.

The Secretary of the Interior in a letter to this Commission, under date of June 5, 1903, relative to the Mississippi Choctaw case of Malinda C. Satterfield, et al., stated that the name Mason appears on the list of Choctaws to whom scrip was issued under the 14th article of the treaty of 1830, furnished the Depart-

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ment by the Indian Office.

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

You are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are the descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the treaty of 1830 or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the

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acts of Congress of March 3, 1837 and August 23, 1842.

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

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Tuesday, April 26, 1904, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or offering of documentary evidence being first served upon Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

R & R Dep
Registered

Commissioner in Charge.

M.C.R. 3592

COPY.

Muskogee, Indian Territory, November 30, 1904.

James A. Ladd,

Sherman, Texas,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 22, 1904, refused to disturb the decision of this Commission of July 22, 1902, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Chisholm et al.

Respectfully,

(SIGNED)

Commissioner in Charge

Cop. of the story in this case sent to Mansfield, McCurry
Gorris, April 14, 1944.

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name James A. Ladd

Age 27 Blood 1/8

Post Office, Sherman, Texas

Father: Hezekiah Ladd (dead)

Mother: Levina Ladd (dead)

Claims through mother

wife: Joan Ladd
(no claim for her)

Children:

- James Luther Ladd 15
- Arthur " 13
- Levina Belle " 6

Claims for self and 3 children

Stenographer

Charles von Heise

Choctaw MCR 3593

Fred G. Bentley

See MCR 3386

MCR 3593

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 23rd, 1901.

5593 Applicant represented by B. S. Johnson as attorney,
who, however, did not appear during this application.

In the matter of the application of Fred G. Bentley for the identification of himself as a Mississippi Choctaw.

FRED G. BENTLEY, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Fred G. Bentley (Spelled by applicant)
Q What is your age? A 24.
Q What is your post office address? A Hillsborough, Texas.
Q How long have you lived in Texas? A All my life.
Q Born in Texas? A Yes.
Q What is your father's name? A John G. Bentley.
Q Is he living? A No.
Q What is your mother's name? A Catherine Bentley.
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 in the Indian Territory? A No.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the 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 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.
Q Have you ever before this time applied to the Choctaw tribal authorities or to the authorities of the United States to have yourself admitted or enrolled as a citizen of the Choctaw Nation? A No.
Q Is this the first application of any kind that you have ever made?
A Yes.
Q What kind of an application do you make now? A Make application by blood.
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 I don't know much about the treaties.
Q You don't know what rights you have under the treaties? A I claim under all the treaties that apply to my case.

The law under which this Commission is acting in hearing these applications, gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west

of the Mississippi river in exchange for their land in those states, and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaw who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child under an living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvements on the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article those Choctaw Indians who didn't want to come west so they go to the Indian agent there in Mississippi and six months after the treaty was ratified and tell him that they wanted to stay there and take land and they would get land from the government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified many numbers of the Indians there in Mississippi and Alabama went to the Indian agent there in Mississippi and told him that they wanted to stay and take land, but when a map was sent down there by the United States Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and signalled their intention to remain and whose names were not on the list which had been made out by the Indian agent; so under Acts of Congress of March 3, 1837 and August 23, 1843, Commissioners were appointed and sent down to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land which the Indians claimed, had not been already sold, it was given to them, and if it had been sold they were given money, reckoned at fifty cents per acre of land of the Public Lands in Mississippi, Alabama or Louisiana.

Q What was your mother's father's name? A Valentine Gates.

Q What was your mother's mother's name? A Catherine Gates.

Q Which one of your mother's parents claimed to be Choctaw? A My mother's father.

Q How much Choctaw blood did Valentine Gates claim to have? A I don't know.

Q How old would your mother be if she were living yet? A She would be somewhere near sixty.

Q Was she the oldest one of her father's children? A I didn't know.

Q Do you know how much older than she the oldest one was? A No.

Q Have you any evidence of the marriage of Valentine and Catherine Gates? A I don't think they have now, I think they are going to get it.

It will be necessary for the Commission to be supplied with this evidence in support of the application which you make on behalf of yourself.

Q From family history is it your understanding that Valentine Gates was married and the head of a family in 1830 or not? A I don't know.

Q You never saw him? A No.

Q You don't have the least idea as to the difference in age between your mother and her father's oldest child, to tell if Valentine Gates was married and the head of a family in 1830? A No.

Q What was Valentine Gates' father's name? A Charles Gates.

Q What was Valentine Gates' mother's name? A My grand mother?

Q Your great grand mother? A Her name was Catherine Gates.

Q Catherine all the way back, your mother, your grand mother and your great grand mother, all named Catherine? A No my grand mother was named Lucinda.

Q Then Valentine Gates' wife was named Lucinda instead of Catherine?

A Yes.

Q Which one of Valentine Gates' parents claimed to be Choctaw? His father, I think.

Q Charles Gates? A Yes.

Q Did Valentine Gates or Charles Gates, his father, live in Mississippi in 1830? A I don't know, I can't say.

Q Has it been your understanding that they did? A Live in Mississippi?

Q Yes? A Lived in Mississippi or Alabama, I don't know which.

Q Did they or either of them come west with the other Choctaws between 1830 and 1838 to the present Choctaw Nation? A I can't say.

Q Did they or 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 take land? A I don't know.

In order for you to be identified as a Mississippi Choctaw, it will be necessary for you to bring evidence to prove that you great father or great grand father lived in Mississippi or Alabama in 1830, and was a recognized Choctaw Indian there in the old Choctaw Nation; that you are a lineal descendant of these ancestors, and that they or one of them went to the Indian agent there in Mississippi and signified their intention to remain there or tried to do so.

Q Have you any evidence on these points at this time? A No.

Q You expect to produce that evidence later on do you? A Yes.

Q Did Valentine or Charles Gates own any land in Mississippi, Arkansas, Alabama or Louisiana? A Not that I know of.

Q Have you any papers that you want to file at this time? A Yes.

The written application of Freddie G. Bentley offered in evidence, marked exhibit "A", filed, and made a part of the record in this case.

Q You gave your name a while ago as Fred? A Yes.

Q You have signed it here as Freddie, which way do you usually sign it? A Fred.

Affidavit of Lucinda American Stanford offered in evidence, marked exhibit "B", filed, and made a part of the record in this case.

Q Who is Lucinda American Stanford? A Really I don't know how her name does run, I haven't known her but a little while; she is kin to me on my mother's side.

Q You don't know exactly what relation she is to you? A No.

Q This affidavit of Lucinda American Stanford is filed to show the family relationship and traces your ancestor back to Valentine Gates and his father? A Yes.

Q In this affidavit the father of Valentine Gates appears as Phillip

Gates and in the examination a little while ago you stated that it was Charles Gates. A Charles Gates is my great great grand father.

Q Then Valentine Gates' father's name was Phillip Gates? A Yes.

Q And what did you say was the name of your great grand mother? A Catherine Gates.

Q The wife of Phillip Gates was Catherine Gates? A Yes.

Q These are all the affidavits you wish to offer at this time? A Yes.

Q Is there any other statement you would like to make now 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 deposition 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.

Q Do you expect to bring your witnesses in person before the Commission for examination? A I think my brother will bring some of them in this evening.

Q You understand that the oral testimony of witnesses carries more weight than their affidavits or depositions? A Yes.

Q Is you cannot produce them in person will you have their depositions taken? A Yes.

This applicant has brown hair, bluish gray eyes, and medium complexion; his features and general appearance are those of a white person; he knows of no compliance of his ancestors with the provisions of the fourteenth article of the treaty of 1830, although he states that his grand father lived in Mississippi when that treaty was made.

* * * * *

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this the 24 day of September, 1901

David Shelby
Notary Public.

COMMISSIONERS.

HENRY L. DAWES,
TAMM 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

H. C. R. 3493

Muskogee, Indian Territory, October 15, 1902.

Fred G. Bentley,

Hillsboro, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallage Britton, Roly O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Verver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Rav Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

Commissioner in Charge.

M.C.R. 3593

0015

Muskogee, Indian Territory, December 22, 1902.

Fred G. Bentley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 15th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tommy Baker
Acting Chairman.

MCR-3893

Muskogee, Indian Territory, October 19, 1906.

Fred G. Bentley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 3593

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name Fred S. Bentley

Age 24 Blood 1/2

Post Office, Hillsboro, Texas

Father: John S. Bentley (dead)

Mother: Catherine Bentley (dead)

Claims through mother

Children:

Claims for self alone.

Stenographer

Charles H. Hise

Choctaw MCR 3594

John R. Hughes

See MCR 3386

MCR 3594

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 23, 1901.

3594

In the matter of the application of John R. Hughes for the identification of himself and his minor brother as Mississippi Choctaws.

B.S. Johnson for applicant; no appearance by attorney.

John R. Hughes being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John R. Hughes. H-u-g-h-e-s.
Q What is your age? A I am nearly twenty two.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived in Texas? A All my life.
Q Were you born there? A Yes.
Q Never have had a home outside of the State? A No.
Q What is your father's name? A Adolphus Alexander Hughes.
Q Is he living? A Yes.
Q What is your mother's name? A Laura Ann Hughes.
Q Is she living? A No.
Q Through which one of your parents do you claim your Choctaw blood?
A Mother.
Q How much Choctaw blood do you claim? A A thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A Not as I know of.
Q Are you married? A No.
Q Making this application for yourself alone? A Myself and brother.
Q You have a minor brother? A Yes.
Q Does he live with you? A Yes.
Q His father is living? A Yes.
Q He gets his Choctaw blood through his mother? A Yes.
Q Has he ever had a guardian appointed for him by the Court? A No.
Q What is that brother's name and age? A Charles A. Hughes, Charley A. Hughes; age eighteen.
Q This is your own brother? A Yes.
Q Has the same father and mother as you? A Yes.
Q And the same quantity of Choctaw blood you claim? A Yes.
Q And gets his Choctaw blood through his mother? A Yes.
Q Is your name or your brother's 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 brother enrolled as members of that tribe? A No.
Q Did you or any one for you or for your brother in 1896 apply to the Daves Commission for citizenship in the Choctaw Nation? A No.
Q Have you or your brother been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Daves Commission?
A No.

Q Have you or your brother been admitted to citizenship in the Choctaw Nation by judgment of the United States Court in Indian Territory? 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 brother 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 Mississippi Choctaw.

Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A 1830.

Q Under any particular part of that treaty or the whole treaty?

A Under the whole treaty I suppose.

The law under which the Commission is acting in hearing these applications gives it authority to determine the identity of Choctaw Indians claiming rights under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in these States and moving them to lands West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay; so article fourteen was inserted into the treaty for the benefit of those who wanted to stay. Article fourteen provided 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." Within six months after this treaty was ratified members of the Indians did go to the agent and tell him they wanted to stay but when a man was sent down by the United States Government to locate the land for these Indians it was found that there were a great many more who claimed they had gone to the agent and told him they wanted to stay than there were names registered by the agent; so, under different Acts of Congress that of March 3, 1837 and August 23, 1842, Commissioners were appointed and sent down to Mississippi to investigate these claims and find out which of the Indians were entitled to lands under the fourteenth article of the treaty of 1830. These Commissioners took up and passed on several hundred of these cases; some of them they allowed and some they refused; in those cases where the Commission allowed the claims

and their action was approved by the Secretary of War if the land which the Indians claimed had not been sold it was given to them but if the land had already been disposed of they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

- Q Did any of your ancestors own lands in one of these States?
 A I think that's what I have heard.
 Q Do you know which one of them? A No, I don't.
 Q Do you know where that land was located; in what State? A No, I don't.
 Q What was your mother's father's name? A John Silmore Bentley.
 Q What was your mother's mother's name? A Catherine Bentley.
 Q Which one of your mother's parents claimed to be Choctaw? A My grandmother.
 Q What was Catherine Bentley's father's name? A Valentine Bentley.
 Valentine Gates, I mean.
 Q What was your grandmother's mother's name? A Lucinda Gates.
 Q Which one of your grandmother's parents claimed to be Choctaw?
 A Her father.
 Q Valentine Gates? A Yes.
 Q Have you any evidence of Valentine and Lucinda Gates' marriage?
 A I think I have; I think we intend to produce it.

It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application.

- Q What was the name of your ancestor who lived in Mississippi in 1830 and was a recognized Choctaw Indian? A Philip Gates.
 Q Who was Philip Gates? A Great great grandfather.
 Q What relation was he to Valentine Gates? A I can't tell you.
 Q Do you know who Valentine Gates' father was? A No.
 Q Do you know who his mother was? A No.
 Q Have you a written application which you wish to file? A Yes.

Written application of John R. Hughes offered in evidence by applicant, filed, marked Exhibit "A", and made a part of the record in this case.

- Q In this written application it is stated that Valentine Gates was a son of Philip Gates; is that right? A Yes.
 Q Then you claim that Philip Gates was the ancestor who lived in Mississippi in 1830 and was a recognized Choctaw Indian? A Yes.
 Q Do you know whether Valentine Gates lived in Mississippi in 1830?
 A No, I don't.
 Q Never heard? A Never heard.
 Q How much Choctaw blood did Philip Gates claim? A I think he was a half breed and his wife was full Choctaw.
 Q What was his wife's name? A I don't believe I know.
 Q In this written application that was sworn to by you it is stated that Valentine Gates was the son of Philip Gates and Catherine Gates whose maiden name was Catherine Hampton; that Philip Gates was three quarters Choctaw and Catherine Gates about a half Choctaw; is that right? A Yes; I was mistaken.

- Q How does it happen that you know these facts to swear to in this written application and don't remember them now in this oral application? A I don't know only what I have heard; what my folks told me.
- Q Did you ever see Valentine Gates? A No.
- Q You don't know how old he would be if living now? A No.
- Q You don't know what year he was married? A No.
- Q Do you know how old your grandmother Catherine Bently would be if living now? A No, I don't.
- Q Do you know whether Philip Gates or Catherine Gates went to the agent there in Mississippi within six months after the treaty was ratified and told him that they wanted to stay in Mississippi? A No.
- Q Do you know if either of them came West to the present Choctaw Nation with the other Choctaw Indians between 1833 to 1838? A I don't; I never heard.

If you wish to be identified as a Mississippi Choctaw you should bring evidence to show which one of your ancestors was living in Mississippi in 1830 and was married and head of a family, the one nearest to you; and to show that that ancestor was a recognized Choctaw Indian and that you are a lineal descendant; also that that ancestor went to the Indian agent within six months after the ratification of that treaty and signified his intention to remain or attempted to do so.

- Q Have you any evidence on these points? A No.
- Q Do you expect to be able to produce evidence? A Yes; I think so; my uncle has more evidence.
- Q Do you expect to bring witnesses in person before the Commission? A Yes.
- Q In connection with your written application there is here the affidavit of Lucinda Americus Stanford; do you wish to offer that in evidence? A Yes.

Affidavit of Lucinda Americus Stanford offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case.

- Q Have you any other affidavits that you want to file at this time? A No.
- Q Is there any other statement you would like to make? 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 allowed 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; 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 1830, although he

states that his great great grand father lived in Mississippi when that
 treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full all
 proceedings had in the above entitled cause on September 23, 1901,
 and that the above and foregoing is a full, true and correct trans-
 scribe of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 7 day of October, 1901.

Charles W. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TANA BIXBY.
THOMAS S. 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. 3594

Muskogee, Indian Territory, October 15, 1902.

John R. Hughes,

Hillsboro, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wyhe Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Klby Hesterly, Archie Hesterly, Violet E. Hesterly, Steels McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akina, Melvy Akina, Emma Akina, Mollie Akina, Rufus Akina, Phillip Akina, Milton Akina, May Akina, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearlie Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

SIGNATURE

Registered.

Commissioner in Charge.

COPY.

M.C.R. 3594

Muskogee, Indian Territory, December 22, 1902.

John R. Hughes,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tame Dixie.

Acting Chairman.

MOR-3894

Muskogee, Indian Territory, October 19, 1906.

John R. Hughes,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and brother is a part.

Respectfully,

Commissioner.

No. 3534

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name John R. Hughes

Age 22 Blood 1/32

Post Office, Hillsboro, Texas

Father: Adolphus A. Hughes

Mother: Laura A. Hughes (dead)

Claims through mother

Brother

Children:

Charles A. Hughes 18

Claims for self ~~alone~~ ^{and}
and brother.

Stenographer

H. G. Hains.

Choctaw MCR 3595

Arthur B. Bentley

See MCR 3386

MCR 3595

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 23, 1901.

3595

In the matter of the application of Arthur B. Bentley for identification as a Mississippi Choctaw.

B.S. Johnson attorney for applicant; no appearance.

Arthur B. Bentley being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Arthur A. Bentley; Arthur B. Bentley.
Q What is your age? A Twenty two.
Q What is your post office address? A Hillsboro, Texas; Hill County.
Q How long have you lived in Texas? A All my life.
Q Were you born there? A Yes.
Q Never have had a residence outside of the State of Texas? A No.
Q What is your father's name? A Jehn Gilmore Bentley.
Q Is he living? A No.
Q What is your mother's name? A Catherine E. Bentley.
Q Is she living? A No.
Q Through which one of these 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 or enrolled as a Choctaw by either the Choctaw tribal authorities or the authorities of the United States? A No, not that I know of.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory, A No.
Q Have you ever applied to the Choctaw council to be enrolled as a member of that tribe? A No, never before.
Q This is not the tribal council; this is the Dawes Commission; you never applied to the tribal council? 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 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 judgment of the United States Court in Indian Territory? 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 description you have ever made? A Yes.
Q What kind of an application do you desire to make now? A As Mississippi Choctaw Indian.
Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Why, I am not very well versed in the treaties; I suppose the treaty of 1830.
Q Under any particular part of the treaty or the whole treaty? A Under the whole I suppose.

The law under which the Commission is acting at this time is found under Section 21 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 authority to determine the identity of applicants who claim under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived there in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the lands West of the River; but some of the Indians didn't want to come West and the other Indians wouldn't sign any treaty unless it contained something for the benefit of those who wanted to stay in Mississippi; so this fourteenth article was inserted into the treaty for the benefit of those who wanted to stay. Article fourteen of the treaty of 1830 provided 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." Within six months after the ratification of this treaty numbers of the Indians went to the agent and told him they wanted to stay in Mississippi but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the agent and told him they wanted to stay in Mississippi whose names were not on the lists the agent made; this caused a good deal of complaint, so that Congress passed acts in March 3, 1837 and March 23 1842, to find out which of the Indians were entitled to lands under the fourteenth article of the treaty, appointing Commissioners for this purpose. These Commissioners took up and passed on several hundred cases, some of them they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not been sold they were given them but if the lands had already been disposed of they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana; this scrip was redeemable at fifty cents an acre in these lands.

Q Did any of your ancestors own lands in any of these States? A I don't know.

Q You never heard of it? A No.

- Q What was your mother's father's name? A Valentine Gates.
Q What was your mother's mother's name? A Lucinda Gates.
Q Which one of your mother's parents claimed to be Choctaw? A My grandfather, Valentine Gates.
Q Have you any evidence of the marriage of Valentine and Lucinda Gates?
A No, only my older relatives.
Q You haven't the Court record? A No, I haven't.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of this application?

- Q How old would your mother be if living? A I think she would be would be somewhere near seventy; I was quite young when she died.
Q Was she the oldest one of her father's children? A My mother?
Q Yes. A No.
Q Do you know how much older than she the oldest one was? A I think there was one twelve years.
Q Then you have reason to believe that Valentine Gates was a married man and the head of a family in 1830? A I have been told by my mother
Q Did he live in Mississippi in 1830? A I think in Alabama.
Q He lived in the old Choctaw Nation? A Yes.
Q He lived in one of the old States in Mississippi or Alabama? A I don't remember which one
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?
A I don't know.
Q Did he come West with the other Choctaw Indians between 1833 to 1838? A No.
Q Did he die in Mississippi? A No; one of the old States; I don't remember whether it was Mississippi or Alabama.

In order for you to be identified as a Mississippi Choctaw you should produce evidence to prove that your grandfather, Valentine Gates was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830; also that you are his lineal descendant and that he within six months after the treaty of 1830 was ratified told the Indian agent that he wanted to stay in Mississippi or attempted to do so.

- Q Have you any evidence on these points? A Why, I have some evidence will be produced tomorrow.
Q You expect to bring witnesses before the Commission in person? A Yes.
Q Have you any papers you want to file at this time? A Yes.

Written application of Arthur B. Bentley offered in evidence by applicant marked Exhibit "A" filed and made a part of the record in this case.

- Q Did you say Arthur A. a while ago? A I meant to say Arthur B. Bentley; I always sign my initials A. Bentley and that got me mixed up

affidavit of Lucinda Americus Stanford offered in evidence by applicant, marked Exhibit "B", filed and made a part of the record in this case.

Q How much Choctaw blood did Valentine Gates claim to have? A I think it is he claimed about a quarter.

Q What was Valentine gates' father's name? A Philip Gates.

Q What was his mother's name? A Catherine Gates.

Q Through which one of his parents did Valentine Gates claim his Choctaw blood? A Through his father.

Q In your written application you state that Valentine Gates was a son of Philip and Catherine Gates; that Philip was about three quarters and that his wife, Catherine, was about a half Choctaw Indian. Is that right? A I suppose that's the way it is put down; all I know is what I have been told by my parents before; by my relations as you say.

Q Who is Lucinda Americus Stanford? A That is Will Gates daughter I suppose; I don't know nothing about her parents but it seems to me I have heard my father say, heard her say her father was Bill gates.

Q Was Bill Gates any relation to Valentine Gates? A I think he was his brother.

Q But you don't know what relation she was to you? A Cousin of mine; double cousin of my mother's.

Q Have you any ~~test~~ other testimony you wish to offer at this time?

A No.

Q Any statement you would like to make now? A No.

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

This applicant has brown hair brown eyes and dark complexion; his features and general appearance are those of a white man; he knows of no compliance with the provisions of the treaty of 1830 article fourteen by his ancestors; although it appears from his testimony that his grandfather lived in the old Choctaw Nation when this treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 23, 1901. And that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 7 day of October, 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

M. C. R. 3598

Muskogee, Indian Territory, October 15, 1902.

Arthur B. Bentley,
Hillsboro, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Houserly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4486
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4487
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3443
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 5605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Volver Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lou Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Bath Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Annie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallange Britton, Rely O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Oze Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Lovoe Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

Commissioner in Charge.

U.S.R. 2008

COPY.

Muskogee, Indian Territory, December 22, 1902.

Arthur B. Bentley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chesters of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tame Kirby
Acting Chairman.

WUR-3608

Muskogee, Indian Territory, October 19, 1906.

Arthur B. Bentley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name Arthur B. Bentley

Age 22. Blood C

Post Office, Hillsboro Texas

Father: John Bentley (dead)

Mother: Catherine C. Bentley (dead)

Claims through mother

~~Children:~~

Claims for self alone.

Stenographer

A. L. Gains

Choctaw MCR 3596

John H. Bentley

See MCR 3386

MCR 3596

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 23, 1901.

3596

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

B.S. Johnson for applicant; no appearance by attorney.

John H. Bentley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Bentley; John Harvey.
Q What is your age? A Forty one.
Q What is your post office address? A Hillsboro, Hill co., Texas.
Q How long have you lived in Texas? A I have lived there you might say all my life since I was very small; since I was a child.
Q Where did you live before that? A Alabama, Franklin County.
Q How long did you live in Alabama? A To the best of my recollection- I was so small- I lived there when I was quite a child- I must have been seven years old. I recollect living there.
Q Were you born in Alabama? A Yes.
Q Lived there until you moved to Texas? A Yes, and I have lived in Texas ever since.
Q What is your father's name? A John Gilmore Bentley.
Q Is he living? A No.
Q What is your mother's name? A Catherine Bentley.
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 by the Choctaw tribal authorities or the authorities of the United States? A No.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you 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 30, 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 judgment of the United States Court in Indian Territory? 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 of any kind? A Yes.
Q What kind of an application do you want to make now? A Well, as a Mississippi Choctaw.
Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Well, the treaty of 1830, or any other that's applicable to my case.

The law under which the Commission is acting at this time in hearing these applications gives it authority 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 Choctaws who lived then in Mississippi and the Western part of Alabama for the purpose of giving them land West of the Mississippi River in exchange for their lands in those States and removing them to the country West of the River, but some of the Indians didn't want to come West and the others would not sign any treaty until something was done for those who wanted to stay. So article fourteen was put into the treaty for the benefit of those who wanted to stay. Article fourteen provided that "Each Choctaw head of a family being desirous to remain and become citizens of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States 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 numbers of Indians went to the agent in Mississippi and told him they wanted to stay but when an agent was sent down by the United States Government to locate the claims for those Indians it was found that there were a great many who claimed they had gone to the agent and told him they wanted to stay whose names were not on the list the agent had made; so under different Acts of Congress Commissioners were appointed to go down and look into this matter and find out which of the Indians had a right to land under this treaty. These Commissioners took up and passed on several hundred cases; some they allowed and some of them they refused; in those cases where the claims were allowed by the Commissioners and their action was approved by the Secretary of War, if the lands the Indians claimed had not been sold they were given them but if the land had already been disposed of they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

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

Q What was your mother's father's name? A Philip Gates; no, Valentine Gates.

Q What was your mother's mother's name? A Lucinda Gates.

Q Which one of your mother's parents claimed to be Choctaw? A My grandfather, Valentine Gates.

Q Have you any evidence of the marriage of Valentine and Lucinda Gates?

Q No, none only what I have heard from people living now; I can produce affidavits.

It will be necessary for the Commission to be supplied with

evidence of this marriage between Valentine and Lucinda Gates in support of the application you make.

Q Is it your understanding that Valentine Gates was a married man and head of a family in 1830? A That's what I have been told.

Q How old would your mother be if living now? A Well, the records have all been burned, destroyed, in that case; but she would be somewhere in the neighborhood of sixty two years old if living now.

Q Was she the eldest one of her father's children? A No.

Q Do you know how much elder than she the eldest was? A There was one twelve years elder.

Q Then you have every reason to suppose that Valentine Gates was a married man and the head of a family in 1830? A Yes.

Q Did he come West with the other Choctaws to the present Choctaw Nation? in 1833 to 1838? A No.

Q Did he live in Mississippi? A He lived there in some of the old States; of course I am not positive of that.

Q What do you mean by "old States"? A In Mississippi or Alabama, one or the other.

Q Did he go to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830 and tell him that he wanted to stay? A No, I don't have any evidence of that.

Q Did he own any land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I knew of.

In order for you to be identified as a Mississippi Choctaw you should produce evidence to prove that your grandfather, Valentine Gates, was a recognized member of the Choctaw tribe living in the old Choctaw Nation in 1830 and that you are his lineal descendant and that he within six months after the ratification of that treaty, signified his intention of remaining in Mississippi or tried to do so.

Q Have you any evidence on these points? A I think I can produce personal evidence.

Q You expect to produce that? A Yes.

Q Expect to bring your witnesses in person before the Commission? A Yes.

Q When do you expect to have them here? A Well, I guess pretty soon; when we can get at them; we can get witnesses to that effect that knows in regard to this matter.

Q Have you any papers you want to file at this time? A Yes.

Written application of J.H. Bentley offered in evidence by applicant marked Exhibit "A", filed and made a part of the record in this case; affidavit of Philip H. Gates offered in evidence, marked Exhibit "B", filed and made a part of the record in this case.

Q Who is Philip H. Gates? A That's my mother's brother; her eldest brother.

Q How much Choctaw blood did Valentine Gates claim to have? A I think he claimed possibly about a quarter I believe; I don't know.

Q What was Valentine gates' father's name? A Philip Gates.

Q What was his mother's name? A Lucinda; no, I misunderstood you altogether; her name was formerly Catherine Hampton.

Q Which one of Valentine Gates' parents claimed to be Choctaw? A Philip Gates.

Q How much Choctaw blood did he claim? A I suppose about an eight I reckon.

Q In this application which you have sworn to it is stated that Valentine Gates was a son of Philip and Catherine Gates and that Philip was about three quarters Choctaw and that his wife Catherine, was about a half Choctaw. A Well, I don't clearly understand it.

Q Well, which is right? You have sworn to this affidavit and you are now under oath and testifying, about the other; which one do you think is right? A Well, I think the other would be right.

Q What you have just now stated under examination? A What I have sworn to there is my belief of course.

Q How does it happen then, that under examination you made a statement different from this? A Well, that's as near as I can come at it of course.

Q This is all the affidavits you have to offer at this time? A Yes.

If you wish to offer any further evidence in support of your application, either the oral testimony of witnesses, their affidavits or depositions, 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 brown hair, blue eyes, brown mustache and dark complexion; his features and general appearance are those of a white man. He knows no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830 although it appears from his testimony that his grandfather lived in the old Choctaw Nation in 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 8 day of October, 1901.

Charles H. Sawyer
Notary Public.

COMMISSIONERS

HENRY L. DAWES,
TAMM 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. 3596

Muskogee, Indian Territory, October 15, 1902.

John H. Bentley,
Hillsboro, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John B. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Vinder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lara Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Talbauge Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velve Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Gay Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Registered.

Commissioner in Charge.

M.C.R. 3596

Muskogee, Indian Territory, December 22, 1902.

John H. Bentley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Jame Tracy
Acting Chairman.

MOR-3896

Muskogee, Indian Territory, October 19, 1906.

John H. Bentley,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. — 3596 —

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name John N. Bentley

Age 27 1/2 Blood 1/16

Post Office, Hillsboro Texas

Father: John M. Bentley (dead)

Mother: Catherine Bentley (dead)

Claims through mother

~~Children:~~

Claims for self alone.

Stenographer

A. E. ...

Choctaw MCR 3597

John A. Rogers

See MCR 3481

MCR 3597

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 23, 1901.

3597

In the matter of the application of John A. Rogers for the identification of himself and his minor child as Mississippi Choctaws.

No attorney for applicant.

John A. Rogers being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John A. Rogers; R-o-g-e-r-s.
Q What is your age? A Thirty one.
Q What is your post office address? A Caddo.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Nearly three years.
Q Do you hold any land here? A No.
Q Rent? A Yes.
Q Where did you live before you lived in the Indian Territory? A In Texas.
Q How long did you live in Texas? A A good long time; I don't remember just how long; twenty years I reckon.
Q Where did you live before that? A In Tennessee; I was born in Tennessee.
Q How old were you when you went to Texas from Tennessee? A Seven years.
Q And from Texas you went to the Indian Territory? A Yes.
Q What is your father's name? A Samuel Rogers.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Rogers.
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 About an eighth, I believe.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A No; she has been here before this Commission is all.
Q And made application for identification as a Mississippi Choctaw?
AA She was here about two weeks ago before this Commission.
Q Did she apply for identification as a Mississippi Choctaw? A Yes.
Q Are you married? A Yes.
Q What is your wife's name? A Fay Rogers.
Q Is she living? A Yes.
Q Do you make application for your wife? A No.
Q Is she a white woman? A Yes.
Q Makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application at this time? A One.
Q What is that child's name and age? A It ain't named; two weeks old.
Q Well, what are you going to call it? A I haven't called it yet.
Q You will have to give it a name. A Well, my wife calls it John, but we haven't named it yet; I guess we can call it that though.
Q This is your child? A Yes.
Q What is the name of its mother? A Fay Rogers.

- Q When and where were you married to her? A At Caddo.
 Q When? A Last December.
 Q Did you get a license to marry? A Yes.
 Q Were you married by ordained minister or an official? A Married by County Judge of Blue County; Choctaw Judge.
 Q Have you your marriage license? A Yes.
 Q Have you that license with you? A No.

It will be necessary for the Commission to be supplied with evidence of your marriage to your wife in support of the application you make for your children. A The license is at home.

- 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 Not before this.
 Q This is not the tribal authorities. A No, I didn't apply.
 Q Did you or 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 ever been admitted to citizenship in the Choctaw Nation to the Choctaw tribal authorities or the Dawes Commission? A No.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by judgment of United States Court in Indian Territory? A No.
 Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or child admitted or enrolled as citizens of the Choctaw Nation? A No.
 Q This is the first application of any kind that has been made? A This is the first.
 Q What kind of an application do you want to ~~make~~ now? A For citizenship as a Choctaw.

The time in which the Commission could hear original applications for citizenship expired within ninety days after June 10, 1896, and since that time, no body has been vested with authority to hear such original applications for citizenship in the Choctaw Nation.

- Q What kind of a Choctaw do you claim to be? A Why, as Mississippi I expect.
 Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Under any that will protect me or enroll me.

The law under which the Commission is acting at this time in hearing these applications gives it authority to determine the identity of those 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 then living in Mississippi and the Western part of Alabama, for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them to the country West of the River;

but some of the Indians didn't want to come West and the others would not sign any treaty unless something was done for those who wanted to stay in Mississippi; so article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to leave. Article fourteen provided 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 parents. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Within six months after this treaty was ratified, numbers of the Indians did go to the agent there and tell him they wanted to stay but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed to have gone to the agent and told him they wanted to stay whose names were not on the lists the agent made; so under different Acts of Congress men were appointed as Commissioners to go down to Mississippi and find out which of the Indians had a right under article fourteen. These Commissioners took up and passed upon several hundred cases, some of them they allowed some they refused; in those cases where the claims were allowed by the Commissioners and their action was approved by the Secretary of War, if the land which the Indians claimed had not been sold it was given to them, but if the land had already been disposed of they were given scrip with which they could locate lands on any of the Public Lands of Mississippi, Alabama, Arkansas or Louisiana.

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

Q What was your mother's father's name? A Stegald; S-t-e-g-a-l-d.

Q What was his given name? A John.

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 grandfather.

Q Which one of her parents? A Oh, she got from her mother.

Q How old was your mother? A I think she was about fifty something, near fifty, I don't remember exactly.

Q Is her mother living in now? A No.

Q Do you know how old she would be if she were living now? A No, I don't.

Q Have you any idea about how old she would be? A I can't say, 'cause I don't know.

Q Was your mother the oldest one of her mother's children? A No.

Q How much older than she were the others? A It seems like I heard her say that her brother was ten years older; I won't be certain.

Q Is that the oldest one of her mother's children? A Well, I can't remember which was the oldest.

- Q You don't know whether Elizabeth Stegald was a married woman and head of a family in 1830 or not? A No.
- Q What was Elizabeth Stegald's father's name? A Haley.
- Q What was his given name? A Coleman.
- Q What was Elizabeth Stegald's mother's name? A Emily I believe it was.
- Q Which one of Elizabeth Stegald's parents claimed to be Choctaw? A Her father.
- Q Coleman Haley? A Yes.
- Q Have you any evidence of the marriage of Coleman Haley and Emily Haley? A I haven't any; no.
- Q Can you secure such evidence? A Yes.

It will be necessary for the Commission to be supplied with evidence of this marriage in support of your application.

- Q Did Coleman Haley live in Mississippi in 1830? A I don't know whether he did or not at that time.
- Q Did Elizabeth Stegald live in Mississippi in 1830? A I don't know that either.
- Q Where was your mother born? A Tennessee.
- Q Do you know where her mother was born? A No.
- Q You don't know how long your grandmother had been living in Tennessee when your mother was born? A No.
- Q You don't know whether Elizabeth Stegald or Coleman Haley ever lived in Mississippi? A No, I don't know.
- Q Did Elizabeth Stegald or Coleman Haley go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him they wanted to stay in Mississippi? A Not that I know of.
- Q Did they come west with the other Choctaws to the new Choctaw Nation between 1833 to 1838? A No, I guess not; not that I know.
- Q Did either of them own any land in Mississippi, Alabama, Arkansas, or Louisiana? A I don't think they did; I don't know though.

If you wish to be identified as a Mississippi Choctaw you should endeavor to produce evidence to show which one of your ancestors was living in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian; that you are a lineal descendant of that ancestor, and that he or she within six months after the ratification of the treaty of 1830 signified an intention remain in Mississippi or attempted to do so.

- Q Have you any evidence on these points? A I haven't any now.
- Q Expect to be able to produce any such evidence? A Expect to have some; or affidavits- one.
- Q Expect to bring your witnesses before the Commission in person? A Or affidavits.
- Q Do you understand that oral testimony of witnesses carries greater weight than affidavits? A I don't know whether I can get them in person.
- Q If you cannot get them here in person can't you get their depositions? A Yes, I can get their depositions.
- Q Have you any papers that you want to file now? A No.
- Q Any other statements you would like to make? A That's all.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, their depositions or affidavits or any proper 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 light brown hair, blue eyes and light complexion; his features and general appearance are those of a white man. He knows of no compliance on the part of his ancestor with any of the provisions of article fourteen of the treaty of 1830; and does not know whether any of his ancestors lived in Mississippi when that treaty was made.

Henry G. Wains 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 September 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Wains.

Subscribed and sworn to before me this 10th day of October, 1901.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, December 19, 1901.

John Rogers,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventeenth instant, inclosing affidavit of Martha Rogers, and certified copies of the affidavits of Calvin C. Lacy, J. W. McWhorter and D. W. Lacy, which are offered for filing in support of your application for identification of yourself and children as Mississippi Choctaws. The same have been made a part of the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MC 3597

Muskogee, Indian Territory, October 9, 1902.

John A. Rogers,
Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of October, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Rogers, et al.,	M.C.R. 3481
John A. Rogers, et al.,	M.C.R. 3597
Stanley Rogers,	M.C.R. 3485
Lizzie Rogers,	M.C.R. 3598
George A. Rogers,	M.L.E. 3600
Maggie Rogers,	M.C.R. 3599
John J. Steagald, et al.,	M.C.R. 3963
Fannie Freeman, et al.,	M.C.R. 4289
Hanna White, et al.,	M.C.R. 3482
W. R. Flummer, et al.,	M.C.R. 4053

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 R 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Culberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lissie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William N. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Mable Freeman, Marvin Freeman, Emma White, Vance White, Grace White, L. P. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lanie Plummer and May Plummer as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED)

Fannie L. Lundy

Acting Chairman.

Registered.

COPY.

M.C.R.3597

Muskogee, Indian Territory, February 24, 1903.

John A. Rogers,

Osado, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chactaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

SIGNED,

Chairman.

No. 3597

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name John A. Rogers

Age 31 Blood 1/8

Post Office, Caddo 29

Father: Samuel Rogers

Mother: Martha Rogers

Claims through mother
wife: Fay Rogers
(no claim for her)

Children:

John Rogers 2 wks

~~Claims~~ for self and child

Choctaw MCR 3598 1

Lizzie Rogers .

See MCR 3481

MCR 3598

Department of the Interior.
Commission to the five Civilized Tribes.
Atoka, I.T. September 23, 1901.

3598

In the matter of the application of Lizzie Rogers for identification as a Mississippi Choctaw.

No attorney for applicant.

Lizzie Rogers being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lizzie Rogers.
Q What is your age? A Twenty six.
Q What is your post office address? A Cadde.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Three years last December.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Indian Territory?
A Texas.
Q How long did you live in Texas? A I don't know how long we lived there; I was small when we moved to Texas.
Q Where did you go from to Texas? A Tennessee.
Q How long did you live in Tennessee? A I don't know; I was small when we left Tennessee.
Q Were you born in Tennessee? A Yes.
Q And lived there until you moved to Texas? A Yes.
Q And you lived in Texas continuously till you came to Indian Territory three years ago? A Yes.
Q What is your father's name? A Samuel Rogers.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Rogers.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A From my mother.
Q How much do you claim? A About an eighth
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe by the Choctaw tribal authorities or the authorities of the United States? A I don't understand you.
Q Has your mother ever been recognized or enrolled as a citizen of the Choctaw Nation? A She was here last year.
Q Applied for identification as a Mississippi Choctaw? A Yes.
Q Are you married? A No.
Q You are applying 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 admitted or 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 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 judgment of the United States Court in Indian Territory? 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 that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A As Mississippi Choctaw.
- Q Are you claiming under any of the treaties between the United States and the Choctaw Nation? A No.

The law under which the Commission is acting in hearing these applications gives it authority to determine the identity of Choctaws 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 then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those two States and removing them all to the country West of the River; but some of the Indians didn't want to come West and the others until something was done for those who wanted to stay in Mississippi. Article fourteen 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." Within six months after this treaty was ratified numbers of Indians went to the agent there in Mississippi and told him they wanted to stay but when a man was sent down by the Government to locate the lands for these Indians it was found that there were a great many Indians who claimed they went to the Indian agent and told him they wanted to stay whose names were not found on the lists he made; so under different acts of Congress men were appointed as Commissioners to go down and look into the matter and find out which of the Indians were entitled to land under the fourteenth article. These Commissioners took up and passed on several hundred cases, some of them they allowed and some they refused; in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed had not been sold they were given to them, but if the land which the Indians claimed had already been disposed of they were given scrip with which they could locate lands

on any of the Public lands in Mississippi, Alabama, Arkansas and Louisiana.

- Q What was your mother's father's name? A John Stegald.
 Q What was your mother's mother's name? A Elizabeth Stegald.
 Q Which one of your mother's parents claimed to be Choctaw? A Her mother.
 Q How old is your mother now? A She is forty nine or fifty; I am not certain.
 Q Was she the oldest one of her mother's children? A No.
 Q Do you know how much older than your mother the oldest one of her mother's children was? A No, I don't. Don't know how much older than her the oldest child was.
 Q Do you know how many there were older than she? A Two that I know.
 Q What was Elizabeth Stegald's father's name? A Coleman Haley.
 Q What was Elizabeth Stegald's mother's name? A Emily Haley.
 Q Was Elizabeth Stegald's name Stegald or Haley in 1830, do you know? A I don't know.
 Q Do you know if she was living in 1830? A Yes, I suppose she was; I don't know.
 Q Did she live in Mississippi in 1830? A I don't know.
 Q Did Coleman Haley live in Mississippi in 1830? A I don't know that either.
 Q Did he live in Alabama? A I don't know.
 Q Where was your mother born? A My mother she was born in Tennessee.
 Q You don't know how long she had been living there when your mother was born? A No.
 Q Did Coleman Haley or Elizabeth Stegald go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi? A I don't know.
 Q Did either of them come West with the other Indians between 1833 to 1838? A I don't know.

If you wish to be identified as a Mississippi Choctaw you should endeavor to bring evidence to prove which one of your ancestors lived in the old Choctaw Nation in Mississippi or Alabama in 1830, if any of them lived there at that time, and if they were recognized Choctaw Indians; and that you are a lineal descendant of that ancestor, and that he or she within six months after the treaty of 1830 was ratified went to the Indian agent there and told him of an intention to remain or tried to do so.

- Q Have you any evidence on these points? A No.
 Q Do you expect to be able to produce any? A Yes, I am going to try.
 Q Do you think you will bring the witnesses in person? A If possible I will.
 Q You understand that oral testimony carries greater weight than depositions or affidavits? A Yes.
 Q Have you any papers you want to file now? A No.
 Q Is there any other statement you want to make now? A None that I know of.
 Q Did Elizabeth Stegald or Coleman Haley own any land in Mississippi, Alabama, Arkansas or Louisiana? A Not that I know of.

If you wish to offer any evidence in support of your application either the oral testimony of witnesses, 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 light brown hair, blue eyes and rather fair 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 1830, and does not know if any of her ancestors lived in the old Choctaw Nation when that treaty was made.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 10, day of October, 1901.

Charles Rosary

Notary Public.

Muskogee, Indian Territory, December 19, 1901.

Lizzie Rogers,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the seventeenth instant, inclosing certified copies of the affidavits of Martha Rogers, Calvin C. Lacy, D. W. Lacy and J. W. McWhorter, which you offer in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in your case, and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MC 3598

Muskogee, Indian Territory, October 9, 1902.

Lizzie Rogers,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Rogers, et al.,	M.C.R. 3481
John A. Rogers, et al.,	M.C.R. 3897
Stanley Rogers,	M.C.R. 3483
Lizzie Rogers,	H.C.R. 3698
George A. Rogers,	K.C.R. 3600
Maggie Rogers,	M.C.R. 3699
John J. Steagald, et al.,	M.C.R. 4002
Fannie Freeman, et al.,	K.C.R. 4289
Anna White, et al.,	H.C.R. 3483
W. R. Plummer, et al.,	M.C.R. 4063

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."

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Gulbercen Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lizzie Rogers, George A. Rogers, Maggie Rogers, John J. Stogald, Willie A. Stogald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Mable Freeman, Marvin Freeman, Rosa White, Vance White, Grace White, W. R. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lanis Plummer and May Plummer as Choctaw Indians entitled 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.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 3598

Muskegee, Indian Territory, February 24, 1903.

Lizzie Rogers,

Osado, Indian Territory.

Dear Madam:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

Chairman.

No. 3598

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name *Lizzie Rogers*
Age *26* Blood *1/8*

Post Office, *Caddo. L. T.*

Father: *Samuel Rogers*

Mother: *Martha Rogers*

Claims through *mother*

~~Citizen:~~

Claims for self only

Stenographer

1/2/01

Choctaw MCR 3599

Maggie Rogers

See MCR 3481

MCR 3599

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 25, 1901.

3599

In the matter of the application of Maggie Rogers for identification as a Mississippi Choctaw.

Applicant is not represented by attorney.

Maggie Rogers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Maggie Rogers.
Q What is your age? A Twenty two.
Q What is your post office address? A Gadsden, I.T.
Q How long have you lived in the Indian Territory? A Three years.
Q Do you hold any land here? A No.
Q Where did you live before you lived in the Indian Territory?
A Texas.
Q How long did you live in Texas? A Till I came here; its my native
home.
Q Were you born in Texas? A Yes.
Q What is your father's name? A Sam Rogers.
Q Is he living? A Yes.
Q What is your mother's name? A Martha Rogers.
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 An eighth.
Q Has your mother ever been recognized or enrolled as a citizen of
the Choctaw Nation? By the Choctaw tribal authorities or the authori-
ties of the United States? A Yes, she has been enrolled.
Q Where? A Here.
Q How long ago? A Last week.
Q You mean that she has made application? A Yes.
Q She applied here for identification as a Mississippi Choctaw?
Yes.
Q That's what you mean when you say she was enrolled? A Yes.
Q You didn't mean then that her name appears on the Choctaw tribal
rolls; but that she applied here as a Mississippi Choctaw? A Well,
like we have; I don't hardly understand it.

- Q Well you mean she came here and applied as you do now? A Yes.
- Q Are you married? A No.
- Q Making this application for yourself alone? A Yes.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you 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 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 judgment of the United States Court in Indian Territory? 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 that you have ever made? A Yes.
- Q What kind of an application do want to make now? A I don't know.
- Q What do you claim to be? A 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 I don't know.

The law under which the Commission is acting in hearing these applications gives it authority 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 then living in Mississippi and the Western part of Alabama for the purpose of giving them lands West of the Mississippi River in exchange for their lands in those States and moving them all to lands West of the River; but some of the Indians didn't want to come West and the others wouldn't sign any treaty until something was done for those who wanted to stay. So article fourteen was put into the treaty for the sake of the Choctaws who wanted to stay. Article fourteen of the treaty of 1830 provides: that "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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 numbers of the Indians went to the agent there and told him they wanted to stay; but when a man was sent down by the United States Government to locate the lands for those Indians it was found that

there were a great many who claimed they had gone to the agent and told him they wanted to stay whose names were not on the rolls the agent made, so under different Acts of Congress men were appointed as Commissioners to look into the matter and find out which of the Indians had a right to lands under article fourteen of the treaty. These Commissioners passed on several hundred cases, some of them they allowed and some they refused, in those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the lands which the Indians claimed had not already been sold they were given to them, but if the lands had been sold they were given scrip with which they could locate lands on any of the Public Lands in Mississippi, Alabama, Arkansas or Louisiana.

Q Did any of your ancestors own land in one of these States? A I don't know; no.

Q What was your mother's father's name? A John Stegald.

Q What was your mother's mother's name? A Elizabeth Stegald.

Q Which one of your mother's parents claimed to be Choctaw? A Father

Q Your mother claimed her Choctaw blood through her father? A My mother?

Q Yes. A She claimed from her mother; my grandmother.

Q From her mother- your grandmother? A Yes.

Q Was Elizabeth Stegald living in 1830? A I don't know.

Q Don't you know when she was born? A No, I don't know when she was born.

Q Don't you know whether she was married and the head of a family in 1830? A No. Q What was Elizabeth Stegald's father's name? A Coleman Haley.

Q What was her mother's name? A Emily Haley.

Q Which one of her parents claimed to be Choctaw? A Coleman Haley.

Q How much Choctaw blood did Coleman Haley claim to have? A I don't know.

Q Did he have a Choctaw name? A What?

Q Did he have a Choctaw name- beside this English name? A I don't know.

Q Have you any evidence of the marriage between Coleman and Emily Haley? A No.

Q Was Coleman Haley living in 1830? A I don't know.

Q You don't know, then, which one of your ancestors was Indian and lived in the old Choctaw Nation in 1830? A Coleman Haley I suppose.

Q Did he live in Mississippi? A I don't know.

Q Did he come west with the other Indians between 1833 to 1838 to the present Choctaw Nation? A I don't know.

Q Did he go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that he wanted to stay there? A I don't know.

Q Did Elizabeth Stegald go to the agent there and tell him she wanted to stay? A I don't know.

Q Did either of them own any land in Mississippi, Louisiana, Arkansas or Alabama? A Not that I know of.

If you wish to be identified as a Mississippi Choctaw you should endeavor to produce evidence to prove which one of your ancestors was living in the old Choctaw Nation in 1830, was a recognized Choctaw Indian, and that you are a lineal descendant of that ancestor and that he or she within six months after the treaty of 1830 was

ratified signified an intention to remain in Mississippi or tried to do so.

Q Have you any evidence on these points? A No.

Q Do you expect to be able to produce any? A I don't know.

Q You understand the importance of securing evidence in support of your application, do you? A Yes. No.

Q Well, you are here in the position of an applicant for valuable property rights and in that kind of a case even the sworn statement of a party in interest carries little weight unless supported by outside evidence; and you should endeavor to bring that kind of support. Do you expect to bring any witnesses here in person? A No.

Q You understand that oral testimony of witnesses carries greater weight than depositions or affidavits? A I don't understand.

Q -and that it would be better for your case to bring your witnesses here in person if possible to do so?

Q Have you any papers you want to file at this time? A No.

Q Any other statement you want to make? A No.

If you wish to offer any 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, gray eyes and medium 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 1830 and she does not know whether any of her ancestors lived in the old Choctaw Nation or not.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 23, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11th day of October, 1901.

Charles W. Sawyer

Notary Public.

Muskogee, Indian Territory, December 19, 1901.

Maggie May Rogers,

Caddo, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the seventeenth instant, inclosing the affidavit of Martha Rogers, and certified copies of the affidavits of D. W. Lacy, Calvin C. Lacy and J. W. McWhorter, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in your case, and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

MC 3599

3599

Muskogee, Indian Territory, October 2, 1902.

Maggie Rogers,
Caddo, Indian Territory.

Dear Madam:

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

- | | |
|---------------------------|-------------|
| Martha Rogers, et al., | M.C.R. 3481 |
| John A. Rogers, et al., | M.C.R. 3597 |
| Stanley Rogers, | M.C.R. 3483 |
| Lizzie Rogers, | M.C.R. 3598 |
| George A. Rogers, | M.C.R. 3600 |
| Maggie Rogers, | M.C.R. 3599 |
| John J. Steagald, et al., | M.C.R. 3963 |
| Pattie Freeman, et al., | M.C.R. 4289 |
| Emma White, et al., | M.C.R. 3482 |
| W. R. Plummer, et al., | M.C.R. 4053 |

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:

M R 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Veida Rogers, Culberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lizzie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Mable Freeman, Marvin Freeman, Emma White, Vance White, Grace White, W. L. Plummer, Lula Plummer, Verner Plummer, Arthur Plummer, Lanis Plummer and May Plummer as Choctaw Indians entitled 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 its 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.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 3599

COPY

Muskogee, Indian Territory, February 24, 1903.

Maggie Rogers,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 11th day of February, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

James D. Fisher
Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name Maggie Rogers

Age 22 Blood 1/8

Post Office, Caddo, L.T.

Father: Sam Rogers

Mother: Martha Rogers

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

H. G. Haine

Choctaw MCR 3600

George A. Rogers

See MCR 3481

MCR 3600

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 25, 1901.

3600

-Applicant not represented by attorney-

In the matter of the application of George A. Rogers for the identification of himself as a Mississippi Choctaw.

GEORGE A. ROGERS, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A George A. Rogers.
Q What is your age? A 34.
Q What is your postoffice address? A Caldo, Indian Territory.
Q How long have you lived in the Indian Territory? A Two years.
Q Where did you live before you lived here? A Texas.
Q How long did you live in Texas? A I can't say exactly.
Q Were you born in Texas? A No in Tennessee.
Q About how old were you when you left Tennessee? A About ten months old.
Q Where did you go to, from Tennessee? A Texas.
Q Have you lived in Texas ever since that time until you came to the Indian Territory about two years ago? A Yes.
Q Do you hold any land in the Territory? A No.
Q What is your father's name? A Samuel Rogers.
Q Is he living? A Yes.
Q What is your mother's name? A Martha.
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 to? A One eighth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No.
Q Are you married? A No.
Q Making this application for yourself alone? A Yes.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
Q Have you ever applied to the tribal authorities of the Choctaw Nation in the 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 apply to the Dawes Commission for citizenship in the Choctaw Nation under Act of Congress of June, 10, 1896? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the Dawes Commission? A No.
Q Have you 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 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 that you have ever made?
A Yes.
Q What kind of an application do you make now? A As a citizen of the Choctaw Nation by blood.
The time in which the Commission could hear and determine original applications for citizenship in the Choctaw Nation by blood, expired

within ninety days from the date on which they began hearing such applications, and since that time no body has had jurisdiction to determine such original applications for Choctaw citizenship.

Q What do you claim you are? A Choctaw.

Q What kind of a Choctaw? A Mississippi Choctaw.

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 don't know exactly what it is.

Q Do you know what an agreement is? A Yes.

Q Well, where two Nations make an agreement that is called a treaty.

The law under which this Commission is acting in hearing these applications, gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under the fourteenth article of the treaty of 1830. In 1830 the United States wanted to make a treaty with these Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their lands in those states and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for the benefit of those Choctaws who wanted to stay in Mississippi; so the fourteenth article was made a part of the treaty for the benefit of those who didn't want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall notlose their privilege as a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article these Choctaw Indians who didn't 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 there and take land and they would get land for, 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 notlose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there 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 Indian agent there and signified their intention to remain and whose names were not on the list made out by the Indian agent; so under the different acts of Congress Commissioners were appointed and sent down here to find out which of the Indians were entitled to the land there under the fourteenth article; these Commissioners took up and passed upon several hundred of these cases, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could locate land in any of the Public Lands in Mississippi, Alabama, Ariz-

- Q Did you know her name?
- Q What was your mother's father's name? A John Stegald.
- Q What was your mother's mother's name? A Elizabeth
- Q Did one of your mother's parents claimed to be Choctaw? A Her mother
- Q What was Elizabeth Stegald's father's name? A Colonel
- Q What was Elizabeth's mother's name? A Wiley.
- Q Did one of Elizabeth's parents claimed to be Choctaw?
- Q Colonel Wiley, her father.
- Q Have you any evidence of the marriage of Colonel and Wiley Wiley?
- A No.

It will be necessary for the deposition to be taken with this evidence in support of your application.

- Q Do you know whether Elizabeth Stegald was living in 1830? A No.
- Q Do you know whether Colonel Wiley was living in 1830? A No.
- Q Which one of your ancestors did live in the old Choctaw Nation in 1830 and was a recognized Choctaw Indian? A My Colonel Wiley I guess - I don't know if my did, but if my did, Colonel Wiley did.
- Q Did Colonel Wiley or Elizabeth Stegald come west to the present Choctaw Nation between 1830 and 1838 with the other Choctaw Indians?
- A I don't know.
- Q Did either of them go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and to find they wanted to stay and take land? A I don't know.
- Q Did either of them ever own any land in Mississippi, Alabama, or Louisiana? A Not that I know of.

If you wish to be identified as a Mississippi Choctaw you should endeavor to produce evidence to show within one of your ancestors lived in the old Choctaw Nation in Mississippi in 1830, and that you are a lineal descendant of that ancestor, and that he or she within six months from the ratification of the treaty of 1830 went to the Indian agent there in Mississippi and signified his or her intention to remain there or tried to do so.

- Q Have you any evidence on these points? A No.
- Q Do you expect to produce evidence to prove these points? A Yes.
- Q Do you think you will bring your witnesses in person before the Commission for examination? A I don't know I suppose I will.
- Q Do you understand that the oral testimony of witnesses carries more weight than their depositions or affidavits? A Yes.
- Q And that it will be better for your case if you bring your witnesses in person before the Commission, if possible? A Yes.
- Q Have you any papers that you want to file now? A No.
- Q Is there any other statement that you want to make at this time in support of your application? A No.
- Q Do you know how much Choctaw about Colonel Wiley claimed to have?
- A No.

This applicant has brown hair, blue eyes, and rather dark complexion; his features and general appearance are those of a white man; he shows no admixture on the part of his ancestors with the provisions of the fourth article of the treaty of 1830, and was not known within one of the sections lived in the old Choctaw Nation when that treaty was made.

.....

On the 14th day of September, 1901, at the city of New Orleans, Louisiana, I, the undersigned, being duly sworn, states that his stenographic notes to the Commission on the Five Civilized Tribes he reported in full all the proceedings in the above case and that the foregoing is a true, full and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 14th day of September, 1901.

Charles W. Wicks
Notary Public.

Muskogee, Indian Territory, December 19, 1901.

George J. Rogers,
Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the seventeenth instant, inclosing certified copies of the affidavits of J. W. McWhorter, Calvin G. Lacy, D. W. Lacy, and Martha Rogers, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same have been made a part of the record in the case of George A. Rogers, and will receive consideration in the disposition of this application.

At the time you appeared before the Commission on September 25, 1901, and applied for identification as a Mississippi Choctaw you gave your name as George A. Rogers. Please advise the Commission whether your name is George A. or George J. Rogers.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, October 9, 1902.

George A. Rogers,
Caddo, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Rogers, et al.,	M.C.R. 3481
John A. Rogers, et al.,	M.C.R. 3597
Stanley Rogers,	M.C.R. 3483
Lissie Rogers,	M.C.R. 3598
George A. Rogers,	M.C.R. 3600
Maggie Rogers,	M.C.R. 3599
John J. Steagald, et al.,	M.C.R. 3963
Jamie Freeman, et al.,	M.C.R. 4289
Rosa White, et al.,	M.C.R. 3482
W. R. Flusser, et al.,	M.C.R. 4083

These applications were made under the provision of the act of Congress of June 28, 1906, (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:

G A R B

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martha Rogers, Jesse Rogers, Bertha Rogers, Samuel Rogers, Velda Rogers, Gulberson Rogers, John A. Rogers, John Rogers, Stanley Rogers, Lissie Rogers, George A. Rogers, Maggie Rogers, John J. Steagald, Willie A. Steagald, Fannie Freeman, John Freeman, William F. Freeman, Claude Freeman, Walter Freeman, Mary Freeman, Mable Freeman, Marvin Freeman, Emma White, Vance White, Grace White, V. R. Plummer, Lala Plummer, Verner Plummer, Arthur Plummer, Lenis Plummer and May Plummer as Choctaw Indians entitled 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.

Respectfully,

Registered.

Acting chairman.

M.C.R. 3600

Muskogee, Indian Territory, February 24, 1903.

George A. Rogers,

Osado, Indian Territory.

Dear Sir:

You are hereby notified that on the 11th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Rogers, et al., of which decision you were advised by registered mail on the 9th day of October, 1902.

Respectfully,

James D. ...
Chairman.

For Identification as a Mississippi Claimant

Date SEP 23 1901

Name George A. Rogers

Age 24 Blood 1/8

Post Office, Caddo L. T.

Father: Samuel Rogers

Mother: Martha Rogers

Claims through mother

~~Children:~~

Claims for self alone

Stenographer

Charles von Heise

Choctaw. MCR 3601

• Margaret Jane Odom

See MCR 3653, 3654

MCR 3601

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Margaret Jane Odom, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Margaret Jane Odom, et al	M.C.R. 3601
Mary J. Dutton, et al	" 3653
Della Vernon, et al	" 3654

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Margaret Jane Odom, et al.

	(Page)
Original application of Margaret Jane Odom, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Original application of Mary J. Dutton, et al., before the Dawes Commission for identification as Mississippi Choctaws	6
Original application of Della Vernon, et al., before the Dawes Commission for identification as Mississippi Choctaws	11
Decision of the Commission denying the application of Margaret Jane Odom, et al., for identification as Mississippi Choctaws	16

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Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 25rd, 1901.

3801

-Applicant not represented by attorney-

In the matter of the application of Margaret Jane Odom for the identification of herself and her minor child as Mississippi Choctaws.

Margaret Jane Odom, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Margaret Jane Odom.
Q What is your age? A 53.
Q What is your post office address? A Opal, Texas. Wise County.
Q How long have you lived in Texas? A Ever since I was ten years old - no twelve years old.
Q Have never been outside of that State since that time? A No.
Q Where did you live before that time? A Tennessee, first two years of my life I lived in Mississippi, was born in Mississippi.
Q And lived there until you were two years old? A Yes.
Q And then went to Tennessee and lived until you were ten or twelve years old? A No, about six years.
Q Where did you go, from Tennessee? A Here to the Territory and staid about two years and then went to Texas and have been there ever since.
Q What is your father's name? A Hughes.
Q What is his given name? A Sam.
Q Is he living? A No.
Q What is your mother's name? A Mary Hughes.
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 I think; my great grand father was a full blood Indian Chief, Concho was his name.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A I think that all of them were according to my mother's statement.
Q Where? A In Washington.
Q Did they go to Washington to be enrolled? A No I guess not, I dont know.
Q Well where were they enrolled then? A In Mississippi or in North Carolina; I think in North Carolina; in my great grand father's day he was an Indian Chief at that time.
Q A Choctaw Indian? A Yes.
Q Sure he wasn't a Cherokee? A Mississippi Choctaw, isn't that what I said a while ago? I have two aunts now in Mississippi.
Q Are you married? A Yes.
Q What is your husband's name? A Charles Jefferson Odom
Q Is he living? A Yes.
Q Do you make application for him? A No I guess not, but you can if you want to.
Q What is he? A American.
Q White man? A Yes.
Q He makes no claim to Choctaw blood? A No.
Q What kind of an application do you want to make for him then? A I don't know.
Q You don't make application for him then? A No.
Q Have you any children for whom you want to apply who are under twenty one years of age and unmarried? A Only one, that is single and she is 13 years of age.
Q What is her name? A Elizabeth Odom.
Q You are that child's mother? A Yes.
Q What is the name of that child's father? A Charles Jefferson Odom.

Q When and where were you married to him? A In Cherokee County, Texas
Q When were you married to him? A We have been married 31 years, this coming December.

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 Did you ever apply to the tribal authorities of the Choctaw Nation in the Indian Territory to have yourself or your child enrolled as a member 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 Act 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 judgment of the United States Court in the Indian Territory on appeal from the decision of the Dawes Commission or the Choctaw tribal authorities? A No.

Q Have you ever before this time applied to the Choctaw tribal authorities or the authorities of the United States to have yourself or your child admitted or enrolled as members of the Choctaw tribe? A No.

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

Q What kind of an application do you want to make now? A Under head of Mississippi Choctaw, that is what my people claim to be.

Q Do you claim under any of the treaties between the United States and the Choctaw Nation? A Yes.

Q What treaty? A Part of my people came here and settled in the Territory at Boggy Depot just after the treaty.

Q You don't know under which treaty you claim under? A Yes.

Q Which one? A The Mississippi treaty.

Q Do you know when that treaty was made? A No.

The law under which this Commission is acting in hearing these applications gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay there in Mississippi; so this fourteenth article was made a part of the treaty for the benefit of those who did not want to come west; article fourteen of the treaty of 1830 provides: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." Under this article these Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the ratification of this treaty tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children

and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down by the Government to locate the land for the Indians, it was found that there were a great many who claimed they had gone to the Indian agent there and dignified their intention to remain and whose names were not on the list made out by the Indian agent, so under the different acts of Congress men were appointed and sent down there as Commissioners to find out which of the Indians had a right to land under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases where they allowed the claims of the Indians and where their motions were approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could locate land in any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

Q Did any of your ancestors own land in these States? A I don't know if they did or not.

Q How old would your mother be if she were living now? A 89 years,

Q Your mother must have been born then about 1812? A Yes I guess so.

Q Do you know when your mother was married? A No, the records of my mother got burned.

Q Are you the oldest one of your mother's children? A No I have two brothers older.

Q How much older than you is the oldest one of your mother's children?

A About 59 years old.

Q You don't know how old your mother was when she was married? A No.

Q You don't know whether her name was Mary Hughes in 1830 or not? A No

Q Have you any way to find that out? A I expect I can later on.

Q What was your mother's father's name? A Spencer Holman

Q What was her mother's name? A Easter Holman.

Q Which one of your mother's parents claimed to be Choctaw? A My great grand mother and grand mother.

Q Your mother's mother then claimed to be Choctaw? A Yes

Q How much Choctaw blood did your mother's mother claim to have? A One eighth.

Q Did Easter Holman live in Mississippi in 1830? A She may have, she lived there until the second year of the war.

Q When did she go there? A Born and raised there.

Q Easter Holman was born and raised in Mississippi? A Yes, and lived there until the second year of the war and then moved to Tennessee and then to the Territory here.

Q Did Easter Holman come to the Territory here? A No, my mother, she is all that came, Easter Holman didn't come.

Q Did Easter Holman go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him she wanted to stay and take land? A I don't know, she went back there after she left there.

Q Where did she come back to Mississippi from? A Tennessee.

Q I say, did Easter Holman go to the Indian agent there in Mississippi within six months after February 27th 1830 and tell him that she wanted to stay there and take land? A I don't know.

Q Did she own any land in Mississippi? A Grand father did.

Q Your grand father didn't claim to be an Indian? A She was Grand-father's wife and of course she owned it with him.

Q Your grand father didn't claim to be an Indian did he? A No.

Q Do you know how he got that land? A I don't know.

Q You don't know if he got it with his own money or got it by reason of his marriage to Easter Holman who was a recognized Indian? A No

Q Where was that land located? A In Lauderdale County, Mississippi.
 Q Do you know that you can have the land records of that County examined and find out how your grand father got that land? A I guess so.
 Q Do you understand that it might be a matter of great importance to you to have that evidence? A Yes, I guess it would.
 Q Will you try and get it? A Yes.
 Q Was Easter Holman enrolled in Washington? A She said that she was, her and her two oldest brothers was enrolled when they was babies.
 Q How much older than your mother was Easter Holman? A She was 80 odd years old.
 Q How much older than your mother was Easter Holman, her mother? A I can't tell you for I don't know.
 Q Now you say that your mother—according to your testimony your mother was born in 1812, now do you mean that your mother and her two oldest brothers were enrolled when they were babies or was it your mother's mother and her two oldest brothers? A My mother.
 Q I was asking you about Easter Holman, your grand mother? A I don't know anything about her, when she died or when she was born.

Copy of Ward's Register of names of applicants who within six months from the ratification of the treaty of Dancing Rabbit Creek signified to him their intention to remain and become citizens of the States, examined and the name of Easter Holman not found thereon.

List of claimants under the 14th article of the treaty of 1830 whose claims were allowed by Commissioners appointed under Acts of Congress and approved, examined and the name of Easter Holman not found thereon.

If you wish to be identified as a Mississippi Choctaw you should endeavor to produce evidence to show which one of your ancestors lived in Mississippi in 1830 and was a recognized Choctaw Indian, and that you are the lineal descendant of that ancestor, and that he or she went to the Indian agent there in Mississippi within six months after the ratification of the treaty of 1830, and signified his or her intention to remain and take land or tried to do so.

Q Have you any evidence on those points at this time? A No.
 Q Do you expect to produce it later? A Yes.
 Q You expect, to try do you? A Yes.
 Q Have you any papers that you want to file now? A No.

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

Q Is there any other statement that you want to make at this time in support of your application? A No.

This applicant has grayish black hair, blue eyes, rather dark 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 1830, although she states that her grand mother was living in Mississippi at the date of the making of this treaty.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this 24 day of September, 1901.

Chas von Weise
 Wm W Shelby
 Notary Public

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C.W.

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

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In the matter of the application of Margaret Jane Odom, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Margaret Jane Odom, et al	M.C.R. 3601
Mary J. Dutton, et al	" 3653
Della Vernon, et al	" 3654

--: 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 Margaret Jane Odom for herself and her minor child, Elisabeth Odom; by Mary J. Dutton for herself and her five minor children, Levin G., and Clarence Wetherlain, and Pearlis, Roy and Harvey Dutton and by Della Vernon for herself and her two minor children, Guthbirt and Richard Vernon, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 493):

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

It also appears that 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 Raster Holman, who is alleged to have been an one-eighth blood Choctaw Indian, and that the applicants embraced in cases numbered U.C.R. 3353 and U.C.R. 3354 also claim said rights by reason of being descendants of one Sam Hughes, 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 no one of said applicants has ever been enrolled by the Choctaw tribal authority 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 either the said Raster Holman, or Sam Hughes, 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

(3)

Congress approved March 3, 1837 (5 stats., 180) and August 23, 1842, (5 Stats., 518).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Oden, Elizabeth Oden, Mary J. Dutton, Levin G. Hetherlain, Clarence Hetherlain, Pearlie Dutton, Roy Dutton, Harvey Dutton, Della Vernon, Gathbirt Vernon and Richard Vernon, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,



ACTING CHAIRMAN.



Commissioners

Muskogee, Indian Territory,

AUG 7 1902

COPY.

Muskogee, Indian Territory, August 7, 1902.

Mansfield, McKurray & 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 Margaret Jane Odom, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Odom, et al.,	M.C.R. 3601
Mary J. Dutton, et al.,	" 3653
Della Vernon, et al.,	" 3654

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

M M & C _____ 2

Margaret Jane Odom, Elizabeth Odom, Mary J. Dutton, Levin C. Netherlain, Clarence Netherlain, Pearlis Dutton, Roy Dutton, Harvey Dutton, Della Vernon, Guthbert Vernon and Richard Vernon 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 Dixby

Acting Chairman.

COPY

M.C.R. 3601

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 Margaret Jane Odom, 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:

Margaret Jane Odom, et al.,	M.C.R. 3601
Mary J. Dutton, et al.,	" 3653
Della Vernon, et al.,	" 3654

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

Respectfully,

(SIGNED)

Tamc Dixby.

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

L.C.R. 3601

Muskogee, Indian Territory, August 7, 1902.

Margaret Jane Odom,

Opal, Texas.

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

Margaret Jane Odom, et al.,	M.C.R. 3601
Mary J. Dutton, et al.,	" 3653
Della Vernon, et al.,	" 3654

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

M J O _____ 2

Margaret Jane Odom, Elizabeth Odom, Mary J. Dutton, Levin C. Metherlain, Clarence Metherlain, Pearlle Dutton, Roy Dutton, Harvey Dutton, Della Vernon, Guthbert Vernon and Richard Vernon, 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 Birby.
Acting Chairman.

Registered.

C o p y.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Land.
47488-1902.

Washington, October 9, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of Margaret Jane Odom, et al., who were applicants before the Commission for identification as Mississippi Choctaws, and the following cases are consolidated therein.

Margaret Jane Odom, et al.,

Mary J. Dutton, et al.,

Della Vernon, et al.,

On August 7, 1902, the Commission rendered a decision in this case denying the claim of the applicants to identification as Mississippi Choctaws on the ground that the evidence is insufficient to warrant a decision in their favor.

An examination of the record evidence shows that the applicants claim as common ancestors one Easter Holman and Sam Hughes who, they allege, were Choctaw Indians, the degree of blood not stated. This evidence does not show that either of said ancestors ever complied with the provisions of the 14th article of the treaty of 1830 nor is it shown that any patent for land was ever issued to either of them by reason of any such compliance or attempted compliance with the provisions of said article.

The office records do not show that either of said ancestors ever complied or attempted to comply with the provisions of said article or received a patent for land thereunder. The record evidence does show that none of these applicants are Choctaw Indians of the full blood.

The office therefore considers that said decision of the commission is correct and recommends that the same be approved by the Department.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

(W.C.B.)

P.

D.C. 19743.

C o p y.

RAF

DEPARTMENT OF THE INTERIOR.

W a s h i n g t o n, October 20, 1902.

ITD. 6267-1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

August 7, 1902, you transmitted the record in the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to-wit: Margaret Jane and Elizabeth Odom; Mary J. Dutton, Levin C. and Clarence Netherlain, Pearlle, Roy and Harvey Dutton; Della, Guthbirt and Richard Vernon.

The applicants endeavor to trace their descent from one Easter Holman and Sam Hughes, who are alleged to have been Choctaw Indians.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or that Easter Holman or Sam Hughes or a less remote ancestor of the applicants complied or attempted to comply with article XIV of the treaty of September 27th, 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 October 9, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his

--2--

letter is inclosed.

Having carefully reviewed the whole record, the Department affirms the decision rendered.

Respectfully,

E. A. HITCHCOCK.

Secretary.

1 inclosure.

H.C.R. 3461.

Muskogee, Indian Territory, November 7, 1902.

Margaret Jane Odon,

Ch. 1 Texas.

Dear Madam:

You are hereby advised that on the 30th 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 Margaret Jane Odon, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

Acting Chairman.

U.S.F. 3001.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Hansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21th 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 Margaret Jane Odom, et al., of which decision you were advised by mail on the 7th day of August, 1902.

Respectfully,

James Kirby
Acting Chairman.

REFER TO M. C. R. 3601

Margaret Jane Odom et al.

Consolidated Case

Concho, full xx



Easter Holman 1/2?
husband
Spence Holman ?

Mary Holman, dead x
unmarried
Sam Hughes, dead x

Margaret Jane Hughes, 5 2, '18
married
Charles Jefferson Odom, w.

Mary J. Odom 33 1/16
married
David Netherlain, w. dead
E. J. Dutton w

Della Odom, 26, 1/16
married
G. W. Vernon, w.

Elizabeth Odom, 13

Lavin G. Netherlain, 16
Clarence Netherlain, 11
Pearlie Dutton, 6
Roy Dutton, 2
Harvey Dutton, 8 m.

Guthbert Vernon 10
Richard Vernon 8

X Conflict in testimony as to descent applicant in mck 3601 claims through her mother Mary Holman, while other applicants claim Sam Hughes as their Charles ancestor.

XX In one portion of his testimony, applicant in mck 3601 states that his great grandfater Concho, was a full blood, and in another that his great grand mother was a full blood.

No. 3601

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name Margaret Jane Odom

Age 52

Blood

" F

Post Office,

Opal, Texas

Father:

Sam Hughes (dead)

Mother:

Mary Hughes (dead)

Claims through

mother

husband: C. J. Odom

(no claim for him)

Children:

Elizabeth Odom 13

Claims for self and child

Stenographer

Charles von Heise

Choctaw MCR 3602

• James E. McBee

MCR 3602

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

In the matter of the application of James E. McBee, et al.,
for identification as Mississippi Choctaws, N.C.R. 3602.

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

	(Page)
Original application of James E. McBee, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Decision of the Commission denying the application of James E. McBee, et al., for identification as Mississippi Choctaws	6

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3602

In the matter of the application of James E. McBee for identification of himself and his three minor children as Mississippi Choctaws.

Applicant not represented by attorney.

James E. McBee being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A James E. McBee, M-c-B-e-e-.
- Q What is your age? A Thirty-seven.
- Q What is your post-office address? A Southmayd.
- Q What State? A Texas, Grayson County.
- Q How long have you lived there? A About fourteen years.
- Q Where did you live before that? A Collin County.
- Q Where were you born? A Missouri.
- Q Where did you go to from Missouri? A I went to Texas.
- Q How long did you live in Missouri before you went to Texas? A Went there when I was two years old.
- Q And lived there ever since? A Yes.
- Q What is your father's name? A L. J. McBee.
- Q Is he living? A He is dead.
- Q Is your mother living or dead? A She is dead.
- Q What was her name? A Eliza.
- 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 Was your father 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 Are you married? A Yes.
- Q What is your wife's name? A Caroline. I have been married twice
- Q Caroline is your present wife? A Yes.
- Q She is white or Indian? A White woman.
- Q You don't make any claim for her? A No sir.
- Q How many children have you who are under twenty-one years of age and unmarried for whom you wish to make application? A Three.
- Q What is the name of the oldest? A Charley E.
- Q How old is Charley? A He is fourteen years old.
- Q Who was the mother of Charley E. McBee? A Ida McBee.
- Q What was her blood? A Why they claimed some Indian.
- Q You make any claim for him through your wife? A No.
- Q You just claim for him through your father? A Yes.
- Q When and where were you married to Ida? A Collin County.
- Q Collin County where? A Texas.
- Q When? A In 1888.
- Q You remember the day and the month? A 25th of the month.
- Q Were you married under a license by an ordained minister? A Yes.
- Q Have you your marriage license and certificate? A I have not but I can get it.
- Q You say Charley E. McBee is your child by your first wife Ida? A Yes.
- Q Have you any other children? A Yes two.
- Q Give the name of the oldest? A Carrie L.
- Q How old is she? A She is seven years old.

- Q The next? A James W.
 Q How old is he? A Four.
 Q That all? A Yes sir.
 Q Who is the mother of Carrie L. and James W.? A Caroline.
 Q Your present wife? A Yes sir.
 Q When and where were you married to her? A Grayson County.
 Q Texas? A Yes.
 Q When? A July 1892.
 Q What date in July do you remember? A 22nd.
 Q Married by a minister and under a license? A Yes sir.
 Q Have you your marriage license and certificate? A No.

A reasonable time will be allowed this applicant in which to introduce his marriage license and certificate or copies thereof of his first marriage and also his second one, in support of the application he makes for his minor children.

- Q You claim then for yourself and your three children? A Yes sir.
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
 Q Have you ever made application for yourself or children for enrollment as citizens of the Choctaw Nation? A No sir.
 Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation, together with your children, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No.
 Q Have you ever made application before this time to have yourself or your children enrolled as citizens of the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
 Q Do you now come before the Commission for the purpose of being identified, yourself and your children, as Mississippi Choctaws and claiming rights in the Choctaw lands of the Choctaw Nation Indian Territory under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
 Q Do you understand that article of the treaty of 1830? A No sir I don't.
 Q I mean article fourteen of the treaty of eighteen hundred and thirty? A No I don't understand it.

The treaty of eighteen hundred and thirty, some times called the treaty of Dancing Rabbit Creek was entered into with the Choctaw tribe of Indians who lived in Mississippi and Alabama at that time. The object of the treaty was to secure the removal of all the Choctaw Indians from the Country then occupied by them to a new Country west of the Mississippi River. Before the treaty was signed it became evidence that a great many Indians would refuse to go to the Choctaw Nation Indian Territory and in order that their interests might be protected this fourteenth article was made a part of the treaty of eighteen hundred and thirty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner

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

- Q You think you understand that article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of eighteen hundred and thirty? A Not that I know of.
- Q Were any of your ancestors living in Mississippi or Alabama in the years eighteen hundred and thirty and were they heads of families at that time? A Yes sir.
- Q What is the name of your ancestor who lived in the in the old Choctaw Nation in Mississippi in 1830 who was the head of a family at that time? A John Major.
- Q How much Choctaw blood did he have? A He claimed to be a full blood Choctaw.
- Q What evidence have you that he as a full blood Choctaw? A Just been taught that from child.
- Q From family history? A Yes sir.
- Q Have you any documentary evidence or any proof, copies of records or anything of that kind to show that he was a Choctaw Indian? A No not with me.
- Q Could he speak the Choctaw language? A My grandmother said he could.
- Q Is this your grandfather? A No my greatgreatgrandfather.
- Q You claim through your father? A Yes.
- Q Through which parent did he claim Choctaw blood? A His mother.
- Q What was her name? A Susan McBee.
- Q What was her maiden name? A Hawkins.
- Q Through whom did she claim her Choctaw blood? A Her mother.
- Q What was her name? A Her maiden name was Major.
- Q And you say John Major lived in Mississippi in 1830 and was the head of a family? A Yes sir.
- Q Do you know whether he was recognized as a member of the Choctaw tribe of Indians at that time? A No sir I do not.
- Q Do you know whether he did attempt in any way to comply with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A No.
- Q Did he within six months after that treaty was ratified go to the Indian Agent who lived in Mississippi at that time and tell him that he intended to stay in Mississippi and take land there and become a citizen of that State? A I don't know.
- Q Did he or did any other of your Choctaw ancestors go from Mississippi or Alabama to the New Choctaw Nation Indian Territory with the other Choctaws between 1833 and 1836? A Not that I know of.
- Q Did he or did any other of your Choctaw ancestors ever claim or receive any land under article fourteen of the treaty of eighteen hundred and thirty? A No.
- Q Did he or did any other of your Choctaw ancestors claim any rights or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government directed an Agent in Mississippi, Colonel Ward, who lived there at that time, to make a list of all the names of all Choctaw Indians who within six months after the ratification of the treaty of eighteen hundred and thirty went to his office and declared their intention of remaining in Mississippi and taking land there. For some reason, known only to the Indian Agent alone, he failed to record the names of a great many Choctaw Indians who did make such declarations as required by the fourteenth article of the treaty. This neglect on the part of the Indian Agent caused a great many Choctaw Indians who held land in Mississippi upon which they owned improvements, to lose both the land and the improvements upon it. This caused a great deal of complaint by the Choctaws and as the result of these complaints Commissioners were appointed under acts of Congress of March 3, 1837, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 under act of Congress of August 23 that year, another Commission~~x~~ was appointed for a similar purpose.

- Q Do you know whether any of your ancestors, did John Major through whom you claim, go before either of these Commissions, that of 1837 or the Commission or 1842 and claim benefits under this fourteenth article of the treaty of eighteen hundred and thirty? A I don't know whether he did.
- Q Do you know whether any of your ancestor or John Major owned any land or improvements in Mississippi or Alabama in 1830? A No.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of eighteen hundred and thirty but that his land had been taken from him, he should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama. And that certificates to this effect should be issued to him. These certificates were called scrip.

- Q Do you know whether any of your ancestors or whether John Major received any such scrip from the government. A No sir I do not.
- Q Have you any documentary evidence that you wish to file at this time? A No sir.
- Q Would you like to have time in which to introduce it? A Yes sir.

A reasonable time will be allowed this applicant for the introduction of proper documentary evidence also the oral testimony of witnesses if he desires introduce such evidence.

- Q Do you speak the Choctaw language? A No sir.
- Q You have no knowledge of that language? A No sir.
- Q Is there anything further that you would like to say in support of this claim? A No sir I believe not.
- Q Is this the first application you have ever made? A Yes sir.
- Q Are there any relatives of your who have appeared before the Commission for identification as Mississippi Choctaws? A No.
- Q Are there any witnesses here before the Commission that you would like to have called now? A No sir.

This applicant has the appearance and physical characteristics of being descended from a white person. He has blue eyes, light mustache and dark brown eyes. His features and general outline are those of a white person. He has no knowledge of 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 September 26th 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 September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 23rd day of November 1901.

Clara Mitchell Wood

Notary Public.

J. G. M.
C. v. W.

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

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In the matter of the application of James E. McBee, et al.,
for identification as Mississippi Choctaws, H.C.R. 3602.

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

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by James E. McBee for himself and his three minor children, Charley
E., Carrie L., and James W. McBee, under the following provision
of the act of Congress approved June 28, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants
of one John Major, 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 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).

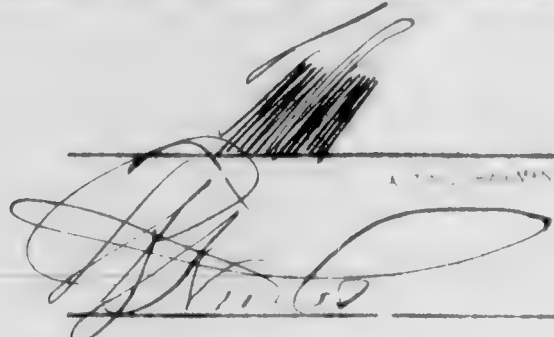
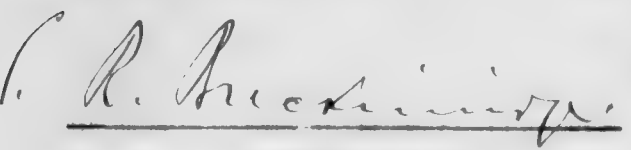
It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Major, 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 James E. McBee, Charley E. McBee, Carrie L. McBee and James W. McBee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be

(3)

refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


A. T. HAYDEN


Commissioners.

Muskogee, Indian Territory,

JUL 26 1902

M.C.R. 5002.

Washington, Indian Territory, July 26, 1902.

James E. McFee,
Southmayd, 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 case of James E. McFee, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 22, 1898 (30 Stat. 408) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer 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. H. McE 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James H. McEe, Charley E. McEe, Carrie L. McEe and James W. McEe, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED).

E. B. McEe

Commissioner in Charge.

Registered.

COPY.

H.C.N. 2802.

Waskoge, Indian Territory, July 26, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 26th day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of James H. McFee, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 20, 1898 (30 Stat. 498) which is as follows:

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

Said decision concludes as follows:

M McW & C

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James E. McFee, Charley E. McFee, Carrie E. McFee and James V. McFee, as Cherokee Indians entitled to rights in the Cherokee lands under the provisions of said article fourteen of the treaty of 1835, and that the application for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

T. B. Harlow
Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 45083-1902.

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 of proceedings in the matter of the application for identification as Mississippi Choctaws of James N. McBee for himself and his three minor children, Charley E., Carrie L., and James W. McBee.

Descent is claimed through the father and mother of the principal applicant, L. J. McBee and Susan McBee, nee Hawkins, respectively, to his grandfather, John Major.

The records of this office fail to show that any of the parties from whom descent is claimed 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 affirmed.

Very respectfully,
Your obedient servant,

A. G. Tenner,

Acting Commissioner.

WV

3 inclosures.

D. C. 14072-1902.

51083

WHR.

DEPARTMENT OF THE INTERIOR.

Washington.

I.T.D. 4775-1902.
L. R. S.

August 26, 1902.

The commission to the five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

July 26, 1902, you transmitted the record in the matter of the application of James E. McBee, for the identification of himself and his three minor children, Charley E., Carrie L., and James W. McBee, as Mississippi Choctaws.

From an examination of the record it appears that all of the applicants claim rights in the Choctaw lands under Article 14 of the Treaty of 1830, claiming descent from said principal applicants' great grandfather, one John Major, who is alleged to have been a full blood Choctaw Indian, and to have resided in Mississippi in 1830; that neither the principal applicant nor any one of his said children were ever enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or that the alleged ancestor, ever complied or attempted to comply with the provisions of said Article 14 of the Treaty of 1830, or with the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513), and it is therefore your opinion that the evidence submitted is insufficient to determine the identity of either the applicant or any one of his said children, and you accordingly reject the application.

The Acting Commissioner of Indian Affairs reporting in the matter August 5, 1902, recommends that your decision be affirmed.

The Department, after carefully reviewing the evidence submitted, approves your action rejecting the application, and your decision is accordingly affirmed.

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

Respectfully,

Thos. Ryan,

Acting Secretary.

H.M.D.

1 inclosure.

COPY.

Muskogee, Indian Territory, July 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record on the case of James E. McBoe, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 26, 1902.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of
Indian Affairs.

1 enclosure.

M.C.R.3602

COPY.

Muskogee, Indian Territory, September 5, 1902.

James E. McBee,

Southwayd, 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 application for identification as Mississippi Choctaws of the several persons included in the application of James E. McBee, et al., of which decision you were duly advised by registered mail on the 26th day of July, 1902.

Yours truly,

Acting Chairman.

M.C.R. 8602.

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 application for identification as Mississippi Choctaws of the several persons included in the application of James E. McBea, et al., of which decision you were duly advised by mail on the 26th day of July, 1902.

Yours truly,

James Dinty

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name James E. Mc Bee

Age 37 - Blood 1/16

Post Office, Southmayd, Texas.

Father: L. J. Mc Bee - d

Mother: Eliza " d

Claims through father
wife - Caroline (l) w.

No claim for wife.

Children: Charley E. Mc Bee 14

Carrie L " 7

Jane James W. " 4

Claims for self
& 3 children -

Stenographer G. R. ...

Choctaw MCR 3603

William A. Gunn

See MCR 2337

MCR 3603

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3603

In the matter of the application of William A. Gunn for the identification of himself and his eight minor children as Mississippi Choctaws.

Applicant not represented by attorney.

William A. Gunn being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A William A. Gunn, G-u-n-n.
Q What is your age? A I am forty-eight.
Q What is your post-office address? A Ft Worth, Texas, 1428
Arlington Avenue.
Q How long have you lived in Ft Worth? A Six years.
Q Where did you live before that? A I lived in Hall County two
years and Parker County twelve years.
Q Did you ever live in any other State besides Texas? A Yes in
Alabama and Mississippi.
Q Where were you born? A Clark County, Mississippi.
Q How long did you live in Mississippi before you removed from
there? A Twenty years.
Q You went from there where? A Parker County Texas.
Q And have lived there since? A No I moved to Hall County and
then Ft Worth.
Q What is your father's name? A Henry S. Gunn.
Q Is he living? A Yes.
Q What is your mother's name? A Margaret D. Gunn, that is my
present mother.
Q She is living? A Yes.
Q Through which one of your parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A Why she claimed her great grandmother
was one-quarter and her one-eighth and I would be one-sixteenth.
Q You claim one-sixteenth? A Yes sir.
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 sir.
Q What is your wife's name? A Susan E. T. Gunn.
Q What is her blood? A She is a Scotch-Irish.
Q You claim for her? A No sir.
Q Give the name of your oldest child under twenty-one and unmar-
ried? A William A. Gunn Jr.
Q How old? A He is sixteen the 19th of this month.
Q The next? A Susan E. T. Gunn Jr. Same age.
Q Twins? A Yes sir.
Q Sixteen years old? A Yes sir. Priddie B. Gunn.
Q How old? A She was born in '89, twelve years old.
Q Next? A James E.
Q How old? A Born in ninety-one, ten years old.
Q Next? A Elizabeth A.,

- Q How old? A Born in '93.
 Q Eight years old? A Yes sir.
 Q Next? A Margaret D. Gunn.
 Q How old? A She was born in '95.
 Q Six years old? A Yes sir.
 Q Next? A Norman.
 Q How old? A Four months.
 Q Is that all? A No one more.
 Q What is that ones name? A James W.
 Q How old? A He was born in '87, he is fourteen the 9th of
 September.
 Q Is Susan E. T. Gunn the mother of these children? A Yes sir.
 Q You are 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 Susan E. T. Gunn? A Clark
 County, Mississippi.
 Q What date were you married to her? A January 16, 1878.
 Q Were you married by a minister under a license? A Yes sir.
 Q Have you your marriage license and certificate with you? A No sir

A reasonable time will be allowed this applicant in which to file his marriage license and certificate or a certified copy of the same in support of the application he makes for his 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 My ancestor you say.
 Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation? A Not that I know of.
 Q Did you ever make application for citizenship in the Choctaw Nation for yourself or your children to the Choctaw tribal authorities? A No.
 Q Did you ever make application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10th 1896? No.
 Q Did you ever make application to any authority whatever before this to have yourself or your children enrolled as Choctaw Indians? A No.
 Q Were you or your children ever 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 Is this the first application of any kind you have ever made for yourself and children? A Yes sir.
 Q Do you appear before the Commission at this time that you and your children may be identified as Mississippi Choctaws under the fourteenth article of the treaty of eighteen hundred and thirty? A Yes.
 Q Do you understand article fourteen of the treaty of 1830? A I understand it.
 Q Have you read it? A I read it in that form that you have here. I think I understand it
 Q In order that you may have your memory refreshed a brief explanation will be given of this article.

The treaty of 1830 some times called the treaty of Dancing Rabbit Creek was entered into between the United States government and the Choctaw tribe of Indians who lived in Mississippi and Alabama in the year eighteen hundred and thirty. The object of the treaty was to secure the removal of all the Choctaws from the Old Choctaw Nation Mississippi and Alabama to the New Choctaw

Indian territory. before the treaty was signed it became evident that a great many Choctaw Indians would go to the New Choctaw Nation Indian Territory and in order to protect their interest the fourteenth article was made a part of the treaty. An article in a treaty is a subdivision of it or a part of the treaty. Article fourteen reads as follows:

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

- Q Do you understand this article? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor or ancestors if Choctaw Indians who were living in the old Choctaw Nation in Mississippi or Alabama in 1830 and were at that time heads of families? A My grandmother.
- Q What was her name? A Her maiden name was Harriet Connor who married a Griffin John Griffin.
- Q John Griffin; did he live in Mississippi in 1830 and previous to that time? A Yes sir.
- Q And his wife was Harriet Griffin? A Yes sir.
- Q You claim your Choctaw blood through Harriet Griffin then? A Yes sir.
- Q How much Choctaw blood did she have? A One-quarter.
- Q Now you claim through your mother Margaret D. Gunn, through which parent did she claim Choctaw blood? A Mother.
- Q What was her mother's name? A Harriet.
- Q Harriet what? A Harriet Griffin.
- Q And your mother is how old now? A Seventy-one.
- Q Your mother then was born just about the time of that treaty? A Yes sir.
- Q You know on what place they were living at that time? A When she was born?
- Q In 1830? A It was a place called the Griffin place.
- Q You know whether they had any improvements on that place at that time, any out-houses, fences, barns? A Yes sir.
- Q Then your grandmother Harriet Griffin whose husband was John Griffin was living in Mississippi on a place that had improvements at that time and they also had children at that time? A That is the way I have been taught.
- Q Do you know whether she was a recognized member of the Choctaw tribe of Indians at that time? A I don't know.
- Q Do you know whether she or any of your Choctaw ancestors complied in any way with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A No sir.

- Q Do you know whether any of your ancestors claimed or received any benefits under any other article of the treaty of eighteen hundred and thirty than article fourteen or under the supplement of that treaty? A Not that I know of.
- Q Do you know whether your grandmother held that ~~at~~ land "the Griffin place" upon which you say she lived in 1830 or did her husband John Griffin hold it? A I don't know.
- Q You know what became of that land? A Why the place went to wreck.
- Q Don't you know that it was taken up by the government for railroad purposes? A Yes I remember there was a section of it taken by the government.
- Q Do you know as a matter of fact that it was taken by the government and devoted to ~~some~~ the use of a railroad as a right of way? A Yes that is my understanding.
- Q Did Harriet Griffin or any of your Choctaw ancestors within six months after the treaty was ratified go to the United States Indian Agent Col. Ward and tell him that they intended to stay in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between the years 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors claim or receive any land or did Harriet Griffin claim or receive any land under article fourteen of the treaty of 1830? A Not as I know of.
- Q Did any of your Choctaw ancestors or did Harriet Griffin claim or receive any benefits under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A No sir.
- Q Have any of your relatives or kins-people make application to the Commission at Meridian Mississippi during this present session? A No.
- Q You never heard of it? A No.
- Q Do you know Harriet Bucklew? A Yes sir.
- Q What kin is she to you?--~~X~~- She is not your mother's sister is she? A No Wandy Bucklew is my mother's sister.
- Q What is your uncle's name? A Thomas B. Griffin.
- Q Can you remember the names of any of their children? A Yes I know them all, Connor Griffin, James Griffin, Sam Griffin, Dump Griffin, Rezier Griffin and the Davis family.
- Q How are you related to them? A Their mother was my mother's sister.
- Q They are cousins of yours? A Yes sir.
- Q Willery Jackson what kin is she to you? A She is my sister.
- Q Now these people and a great many others who are kin to you made application for identification as Mississippi Choctaws at Meridian Mississippi at the present session, that is during the last three months. Do you want the testimony of all these people including those that you have mentioned considered with yours when your case is taken up in order that you may get the benefit of what they have testified to? A I do.
- Q In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government required the Indian Agent Colonel Ward who lived in Mississippi at that time to make a list of all the Choctaw Indians who came before him within six months after the treaty was ratified and declared their intention to become citizens of the United States but the records of the government show that only a few of those who came before him within the time limited had their names placed on Ward's register, as a result of this neglect on the part of the Indian Agent a great many Choctaws had their land upon which they owned improvements taken away from them and this land was afterward sold by the government at its public land sales. This injustice

caused a great many complaints among the Indians and in 1837 a Commission was appointed under act of Congress of March 3, 1837 which Commission went to the State of Mississippi and heard claimants under the fourteenth article of the treaty of eighteen hundred and thirty. In 1842 another Commission was appointed for the same purpose, which commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830. Both of these Commissions made lists of successful claimants. Now did any of your ancestors to your knowledge go before either of these Commissions that of 1837 or the Commission of 1842 and apply for benefits under the fourteenth article of the treaty of eighteen hundred and thirty? A I don't know.

- Q Do you know whether any of your ancestors if Choctaw Indians went before the Commission of eighteen hundred and forty two and had their claim allowed and received from the government certificates which were called scrip giving them a right to select land either in Mississippi, Arkansas, Louisiana or Alabama? A I can't tell.
- Q Have you any documentary evidence of any kind that you would like to introduce now? A I have not.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this application.

- Q Is there anything farther that you want to say in support of this claim? A I think not.
- Q You do not speak the Choctaw language? A No sir.

This applicant has the appearance and characteristics of being descended from white parentage. He does not speak the Choctaw language. His complexion is dark, eyes dark, dark hair. He has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 23rd day of November 1901.

Clara Mitchell Wood

Notary Public.

Muskogee, Indian Territory, October 16, 1901.

W. A. Dunn,
1437 Arizona Avenue,
Fort Worth, Texas.

Dear Sir:

Receipt is hereby acknowledged of your postal card of the 9th instant, in which you desire to be advised as to how long the office at Atoka, Indian Territory, will be maintained for the purpose of hearing applications for identification as Mississippi Choctaws.

In reply to your inquiry you are informed that applicants will be heard at Atoka upon their personal appearance until further notice, there being no arrangement made at this time for the closing of such office. If, however, the persons in whose interests you desire this information anticipate making application, they should do so at as early a date as practicable.

Yours truly,

Acting Chairman.

M. C. R-3603

Muskogee, Indian Territory, January 2, 1902.

W. A. Gunn,

1428 Arizona Avenue,

Fort Worth, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 27, 1901, inclosing certified copy of marriage license and certificate between W. A. Gunn and Miss S. F. T. Jackson; also letter from B. W. Donald, Clerk of Circuit Court of Clarke County, Mississippi.

The evidence of marriage has been filed with the record in your case, and will be considered in the disposition of the applications for identification as Mississippi Choctaws of yourself and your minor children.

The letter of the Clerk is herewith returned to you.

Yours truly,

Commissioner in Charge.

MC 3603

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. 3603

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

William A. Gunn,
1428 Arizona Avenue,
Fort Worth, Texas.

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 Bucklew (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, 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,

Registered.

COPY.

M C R 3603

Muskogee, Indian Territory, December 5, 1902.

William A. Gurn,

1428 Arizona Avenue,

Ft. Worth, Texas.

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 refused the applications for identification as Mississippi Choutaws of the several persons included in the consolidated case of Thomas B. Griffin, et al., of which decision you were advised by registered mail on the 26th day of July, 1902.

Respectfully,

(SIGNED)

James L. May

Acting Chairman.

For Identification as a Mississippi Choctaw.

SEP 24 1901

Date

Name William A. Gunn

Age 48 - Blood 1/16

Post Office, Fort Worth, Texas
1428 Arizona ave.

Father: Henry S. Gunn - l

Mother: Margaret D. l

Claims through mother
wife - Susan E. T. Gunn, w.
No claim for wife -

Children: ~~Adelbert S. Gunn~~

<u>William A. Gunn Jr.</u>	<u>16</u>
<u>Susan E. T. Jr.</u>	<u>16</u>
<u>Priddie B.</u>	<u>12</u>
<u>James E.</u>	<u>10</u>
<u>Elizabeth A.</u>	<u>8</u>
<u>Margaret D.</u>	<u>6</u>
<u>Norman</u>	<u>4 m</u>
<u>James W.</u>	<u>14</u>

Claims for self

Stenographer Es. R. Remondel

Choctaw MCR 3604

George F. Griffin

See MCR 2337

MCR 3604

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3684

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

No attorney for applicant.

George F. Griffin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George F. Griffin.
Q What is your age? A Twenty four.
Q What is your post office address? A Fort Worth, Texas.
Q What is your street number? A 11001 Bessie St.
Q How long have you lived there? A About six years.
Q Where were you born? A In Johnson County, Texas.
Q How long did you live there? A About ten years I believe.
Q And then where did you go to? A Hanley, Texas.
Q How long did you live there? A I think it was about eight or ten years.
Q From there you went to where? A Fort Worth.
Q Have you always lived in Texas? A Yes sir.
Q What is your father's name? A Samuel W. Griffin.
Q Is he living? A Yes sir.
Q Has he been before the Commission to be identified? A Yes sir.
Q When and where do you know? A Why, it was in August in Meridian.
Q What is your mother's name? A Sarah A Griffin.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One thirty second.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.
Q Are you married? A No sir.
Q Claim for yourself alone do you? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you or any one for you in 1896 under 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 Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Did you ever make application before this time to either the Choctaw tribal authorities or the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q You now come before the Commission for the purpose of being identified as Mississippi Choctaw and claiming lands in the Choctaw Nation Indian Territory under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A Yes I do.

In order that you may fully understand it at the present time and know positively whether you claim under it a short explanation will be given. In 1830 the treaty or Dancing Rabbit Creek or in other words the treaty of 1830 was made between the Choctaw Indians who lived in Mississippi and Alabama in 1830 and the United States Government- sometimes called the Treaty of Dancing Rabbit Creek. The object of that treaty was the removal of all the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation Indian Territory. Before that treaty was signed it became apparent that a great many Indians wouldn't go to the Indian Territory and in order that their interests might be protected article fourteen was put into the treaty. An article is a part or subdivision of a treaty and they are numbered from one up. 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 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."

Q You understand this do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A Not that I know of.

Q Who was your ancestor who lived in Mississippi in 1830 and was at that time the head of a family? A Why, John Griffin.

Q Well, you don't claim through John do you? A No; through Harriet.

Q They were living in Mississippi in 1830? A Yes sir.

Q Were they living upon lands upon which they had improvements?

A I don't know.

Q John Griffin and his wife, Harriet Griffin, lived in Mississippi in 1830? A Yes sir.

Q You claim through her as being the head of a family with children and holding lands there in 1830? A Yes sir.

Q Do you know whether she or any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians at that time?

A No sir; I don't.

Q What was the name of this place upon which your ancestor, Harriet Griffin, was living in 1830 and upon which there were improvements at that time? A I don't know.

Q Do you know what became of that land? A No sir.

Q You don't know much about that land? A No.

Q Did any of your ancestors or did Harriet in particular go to the Indian Territory with the other Indians between 1833 to 1839? A I don't know.

Q Did any of your ancestors, if Choctaw Indians, or did Harriet Griffin within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to live there in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did Harriet Griffin or any other of your Choctaw ancestors to your knowledge claim or receive any land as beneficiaries under the fourteenth article? A Not to my knowledge.

Q Did they claim land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

Q You claim through your father; through which one of his parents did he claim his Choctaw blood? A Through his father, Thomas B. Griffin.

Q And Thomas B. Griffin claimed through whom? A Harriet Griffin.

Q Thomas B. Griffin was your grandfather? A Yes sir.

Q He has made application in Meridian? A Yes sir.

Q Are you related to Nancy Buckalew? A Yes sir. She is my great aunt.

Q She also has appeared before the Commission at Meridian? A Yes sir.

Q What relation are you to Margaret D. Griffin? A She is my great-aunt also.

Q She has appeared before the Commission at Meridian at its present session? A Yes sir.

Q A great many others have appeared there, a great many of your kins-folks who claim their right through Harriet Griffin; do you know their names? A No sir. I never was there at all.

Q Do you want the testimony of your kins-people who claim through the same common ancestor as you, Harriet Griffin, taken in connection with yours and considered as part of your application? A Yes sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government required the Indian Agent who lived in Mississippi in 1830 to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and declared their intention to stay and take land in Mississippi. This Indian agent failed to record the names of a great many Choctaw Indians who did appear before him in that time as provided for in article fourteen; and this neglect on his part caused a great many Indians to lose their lands with the improvements thereon. And this led to a great many complaints on the part of the Indians. And these complaints led to the appointment of a Commission in 1837 these Commissioners went to Mississippi and heard a great many claims. In 1842 another Commission was appointed for the same purpose, that is of finding out the successful claims under article fourteen.

Q Did Harriet Griffin or any other of your Choctaw ancestors appear before either the Commission appointed by Act of Congress of March 3, 1837 or before the Commission appointed by Act of Congress of August 23, 1842, and claim rights under article fourteen of the treaty of 1830? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in the event any claimant who appeared before that Commission had rights under article fourteen of the treaty of 1830, and they so held, if his land had been taken from him that he should be entitled a select land there in Mississippi, Alabama, Louisiana or Arkansas, and that certificates should be issued to him to that effect; these certificates were called scrip.

Q Do you know whether any of your ancestors received any such scrip from the Government? A No.

Q Have you any documentary evidence you would like to introduce now? A No sir.

A reasonable time will be allowed this applicant in which to produce evidence in support of his application; also oral testimony if he should desire to do so.

Q Can you speak the Choctaw language? A No sir.

Q Is there anything further you would like to say in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of having been descended from white parentage; he doesn't speak the Choctaw language; has brown eyes, dark complexion, black hair; his features are of the Caucasian type. He has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11 day of October, 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM DIXON.
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
N.O.R. 3604

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, July 26, 1902.

George F. Griffin,
1001. Bessie Street,
Fort Worth, Texas.

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, (35 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 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, Virginia 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.

M C R 3604

Muskogee, Indian Territory, December 5, 1902.

George F. Griffin,
1001 Bessie Street,
Fort Worth, Texas.

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 Chactaws 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.

No. 3604

For Identification as a Mississippi Choctaw.

Date SEP 21 1901
Name George F. Griffin
Age 24 Blood 1/32
Post Office, Fort Worth, Texas
1001 Bessie St.
Father: Samuel W. Griffin, l
Mother Sarah A " l
Claims through father

~~Notes.~~

Claims for self
alone -

Stenographer ~~G. P. ...~~
H. S. Hains

Choctaw MCR 3605

John H. Britton

See MCR 3386

MCR 3605

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3605

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

B.S. Johnson, attorney for applicant; no appearance by attorney.

John H. Britton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Britton. B-r-i-t-t-o-n.
Q What is your age? A Seventy five; near seventy five, seventy four past.
Q What is your post office address? A Tyson, Hill County, Texas.
Q Where were you born? A Alabama.
Q How long did you live in Alabama? A Till I was thirty three years old.
Q Then where did you go to? A Arkansas.
Q How long did you live there? A Something near fifteen years; I was water-bound.
Q When where did you go to? A I come here.
Q That is, to Texas? A Yes, I came Texas.
Q Have you lived in Texas ever since? A Yes I lived in Texas since '75.
Q In Tyson, Texas? A No sir, around about McClellan County and here not on any of the same places long.
Q What was your father's name? A William Britton.
Q Is he dead? A Yes.
Q What is your mother's name? A He maiden name?
Q No. A Sarah it was.
Q Sarah Britton? A Yes sir.
Q Is she dead? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My mother.
Q How much do you claim? A Well, the way they run it back that would be about an eighth; grandmother claimed an half, mother a quarter.
Q Was your mother ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?

- A No sir, never heard her speak of it.
- Q Are you applying for any one beside yourself? A No sir.
- Q Just yourself alone? A Yes sir.
- Q Is your wife living now, A Yes sir.
- Q What is her name? A Sarah Catherine.
- Q Is she Indian or white woman? A White woman.
- Q You make no claim for her? A I haven't; I don't know she is entitled to anything.
- Q Do you make application for any minor children? A No sir;
- Q Claim for yourself alone, do you? A Myself alone; I have grand children but they all have parents.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not as I know of.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A Never have. This is the first of any kind I have ever attempted.
- Q Did you ever make application to the Commission to the five civilized tribes for citizenship in the Choctaw Nation under Act of June 10, 1866? A No sir.
- Q Have you ever been admitted as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized tribes or United States Court in Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation before this time to any authority whatever? A No sir.
- Q Do you now claim the right to be identified as a Mississippi Choctaw claiming interests in the Choctaw lands in this Nation under article fourteen of the treaty of 1830? A I do sir.
- Q Do you understand article fourteen of that treaty? A I don't know; I can't say I do exactly; I can't see to read and I haven't for several years.

The treaty of 1830 was made in that year between the United States Government and the Choctaw tribe of Indians and it was made for the purpose of getting all the Choctaw Indians who lived in Mississippi and Alabama to go to the Choctaw Nation Indian Territory; this treaty is sometimes called the Treaty of Dancing Rabbit Creek, for that is the place where it was made in Mississippi. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the Indian Territory and therefore some provision had to be made for them and to protect their rights article fourteen was put into the treaty; an article is a part of a treaty or one of the subdivisions of a treaty, numbered from one up. Article fourteen reads this way: "Each Choctaw head of a family being desirous to remain and become a citizen of the United States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent.

3

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

Q You understand that don't you? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A Well, I was very small, Mister, at that time and I don't recollect; they were living right there.

Q You were living in Mississippi four years old at that time of the treaty? A Yes sir.

Q Well, wasn't it in 1831 it was signed? A Yes sir.

Q You claim through your mother? A Yes sir.

Q Did she speak the Choctaw language? A She doesn't; no; I heard her when I was a boy; she spoke it to grandfather.

Q You have heard her speak it? A Yes sir.

Q What was her father's name? A Philip Gates.

Q How much Choctaw blood did he have? A Claimed to be a half.

Q What was your father's name? A William Britton.

Q Your father and your mother, Sarah Britton, were living in Mississippi in 1830? A Yes sir.

Q You were living with them at that time? A Yes sir.

Q Did they own any land at that time? A No sir.

Q Did they own any improvements on land? A No sir.

Q Your father was the head of a family? A Yes sir.

Q How many children did your mother have at that time, 1830? A Well I don't know.

Q You were living at that time; did you have any brothers and sisters? A There was about three I reckon.

Q Three altogether? A Three beside myself I reckon.

Q Older or younger than you? A Younger I think.

Q Do you know whether your mother was a recognized member of the Choctaw tribe of Indians in 1830? A I guess she was.

Q Do you know she was; I mean member of the tribe- did she go to the council and vote and take part in the Indian customs? A She was recognized by them, by the neighbors.

Q Probably looked upon by the neighbors as Choctaw? A Yes sir.

Q Did you ever hear of the treaty of 1830 at Dancing Rabbit Creek? A Yes I have heard of it.

Q You were too young at that time to hear much about it? A Yes sir.

Q Did your mother or any other ancestors of yours go to the Indian Territory with the other Indians between 1833 to 1838? A No sir; if they did I don't know; I wasn't old enough.

Q Did your mother or any other of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the States? A I can't say as to whether they did or not.

Q You don't remember of having heard them say so? A No sir.

Q Did your mother or any other of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A Well, they never got any.

Q You don't know whether they ever claimed any? A No sir.

Q Did they ever claim or receive any land or any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Never heard.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government required the United States Indian agent who lived in Mississippi at that time to make a list of all Choctaw Indians who claimed rights before him under article fourteen of the treaty of 1830 provided they asserted these rights within six months after the ratification of that treaty. This agent, Sel. Ward, neglected to record the names of a great many Indians who did come before him claiming under article fourteen; and as a result of this neglect a great many Indians in Mississippi had their land taken from them and this land was sold by the Government at its Public Land Sale: this action caused a great many complaints on the part of the Indians and as a result of these complaints in 1838 a Commission was appointed that went to Mississippi and heard claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors or did your mother, Sarah Britten, go before either of these two Commissions, the one of 1837 or the one of 1842 and claim benefits under article fourteen of the treaty of 1830? A Not that I recollect.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that it further appeared that his land had been taken from him, that he should be entitled to select land elsewhere in the State of Mississippi, Louisiana, Alabama or Arkansas, to be taken from the Public Lands and that certificates to that effect should be given to him; these certificates were called scrip.

Q Did your mother, Sarah Britton, or any of your Choctaw ancestors ever receive any such scrip from the Government as Choctaw Indians? Q No sir; not as I heard of.

Q Have you any documentary evidence you would like to introduce now? A No sir I haven't any papers of any kind.

Q Have you any relatives who have appeared for identification as Mississippi Choctaws before the Commission- any kin of yours? A Speak that over.

Q Have any of your kins-people appeared before the Commission to be identified as Mississippi Choctaws? A Yes, they have.

Q Where have they appeared? A Before the Commission I don't know, I didn't hear where they ever appeared.

Q Can you tell the names of any who have appeared either here or in Meridian? A No sir, I can't; yes, there's Alma Rogers.

Q Where did he appear? A Here, I think she did.
 Q Is that a woman's name? A Yes sir.
 Q You don't think of any others? A No.
 Q Is there anything further you want to say in support of your claim?
 A Yes, there is Lucinda Stanford.
 Q Is there anything further you want to say? A I don't know what it is then.
 Q You have no documentary evidence, no papers? A No sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of his application.

Applicant has the appearance and physical characteristics of a white man; does not speak or understand the Cheeta language; has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Written application of John H. Britten, this applicant, which is presented by him, received, filed, and made a part of the record in this case, marked Exhibit "A".

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11 day of October, 1901.

W. A. Smith

Notary Public.

COMMISSIONERS

HENRY L. DAWES.
THOMAS BIXBY.
THOMAS B. WOODS.
C. R. BRACKENRIDGE.

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

ALLISON L. RYLEWORTH,
SECRETARY.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3008

Muskogee, Indian Territory, October 15, 1902.

John K. Britton,
Tyson, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3367
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3432
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John E. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3598
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3490
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4426
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3394
Catherine Akin, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3409

Pose Rogers, et al.,	M C R 4438
Jesse Cox, et al.,	M C R 3681
Eva Hardy, et al.,	M C R 3190
John H. Britton,	M C R 3905
Arthur E. Britton, et al.,	M C R 3606
Alice S. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Vinder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lou Gates, Emma Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Perry (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Anne Winifred McLain, Elly Hesterly, Archie Hesterly, Violet E. Hesterly, Stevie McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Verou McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forrest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Maudie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Moley Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Lessie Lynch, Alice Lynch, Johnny Lynch, Pose Rogers, Louisa Rogers, John Rogers, General Rogers, Jesse Cox, Laura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Talbauge Britton, Riley O. Britton, Callie Britton, Alice S. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Linnie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Homer Rogers, Rufus Webb Rogers, Volner Rogers, William Clifton Britton, Mertie Blanch Britton, Peachie Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Monte Britton, Byron Britton, Harner Britton, Oza Britton, Ozie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Victor Dye, Buena Vista Ivey, Loda Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Aube A. Britton, Winnie Davis Britton, Ethel Lovel Britton, William Odessa Britton, William Robert Britton,

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William H. Britton, Linnie Pearl Britton, Lula Bell Britton, Arthur Gay Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Beese Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William Holcomb for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

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

COPY

Muskogee, Indian Territory, December 22, 1902.

John H. Britton,
Tyson, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tame E. ...
Acting Chairman.

Muskogee, Indian Territory, March 14, 1903.

C. W. Reed,

Addran, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask "Do the decision of the U. S. court that knock the court-made citizens out have anything to do with the Mississippi Choctaws? If not, did the Commission pass on the application of the Gates heirs in the case of John H. Britton who was before the Commission at Atoka, Indian Territory"? You state that John H. Britton is dead and you make your inquiry on behalf of his widow.

In reply you are informed that John H. Britton, age seventy-five years, residence Tyson, Texas, on September 24, 1901, submitted his application to this Commission to be identified as a Mississippi Choctaw. His case was consolidated with the case of William H. Gates and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestors, Charles Gates and his wife Margaret Throll or Tholl.

On December 12, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applica-

C W R 2

tions included in this consolidated case, and on December 22, 1902, the several applicants were duly notified of such departmental action.

You are further advised that the jurisdiction of the Choctaw-Chickasaw citizenship court created under the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw nations September 25, 1902, in no way extends to Mississippi Choctaw cases.

Respectfully,

Chairman.

MCR-3608

Muskogee, Indian Territory, October 19, 1906.

John H. Britton,
Tyson, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 3605

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name John H. Britton

Age 75 Blood 1/8

Post Office, Tyson, Texas.

Father: William Britton, d

Mother: Sarah " d

Claims through mother
wife Sarah C. " w.
No claim for wife -

~~None~~

Claims for self
alone

Stenographer ~~R T~~
H. W. Hains

Choctaw MCR 3606

Arthur E. Britton

See MCR 3386

MCR 3606

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3096

In the matter of the application of Arthur E. Britton for the identification of himself and his three minor children as Mississippi Choctaws.

B.S. Johnson for applicant; no appearance by attorney.

Arthur E. Britton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Arthur E. Britton.
Q What is your age? A Forty three, day after tomorrow I believe.
Q What is your post office address? A Same as his; Tyson, Hill County, Texas.
Q How long have you lived in Tyson? A In that neighborhood about twenty five years.
Q Where were you born? A North Alabama.
Q You went tax from Alabama where? A Arkansas.
Q What place in Arkansas? A Johnson County.
Q How long did you stay there? A About fifteen years.
Q From that place where did you go to? A To Texas where I am now.
Q What is your father's name? A John H. Britton.
Q Is that the man who has just appeared for identification here? A Yes.
Q He is living? A Yes sir.
Q What is your mother's name? A Sarah Britton.
Q She is living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A Not that I ever heard any one say.
Q Are you married? A Yes.
Q What is your wife's name? A M.E. Britton.
Q What is her blood; Choctaw or white? A White.
Q You don't make any claim for her then? A No sir.
Q Have you any children under twenty one years of age and unmarried when you want to make application for? A Yes, three.
Q What is the name of the eldest? A Tallmage Britton: T-a-l-l-m-a-g-e
Q How old is he? A Sixteen next birth day.

- Q What is the name of the next? A Rilly O. Britton.
 Q R-i-l-l-y? A Yes.
 Q Boy or girl? A A girl.
 Q How old? A About four year old.
 Q What is the name of the next? A Callie Britton.
 A Callie? A Yes.
 Q How old? A One year birth- at her birth day coming.
 Q Is your wife M.E. Britton the mother of these children? A Yes.
 Q Are you the father? A Yes sir.
 Q Are all these children living with you at your home? A Yes sir.
 Q When and where were you married to her? A In McClellan County, Texas; 1881.
 Q What day of the month? A Thirteenth day of April, I believe.
 Q Were you married by minister and under license? A Yes sir.
 Q Have you your marriage license and certificate with you? A No sir

A reasonable time will be allowed you in which to file marriage license and certificate or certified copies of the same in support of this application you make for the minor children.

- Q Is your name or the names of your children any of them on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I knew of.
 Q Did you or any one for you or for your children make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as members of the Choctaw tribe? A No sir.
 Q Did you or any one for you or for your children in 1896 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 Nothing that I knew of.
 Q Have you or your children been admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in the Indian Territory? A No sir.
 Q Have you ever made application before this time for yourself or children for identification as Mississippi Choctaws to any authority whatever? A Not until now.
 Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws, yourself and children, under the fourteenth article of the treaty of 1830? A Yes, if I understand it right.
 Q You think you understand that article? A I have heard you read it over and explain it; I understand it as well as if you read it over again.
 Q Would you like to have it read again? A We,, yes.
 Q A brief explanation of it is this: That this treaty was made between the Choctaw Indians who lived in Mississippi and Alabama at that time and the United States Government; the object of the treaty was the removal of all the Choctaw Indians from Mississippi and Alabama to the Choctaw nation Indian Territory. before the treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the Indian Territory; in order that their interests might be protected article fourteen was put into the treaty. Article fourteen reads as follows: Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled

to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present 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 now? A I think so.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A I don't know; can't tell you.

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

A Philip Gates.

Q Was he the head of a family in Mississippi at that time? A That's the way I have been informed; don't know myself.

Q You claim through your father? A Yes sir.

Q John H. Britton? A Yes.

Q Through whom did he claim--his father or mother? A Father.

Q He didn't say so-- A That's the way I understand it; I may be mistaken; I guess I am wrong--all I have got to go by is what he has told me, and if he says Sarah Britton his mother I guess that's right.

Q Well, Sarah Britton claimed through whom, then;-- her father or mother? A Well, I hardly know now.

Q Where does this Philip Gates come in? What relation is Philip Gates to you? A About second cousin; no, I am wrong; I will ask somebody.

Q You ought to know something about it yourself? A Well, I don't know.

Q You claim through your father, John H. Britton? That you know; don't you? A Yes.

Q He himself has appeared before the Commission today and made application for identification as a Mississippi Choctaw? A Yes sir.

Q Now, I ask you through which parent he claimed his Choctaw blood?

A Through his mother.

Q And his mother's name was--? A Sarah Britton.

Q What was her maiden name? A Sarah Gates as I understand it.

Q Now Sarah Gates claimed her Choctaw blood through which parent, father or mother? A Philip Gates I think.

Q Well, that's the way you claim through Philip Gates, is it? A Yes.

Q How much Choctaw blood did he have; do you know? A About a half I think.

Q Could he speak the Choctaw language? A I have been informed he could.

Q Did he have a Choctaw name-- an Indian name? A I can't tell you.

Q Did he live in Mississippi in 1830? A So I have been informed.

Q Was he the head of a family in 1830? A Yes.

Q Do you know whether he lived on improved land in 1830 or not? A I don't know.

Q Did any of your Choctaw ancestors or did Philip Gates go from the old Choctaw nation in Mississippi or Alabama to the present Choctaw

Nation in the Indian Territory with the other Indians between 1833 to 1838? A Not that I know of.

Q Did Philip Gates or any other of Your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, who lived in Mississippi at that time that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.

Q Did any of your Choctaw ancestors, Philip Gates, or any other ancestor that you had who was a Choctaw Indian ever claim or receive any improvements on land in Mississippi in 1830 under article fourteen of the treaty of Dancing Rabbit Creek? A No sir.

Q Did any of your Choctaw ancestors ever receive any benefits under any other article of the treaty of 1830 than the fourteenth or under the supplement to that treaty? A Not that I ever heard of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government directed the agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi 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 a great many Indians who did signify to the agent there their intention to remain and take advantage of the provisions of that treaty. This neglect in many cases caused the land to be taken away from the Indians who had improvements on those lands and the land was sold; this caused many complaints and as a result of these complaints in 1837 a Commission was appointed which Commission went to Mississippi and heard claims of Choctaws who claimed rights under that treaty. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commission, that of 1837 or 1842 or attempt to establish their rights under article fourteen of the treaty of 1830? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article, but that his land had been sold by the Government that he should be entitled to select land elsewhere in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Public lands of the Government and that a certificate should be issued to him; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip, do you know? A No.
Q Have you any documentary evidence, proof, papers of any kind you wish to introduce now? A Yes, I have a paper.

The sworn statement of this applicant, Arthur E. Britton presented by applicant, received filed, marked Exhibit "A", filed and made a part of the record in this case; the affidavit of John H. Britton presented by applicant, received, filed, marked Exhibit "B" and made a part of the record in this case; affidavit of Lucinda Americus Stanford presented by applicant, received, filed, marked Exhibit "C" and made a part of the record in this case.

Q Have you any other documentary evidence? A No sir.

Q Do you want time to produce more? A More papers?
 Q Yes. A Well, I don't know that I have any more witnesses here to prove up the relationship; I have no more than that.
 Q Are they going to make application? A Yes.
 Q Their testimony will be taken into consideration with this when they testify.

Reasonable time is allowed applicant in which to file further proof in support of this application if he so desires.

Q Is there anything further that you would like to say? A No sir, I believe that's all.
 Q Do you speak Choctaw? A No sir.

This applicant has the appearance of being descended from white parents. Light complexion, light mustache and auburn hair; he does not understand 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 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11th day of October, 1901.

David Shelby
 Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TAMM 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

N.C.R. 3606

Muskogee, Indian Territory, October 15, 1902.

Arthur E. Britton,
Tyeon, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
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John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
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William McLelland,	M C R 3388
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Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al .	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
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William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wyhe Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Rlby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED)

I. B. Necca, cc.
Commissioner in Charge.

N.C.H. 3606

Muskegee, Indian Territory, December 22, 1902.

Arthur E. Britton,
Tyson, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

James Dixey
Acting Chairman.

MCR-3606

Muskogee, Indian Territory, October 19, 1906.

Arthur E. Britton,
Tyson, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No. 3606

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Arthur E. Britton,

Age 43 — Blood 1/16

Post Office, Tyson, Texas,

Father: John H. Britton, l

Mother: Sarah " l

Claims through father
wife - M. E. Britton - w
No claim for wife -

Children: Tallmage Britton, 16
Rilly O. (girl) " 4
Callie " 1

Claims for self
and children.

Stenographer A. G. Hains

Choctaw MCR 3607

Sarah A. Benson

See MCR 3386

MCR 3607

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3607

In the matter of the application of Sarah Ann Benson for identification as a Mississippi Choctaw.

B.S. Johnson attorney for applicant; no appearance by attorney.

Sarah Ann Benson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Ann Benson.
Q What is your age? A I am in my seventy fourth year; I was born in '28- 1828.
Q What is your post office address? A Woodbury, Texas; Hill County.
Q How long did you live there? A Five years.
Q Where did you live before you lived there? A Alabama.
Q Did you always live in Alabama before you went to Texas? A Yes.
Q Where were you born in Alabama? A Franklin County.
Q And you always lived there in Alabama? A Yes sir, till I was sixty five years old.
Q What is your father's name? A Valentine Gates.
Q Is he living? A No sir.
Q What is your mother's name? A Lucinda Henley.
Q Is she living now? A No sir.
Q She married again? A No sir.
Q This is her second husband? A No; her name is Lucinda H. Gates.
Q Is she living? A No sir.
Q Through which one of these parents do you claim Choctaw blood?
A Gates.
Q Through your father? A Yes, my father, Valentine Gates, he being the son of Philip Gates.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father ever recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir. Not that I knew of.
Q Are you claiming for yourself alone? A Yes sir; I have two children but they are all grown and over twenty one years.
Q Is your husband living? A No sir; my children by my first husband.
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 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 in 1896 make application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under Act of Congress of June 10, 1896? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time to either the Choctaw tribal authorities or the United States authorities for citizenship in the Choctaw Nation? A No sir.

Q Do you appear before the Commission at this time for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that treaty? A No sir.

The treaty of Dancing Rabbit Creek was entered into between the Choctaw tribe of Indians and the United States Government in the year 1830. The Choctaws at that time were living in Mississippi and Alabama; and the object of the treaty was to remove them from those two States to the Choctaw Nation, Indian Territory. It became apparent before the treaty was signed that a great many Choctaws wouldn't go to the Territory, and to protect their interests article fourteen was put into the treaty; an article is a part or subdivision of a treaty, and articles are number from one up. That article 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 gent 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 under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q You understand that do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the this treaty? A Not that I know of.

Q You claim through your father, Valentine Gates? A Yes sir.

Q And he claimed through which parent, father or mother? A Through his father.

Q What was his father's name? A Philip Gates.

Q Now did Philip Gates live in Mississippi seventy years ago? A Not that I know of.

Q Well, you did, you are ever seventy. A I am, but he was born in 1773.

Q And when did he die? A In 1847.

Q Did he die in Mississippi? A No sir.

Q He died in Alabama? A Yes sir.

Q Now do you know whether your father lived in Mississippi in 1830?

A No sir, he didn't.

Q Did any of your ancestors live in Mississippi in 1830? A They did as far as I know.

Q Well, your father didn't? A No sir.

Q Your grandfather didn't? A No sir.

Q They didn't live in Mississippi in 1830 either of them and were neither of them heads of families in Mississippi in 1830 were they?

A No sir.

Q Then were do you get your Choctaw blood? A From my great grandmother, grandfather Philip Gates told me that his mother was Choctaw.

Q And where did she live, do you know? A I don't remember; I don't know where she lived.

Q Did she live in Alabama? A No sir; not my great grandmother.

Q Well, you lived in Alabama and your father lived in Alabama and his father? A Yes sir. But he came down from Georgia or somewhere and he moved here in the North East States and married here and he moved down to Alabama and grandfather lived with his first wife in Russell Valley there, and he never moved anywhere else that I know of.

Q Do you know whether your father or his father, Philip Gates, had any improvements on land in Mississippi or Alabama? A No sir.

Q Well, you say your father and grandfather were living in Alabama in 1830? A Yes sir.

Q Do you know whether either of them had any improvements on land in Alabama in 1830? A Yes; my father did in 1830.

Q Where did he get it? A He entered it.

Q And did he have improvements on that land in 1830, that is, out-houses and barn and fences and other improvements? A Yes, he bought it and he made improvements on the one he bought.

Q Do you know what was done with that land? A Yes, my father sold it.

Q Do you know whether your father or your grandfather, Philip Gates, were either one of them recognized members of the Choctaw tribe of Indians in Mississippi or Alabama in 1830; - I mean recognized by the tribe as Indians? A They knew of them.

Q I knew but did the tribe recognize them and make them members of the tribe? A No, they never lived with them.

Q Did your father or grandfather, Philip Gates, or any of your ancestors go to the Indian Territory, Choctaw Nation, from Mississippi or Alabama between 1833 to 1838, when the other Indians went there? A No sir.

Q Did any of your Choctaw ancestors, including your father, Valentine Gates or your grandfather, Philip Gates, within six months after the ratification of the treaty of 1830 tell the United States Indian agent Sel. Ward, that they intended to stay in Mississippi and become citizens of the United States? A No sir.

Q Did you father or his father, Philip Gates, or any of your ancestors, if Choctaw Indians, ever claim or receive any land in Mississippi or Alabama under the fourteenth article of the treaty of 1830? A No sir.

Q Did any of your Choctaw ancestors, either your father or his father, Philip Gates, or any other Choctaw ancestor ever claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

Q Did you father have an Indian name, do you know? A No sir, I don't know him by any other name.

Q Did he speak the Choctaw language? A He could.

Q Did you ever hear him speak it? A I never heard him speak any more than just to the children a few words.

Q Did Philip Gates talk the Choctaw language? A I can't tell you; I don't know.

Q Can you talk Choctaw? A No sir.

In accordance with the provisions of article fourteen of article the treaty of 1830 the Government required the United States Indian agent who lived in Mississippi at that time to make a list of all Choctaw claimants who came before him within six months after the ratification of the treaty of 1830 and expressed a desire or intention to stay in Mississippi and take land there. This Indian agent failed to record the names of all the Choctaw Indians who did in fact make this declaration under article fourteen. As a result of this neglect on his part the land upon which the Indians were living and had improvements was taken from them. This caused so many complaints from Choctaws that in 1837 a Commission was appointed by Act of Congress approved March 3, 1837, which Commission went to Mississippi and heard a great many claimants under article fourteen. In 1842 another Commission was appointed and that Commission went to Mississippi and heard the same kind of claimants.

Q Did your ancestors, any of them, go before either of these two Commissions in order that they might claim rights and benefits under article fourteen of the treaty of 1830, do you know? A No sir.

Q You never heard they did? A No sir.

Q

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw claimant had proved his claim before the Commission of 1842 and if it was shown at the same time that he had had his land taken from him that he should be entitled to select land in Mississippi, Louisiana, Alabama or Arkansas, and that certificates should be issued to him to that effect. These certificates were called scrip.

Q Did any of your ancestors, did your father, Valentine Gates, or his father, Philip Gates, or any other ancestor of yours ever receive any such scrip from the Government as Choctaw Indians under this Act of Congress of 1842? A No, I don't know.

Q Have you had any relatives make application before the Commission before you? A Yes; John H. Britton, Almer Rogers; - there's John Britton's brother will after me, Lucinda Stanford.

Q Do you remember any others? A No sir, I don't.

Q Who is Arthur H. Britton (His answer.)

Q Do you want those of your kin who have already made application and who claim through the same common ancestor, Philip Gates, do you want that testimony considered with and made a part of your testimony so that you can get the benefit of their statements? A Yes sir.

Q Have you any documentary evidence you would like to introduce now; any papers of any kind?

The Statement of this applicant, Sarah A. Benson, presented, re-

ceived filed and marked Exhibit "A", and made a part of the record in this case; also the affidavit of Lucinda Americus Stanford, received filed marked Exhibit "B" and made a part of the record in this case;

A reasonable time will be allowed this applicant in which to file further documentary evidence or produce witnesses if desired.

Q Is there anything further you would like to say now in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parents; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 11th day of October, 1901.

W. A. S. S. S.
Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TANG 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

H.C.R. 3607

Muskogee, Indian Territory, October 15, 1902.

Sarah A. Benson,
Woodbury, Texas.

DEAR MADAM:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.	M C R	4438
Josie Cox, et al.	M C R	5081
Eva Hardy, et al.	M C R	5120
John H. Britton,	M C R	3605
Arthur E. Britton, et al.,	M C R	3606
Alice N. Sanders, et al.,	M C R	4439
Luther Alma Rogers, et al.,	M C R	1223
William Clifton Britton, et al.,	M C R	4331
William G. Britton,	M C R	3610
William K. Britton, et al.,	M C R	3616
Sarah Wilson Dye, et al.,	M C R	3612
Buena Vista Ivey, et al.,	M C R	3615
Add Benton Britton, et al.,	M C R	3820
William Robert Britton, et al.,	M C R	3611
Lula Bell Britton,	M C R	3613
Arthur Guy Britton,	M C R	3614
Calvin Luther Britton, et al.,	M C R	3617
Mary C. Cox, et al.,	M C R	4287
James A. Cox, et al.,	M C R	4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunie Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Annie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velve Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Rav Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED).

T. B. Needles.
Commissioner in Charge.

COPY.

M.C.R. 3607

Muskogee, Indian Territory, December 22, 1902.

Sarah A. Benson,

Woodbury, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Wm. E. Dixby.

Acting Chairman.

MCR-3607

Waskogee, Indian Territory, October 19, 1906.

Sarah A. Benson,
Woodbury, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 3607

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Sarah A. Benson,

Age 74 - Blood 1/8

Post Office, Woodbury, Texas

Father: Valentine Gates, d

Mother: Lucinda ~~H. Gates~~ d

Claims through father.

~~CLAIMS~~

Claims for self
alone.

Enographer H. L. Harris

Choctaw MCR 3608

Mollie B. Paschat

See MCR 3386

MCR 3608

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3608

In the matter of the application of Mollie B. Paschal for identification as a Mississippi Choctaw.

B.S. Johnson for applicant; no appearance by attorney.

Mollie B. Paschal being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mollie B. Paschal.
Q P-a-s-c-h-a-l? A Yes.
Q What is your age? A Forty seven.
Q What is your post office address? A Woodbury, Texas.
Q How long have you lived there? A We lived there five years.
Q Where were you born? A Franklin County, Alabama.
Q How long did you live there? A About forty years.
Q From there you went where? A To Cleburne, Texas; stayed there one year.
Q Then where did you go to? A From Cleburne to DeLeon, Texas; stayed there nearly three years and went from DeLeon to Woodbury and stayed there five years-something in the neighborhood of that time.
Q What is your father's name? A Garrett Bell; G-a-r-r-e-t-t B-e-l-l.
Q Is he living? A No sir.
Q What is your mother's name? A Sarah Ann Benson.
Q Is she living? A Yes; she has been married twice.
Q This is the same one who has just made application? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized in any 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 Yes sir.
Q Is your husband living? A Yes sir.
Q What is his name? A W.M.Paschal.
Q He is not Indian? A No, we don't claim him for that; I think the hopes are very scant; if I can get it I will divide with him.
Q Have you any children? A No sir.
Q Claim just for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, never has been on anything.
Q Did you ever make application to the Choctaw tribal authorities in the Indian Territory to be enrolled as a member of that tribe? A No 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 Baves Commission? A Not that I know; I didn't.

Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, or the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Did you ever make application before this time for citizenship in the Choctaw nation before any authority whatever, either the United States authorities or the Choctaw tribal authorities? A No sir.

Q Now, do you appear before the Commission today for the purpose of becoming identified as Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No sir; I don't understand it.

Q You know what a treaty is, do you? A Yes sir.

Q It is a contract in writing between the Nations; an article in a treaty is a subdivision of it, and articles in treaties are numbered from one up to as many articles as there are; some treaties have additional parts made to them and they are called supplements. The treaty of 1830 was made in 1830 at Dancing Rabbit Creek in Mississippi between the Choctaw Indians as a tribe and the United States Government. At that time the Choctaw Indians were living in Mississippi and Alabama; and the object of the treaty was the removal of the Choctaw Indians from these two states to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Indians wouldn't go to the Territory, and in order to protect their interests article fourteen was put into the treaty. After that article was put into the treaty these Indians then consented to have it ratified. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months ~~at~~ from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that do you? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A Not that I know of.

Q You claim through your mother? A Yes.

Q She claimed how much Choctaw blood? A A half.

Q And she claimed through which parent, father or mother? A Through her father.

Q What was his name? A Valentine Gates.

Q And he claimed a half? A No sir; he claimed a quarter.

Q Now, was he living in Mississippi in 1830? A I don't know; that's before my day.

Q Yes, but you ought to have some family knowledge? A I don't know; but think he wasn't.

- Q He claimed through which parent? A Through his father.
- Q What was the name? A Philip Gates.
- Q Was he living in Mississippi in 1830? A I think not.
- Q Was he living in Alabama in 1830? A Yes sir.
- Q Well, wasn't his son, Valentine Gates, living in Alabama in 1830?
- A I suppose he was.
- Q Do you know when Valentine Gates died? A He died in November, 1853.
- Q How old was he when he died? A He was born in 1804.
- Q Then he was living in Alabama during that period, from 1804 to 1853; did he have any improvements on land in Alabama? A I can't answer that; I wasn't there.
- Q Now, that question is asked for this purpose that while you may not have personal knowledge, it is a material point in your case, and you might have some knowledge or information in your family.
- A Well, the family told me they had.
- Q Then it is a matter of family record, hearsay at least, that he had land in 1830? A Yes sir.
- Q Do you get any information in the same way that he had improvements on those lands? A I suppose it was a house and lands and some such as that.
- Q Do you know? A No; how can I know? I don't know; - well, I only told you just what I have heard; I have heard they had.
- Q Did you hear they had houses there? A Yes, I suppose.
- Q And barns and fences? A I suppose they did; I can't say they for I didn't see.
- Q Did you ever hear it? A No sir, I don't know they did.
- Q Did any of your Choctaw ancestors, either Valentine or Philip Gates or any other ancestors go to the United States Indian agent within six months from the ratification of the treaty of 1830 and tell him that they intended to stay in Mississippi and take land there and become citizens of the States? A I don't know.
- Q You never heard that in the family; that that was done? A No sir.
- Q Did you ever hear that any of your ancestors went from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors, either Valentine Gates or his father, Philip Gates, or any other Choctaw ancestor ever claimed or owned any land in Mississippi or Alabama which they received from the Government as Choctaw Indians? A No sir.
- Q Did you ever hear that any of your ancestors claimed any rights as Choctaw Indians under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know that I understand.
- Q I explained what a treaty was? A Yes.
- Q An article is a part of a treaty, numbered from one up; this article which I read to you, for instance was numbered fourteen. You have already stated that they have not to your knowledge received any benefits under article fourteen; now I ask you if they have received any benefits under any other article than fourteen of that treaty of 1830, or under the supplement to that treaty? A Not that I know of.

Now in accordance with the provisions of the fourteenth article of the treaty of 1830 the Government required the United States Indian agent who lived in Mississippi at that time to make a list of

all the Indians who came before him within six months and told him they wanted to stay in Mississippi and the land there; this agent failed to do it for some reason he neglected his duty and the result was that a great many Indians who did go before him at that time failed to get on the lists; as a result a great many Indians had their lands and their improvements taken away from them. As a result of the complaints so caused, a Commission was appointed in 1837 which went to Mississippi and heard a great many claimants under the fourteenth article of the treaty of 1830. In 1842 another Commission was appointed by Act of Congress approved August 23, 1842, for the same purpose.

Q Now, did you ever hear that Valentine Gates or Philip Gates or any other of your ancestors went before either of these Commissions and sought to establish their rights under article fourteen? A Not that I know of.

The Act of Congress of August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied with all the provisions of article fourteen but his land had been taken from him, that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana and that certificates should be issued to him to that effect; these certificates were called scrip.

Q Do you know whether any of your ancestors ever received any such scrip? A No sir.

Q Have you any documentary evidence, any papers that you want to file now? A Yes.

The written statement of Mellie B. Paschal received, filed marked Exhibit "A", filed and made a part of the record in this case; the affidavit of Sarah A. Benson received, filed, marked Exhibit "B" and made a part of the record in this case; the affidavit of Lucinda American Stanford, received, filed, marked Exhibit "C", and made a part of the record in this case.

This applicant is also allowed reasonable time in which to furnish other documentary proof if she desires in support of this application.

Q You claim through Philip Gates and Mellie D. Paschal, Sarah A. Benson, Arthur H. Britton and these others claim through him? A Yes.
Q Almer Rogers and Lucinda Stanford? A Yes.

The testimony in these cases above quoted will be considered as a part of this case in this application, when her case is taken up and considered by the Commission.

Q Is there anything further you want to state now in support of this claim? A I don't know that there is, for I don't think that there is any other applicants' name to be attached.

Q You don't speak Choctaw? A No sir.

This applicant has the appearance and all the physical characteristics of being descended from white parentage; she does not speak the Choctaw language and has no knowledge on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11th day of October, 1901.

David Shelby
Notary Public.

COMMISSIONERS

HENRY L. DAVES.
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. 3608

ALLISON I. AYLESWORTH
SECRETARY.

Muskogee, Indian Territory, October 15, 1902.

Mollie B. Paschal,
Woodbury, Texas.

Dear Madam:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulén, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mame Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velve Rogers, William Clifton Britton, Mestie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles C. Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Lovece Britton, William C. Ivey Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Gay Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLolland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED).

T. B. Needles.
Commissioner in Charge.

U.S.D. 1902

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Washington, Indian Territory, December 22, 1902.

William H. Gates,

Secretary, Same.

Dear Sir:

You are hereby notified that on the 15th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

John E. Smith
Acting Chairman.

MCB-5308

Muskogee, Indian Territory, October 19, 1906.

Hollie N. Paschal,
 Webbury, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Cherokee case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

No. 3608

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Mollie B. Paschal

Age 47 Blood 1/16

Post Office, Woodbury, Texas

Father, Garrett Bell, d

Mother, Sarah A. Benson l.

Claims through mother
Husband, W. M. Paschal, W.
No claim for husband

~~None~~
Claims for self alone

Stenographer H. G. Harris,

Choctaw MCR 3609

Mattie Lynch

See MCR 3386

MCR 3609

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

#3609.

In the matter of the application for identification
as Mississippi Choctaws, of Mattie Lynch and her four minor children.

B. S. Johnson, Attorney for Applicant. (No Appearance)

Mattie Lynch, being first duly sworn, testified as
follows:-

Examination by the Commission.

- Q What is your name? A Mattie Lynch.
Q Mattie what? A Mattie Lynch. L-y-n-c-h .
Q What is your age? A Twenty-six years of age.
Q What is your Post Office address? A Oglesby, Correll County.
Q Oglesby? A Oglesby.
Q Texas? A Yes.
Q How long have you lived in Texas? A I have lived in Texas about
twelve year.
Q Where did you live before you lived in Texas? A I lived in Miss-
issippi five year, and Alabama about ten year.
Q Were you born in Alabama? A Born in Mississippi near the line.
Q And how long did you live in Mississippi? A About five years.
Q And then moved to Alabama? A Yes, and lived there about ten
year. The rest is in Texas.
Q You went from Alabama to Texas? A Yes.
Q What is your father's name? A Jasper Stanford.
Q Is he living? A No, he's dead.
Q What is your mother's name? A Lucinda Americus Stanford.
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 or enrolled as a citizen of
the Choctaw Nation? A Not as I know of.

- Q Are you married? (No answer)
- Q Are you married? A Yes.
- Q What is your husband's name? A Robert Lynch.
- 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's a White man.
- Q Have you any children for whom you wish to make application at this time? A Yes, four.
- Q Give the names and ages of those children? A The oldest one's named Lena Lynch.
- Q How old? A Ten years of age.
- Q Next? A Leslie Lynch.
- Q Leslie? A Leslie.
- Q L-e-s-l-i-e? A Yes.
- Q How old? A Eight years of age.
- Q Next? A Alice Lynch, five years of age.
- Q Next? A Johnny Lynch, three years of age.
- Q These are your children? A Yes.
- Q What is the name of their father? A Robert Lynch.
- Q When and where were you married to him? A What?
- Q When and where were you married to him? A Was married in eighteen and ninety, in Robinson County.
- Q Is that in Texas? A Yes.
- Q Is your name or are the names of your children on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No
- Q Have you 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 anyone for you or for 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? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Want to make application for my rights as a Mississippi Choctaw.
- Q Do you claim under any of the Treaties between the United States and the Choctaw Indians? A Yes, the treaty in 1830, and article fourteen.
- Q Do you understand the provisions of that article? A No.
- Q In 1830 the United States wanted to make a treaty with the Choctaw Indians who lived then in Mississippi and the Western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them all to the land west of the River, but some of the Indians didn't want to come west and the others wouldn't sign any treaty until something was done for those Choctaws who wanted to stay in Mississippi, so the fourteenth article was put into the treaty for the sake of those Choctaws who wanted to stay in Mississippi.

Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land; to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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 numbers of the Indians went to the Agent there in Mississippi and told him they wanted to stay, but when an Agent was sent down by the United States Government to locate the lands for those Indians, it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made, so under Acts of Congress of March 3, 1837 and August 23, 1842, men were appointed as Commissioners and sent down into Mississippi to look into this matter and find out which of the Indians really had a right to land there in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were refused and some of them were allowed. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't 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, Alabama or Louisiana. Which one of your ancestors owned land in one of those states? A None that I know of.

- Q What was your mother's father's name? A Wash Henley
 Q What was your mother's mother's name? A Catherine Henley. Was Catherine Gates before she married Wash Henley.
 Q How old is your mother now? A She's sixty years of age.
 Q Is she the oldest one of her mother's children? A No.
 Q Which one of Lucinda Stanford's parents claimed to be Choctaw?
 A What?
 Q Which one of Lucinda Stanford's parents claimed to be Choctaw?
 A Her mother.
 Q Catherine Henley? A Yes.
 Q Well, how much older than your mother was the oldest one of Catherine Henley's children? A Well, I don't know. I was quite small and I couldn't tell you that. My mother though can but I can't.
 Q Was Catherine Henley's name Catherine Henley or Catherine Gates in 1830? A Her maiden name was Catherine Gates.
 Q Well, now in 1830, was her name Catherine Gates or Catherine Henley? A I reckon so. I don't know.
 Q Well, which was it? A Well, it was Catherine Gates I guess.

- Q You don't think she was married in 1830? A No.
- Q Well, what was Catherine Henley's father's name? A His name was Phillip Gates.
- Q What was Catherine Gates mother's name? A Catherine Gates mother's name?
- Q Yes. A Her name was Hampton.
- Q What was her given name? A Sarah----No, I don't know whether that's correct or not.
- Q Which one of Catherine Gates' parents claimed to be Choctaw?
A Which one?
- Q Yes. A Hampton.
- Q Her mother? A Yes.
- Q Her father, Phillip Gates didn't claim to be Choctaw at all did he? A Phillip Gates? Yes, that's correct.
- Q Well, now which one of her parents claimed to be Choctaw? A Well now, you got me back to where I don't remember anything about it but then I can----.
- Q Well, have you been taught about those things? A Well, I have told all right now that I have been taught.
- Q Well, do you know whether it was Phillip Gates or whether it was his wife that claimed to be Choctaw? A It was Phillip Gates.
- Q Did Phillip Gates or Catherine Gates go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him they wanted to stay in Mississippi? A Not as I know of.
- Q Did they live in Mississippi in 1830? A Yes, they lived there.
- Q Did either of them come west to the present Choctaw Nation with the other Choctaws between 1833 and 1838? A I don't know whether they did or not.
- Q If you wish to be identified as a Mississippi Choctaw you should endeavor to bring evidence to prove which one of your ancestors lived in the old Choctaw Nation in 1830---A Well, I have got my mother here.
- Q And that that ancestor was a recognized Choctaw Indian, and that you are a lineal descendent, and that he or she within six months after the treaty of 1830 was ratified went to the Indian Agent and signified intention to remain in Mississippi and become a citizen of the United States. You say your mother is here? A Yes.
- Q Would you like to have her testimony taken in your case? A Yes.
- Q Have you any other witnesses you would like to introduce? A Yes there's several here.
- Q Well, who are they? A Well, Bensons and Gateses.
- Q Are they older than you? A Yes.
- Q How much older? A Right smart.
- Q Are they older than your mother? A Yes, theres one older than my mother.
- Q Have you any outside evidence that you would like to offer? A What?
- Q Have you any outside evidence that you would like to offer? A No after they get through I think that's enough.
- Q Well, they are all applicants themselves, aren't they and claim through the same source? A Yes.
- Q They claim through the same common ancestor? A Yes.
- Q Well, you are here in the position of an applicant for valuable property rights, and in a case of that kind even the sworn statement of parties in interest, that is parties who are interested in the outcome of the application, carries very little weight, un-

- less it is supported by outside evidence. A Well, I have got plenty of testimony.
- Q Have you these witnesses here? A Yes, I guess theyre around here somewhere.
- Q Who are they? A Well, there's none only what's kin to me.
- Q Those that are not interested in the outcome of this application at all? A No, I havn't got none of them here, but then the rest are.
- Q Have you any papers you want to file now? A Yes.
- Q Where are they? A My mother has them.

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

Affidavit of Lucinda Americus Stanford offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- Q Lucinda Americus Stanford is your mother? A Yes.

Lucinda Americus Stanford, being called as a witness in this case, and duly sworn, testified as follows:-

- Q What is your name? A Lucinda Americus Stanford.
- Q What is your age? A Sixty-one.
- Q What is your Post Office address? A Bynum Texas, Hill county.
- Q Bynum? A Yes, Bynum.
- Q Are you an applicant for identification as a Mississippi Chestaw? A Yes.
- Q Are you acquainted with Mattie Lynch, the present applicant? A Yes.
- Q What relation is she to you if any? A She's my own daughter.
- Q She gets her Chestaw blood through you? A Through me.
- Q What was your father's name? A Wash Henley.
- Q What was your mother's name? A Catherine Henley.
- Q Which one of your parents claimed to be Chestaw? A My mother.
- Q Are you the eldest one of your mother's children? A No.
- Q How much elder than you is the eldest one? A Her eldest child would be twelve years older than I am but she's dead.
- Q Then your mother, Catherine Gates, was a married woman and the head of a family in 1830? A Yes.
- Q And her name was Catherine Henley? A Catherine Henley, her maiden name was Catherine Gates.
- Q Where was she living in 1830? A In Alabama near the Mississippi

- less it is supported by outside evidence. A Well, I have got plenty of testimony.
- Q Have you these witnesses here? A Yes, I guess theyre around here somewhere.
- Q Who are they? A Well, there's none only what's kin to me.
- Q Those that are not interested in the outcome of this application at all? A No, I havn't got none of them here, but then the rest are.
- Q Have you any papers you want to file now? A Yes.
- Q Where are they? A My mother has them.

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

Affidavit of Lucinda Americus Stanford offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- Q Lucinda Americus Stanford is your mother? A Yes.

Lucinda Americus Stanford, being called as a witness in this case, and duly sworn, testified as follows:-

- Q What is your name? A Lucinda Americus Stanford.
- Q What is your age? A Sixty-one.
- Q What is your Post Office address? A Bynum Texas, Hill county.
- Q Bynum? A Yes, Bynum.
- Q Are you an applicant for identification as a Mississippi Cheestaw? A Yes.
- Q Are you acquainted with Mattie Lynch, the present applicant? A Yes.
- Q What relation is she to you if any? A She's my own daughter.
- Q She gets her Cheestaw blood through you? A Through me.
- Q What was your father's name? A Wash Henley.
- Q What was your mother's name? A Catherine Henley.
- Q Which one of your parents claimed to be Cheestaw? A My mother.
- Q Are you the eldest one of your mother's children? A No.
- Q How much older than you is the eldest one? A Her eldest child would be twelve years older than I am but she's dead.
- Q Then your mother, Catherine Gates, was a married woman and the head of a family in 1830? A Yes.
- Q And her name was Catherine Henley? A Catherine Henley, her maiden name was Catherine Gates.
- Q Where was she living in 1830? A In Alabama near the Mississippi

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line.

- Q Did your mother come west with the other Choctaws between 1833 and 1838? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay in Mississippi? A I don't know.
- Q You never heard about that? A No.
- Q Did she ever own any land in Mississippi, Arkansas, Alabama or Louisiana? A Owned land in Alabama but through my father.
- Q Your father bought it himself? A Yes, father bought it himself.
- Q Didn't get it from the Government? A No.
- Q What was Catherine Gates father's name? A Phil Gates.
- Q And what was her mother's name? A My mother's?
- Q Her mother's? A Cathering Hampton Gates. Her name was Catherine Gates.
- Q Which one of Catherine Henley's parents claimed to be Choctaw? A Her father, Phillip Gates.
- Q How much Choctaw blood did Catherine Gates claim to have, or Catherine Henley, I mean? A One fourth.
- Q How much? A One quarter.
- Q One quarter? A Yes.
- Q Did she have a Choctaw name? A Have a Choctaw name?
- Q Yes. A I don't understand that.
- Q Well, Catherine Henley was her English name? A Yes.
- Q Now I want to know if she had a Choctaw name. A Her maiden name was Catherine Gates.
- Q Then you don't know whether she had any name given her in the Choctaw language? A Oh! I don't know anything about that. I never heard her say.

Witness excused.

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Applicant re-called.

- Q Is there anything more you would like to have brought out by your mother? A Well, I have told all I know.
- Q Is there anything more you would like to have brought out by your mother? A Yes, she can tell any more about it she wants to.

Sarah Benson, being called as a witness in this case, and duly sworn, testified as follows:

- Q What is your name? A Sarah Benson. Sarah Ann Benson.

- Q What is your age? A I am Seventy-three.
 Q Seventy three? A Near seventy-four. Be seventy-four in May.
 Q Are you an applicant for identification as a Mississippi Choctaw?
 A Yes.
 Q Are you acquainted with Mattie Lynch the applicant here? A Met her here the first time.
 Q You didn't know her before that time? A No.
 Q Do you know her mother? A Yes.
 Q Are you related in any way to Mattie Lynch? A Her mother's my first cousin. And Mattie Lynch is a second cousin, aren't she. Her mother is a double cousin to me.
 Q Through which one of Mattie Lynch's parents does she get her Choctaw blood? A Her mother.
 Q Do you know what her mother's father's name was? A Her mother's father's name? They get me so torn up in my mind I am lost. Her mother's father's name was George Washington Henley.
 Q What? A George Washington Henley. That's his name.
 Q What was her mother's mother's name? A You are representing that girl now---her mother's name?
 Q No, Mrs. Stanford's mother's name? A Catherine Gates. Catherine Henley. Catherine Henley.
 Q Which one of Mrs. Stanford's parents claimed to be Choctaw? A Her mother, Catherine Henley.
 Q Catherine Henley? A Yes.
 Q And what relation was Catherine Henley to you? A Me? Now any. My father's sister
 Q Then your father and Mrs. Stanford's mother were brother and sister? A Yes.
 Q And you claim your Choctaw blood through which one of your parents
 A Valentine Gates.
 Q Through your father? A Yes. My father was half. His mother was an Indian squaw----a Choctaw Indian.
 Q Do you know whether Catherine Henley lived in the old Choctaw Nation in 1830? A In Mississippi?
 Q Or Alabama? A Alabama she did.
 Q Do you know what part of Alabama? A Franklin County.
 Q What county? A Franklin.
 Q Do you know whether Catherine Henley went to the Indian Agent there in Mississippi within six months after the treaty was ratified and told him she wanted to stay? A No.
 Q You never heard about that? A No.

Witness excused.

-----;-----

Applicant re-called.

- Q Is there any other statement you would like to make at this time in support of your application? A Well, if it needs any more I

78.

can get more.

- Q Well, I asked you if there was anything more you wanted to say now? A No, I don't want to say any more.
- 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 allowed to do so, and the same will be made a part of the record in your case.

This applicant has brown hair, slightly curly, blue eyes, and rather dark complexion. Her features and general appearance are those of a White woman. She known of no compliance on the part of her ancestors with the provisions of the fourteenth article of the fourteenth article of the treaty of 1830, although it appears that her grandmother lived in Alabama in 1830.

Hal Belford, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause, on September 24, 1901 and that the above and foregoing is a full true and correct transcripts of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October, 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

HENRY L. BAYNE,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3609

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, October 15, 1902.

Mattie Lynch,
Oglesby, Texas.

Dear Madam:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John B. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4487
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.	M C R 4438
Josie Cox, et al.	M C R 5081
Eva Hardy, et al.	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Pashal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Emnis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Annie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Audie McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetta, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lara Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hovie Rogers, Rufus Webb Rogers, Verver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Arthur E. Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

(SIGNED) *I. B. Necaico.*
Commissioner in Charge.

Registered.

(Copy)

Sam. G. Reid,
Postmaster.

Manda C. Reid,
Chief Clerk.

UNITED STATES POST OFFICE.

Oglesby, Texas, Oct. 25, 1902.

P. M.,

Muscogee Ind T.

Sir: On Oct. 16, 1902, you dispatched to my office registered package No. 1730, containing letter No. 2761, addressed to Mattie Linch.

Now I wish to inform you that Mattie Linch is deceased. Mr. Will Linch (in the absence of her husband) handles all her mail and attends to all her business.

Mattie Linch's husband is absent from here now.

Please ascertain the wishes of sender with regard to registered letter. Will Linch wants the letter, says it contains business that should be attended to at once.

Please advise me as to my duty and oblige

Yours truly,

(signed)

SAM. G. REID, P.M.

SAM G. REID, P.M.,
Oglesby, Texas.

Miss. Choctaw R3609

Muskogee, Indian Territory, November 1, 1902.

Sam G. Reid, Post Master,
Oglesby, Texas,

Dear Sir:

Your letter of October 25, 1902, addressed to the Post Master, Muskogee, Indian Territory, has been by him referred to this Commission for reply. You state therein that registered package, Number 1730, containing letter Number 2761, addressed to Mattie Lynch, is still in your office; that Mattie Lynch is dead, that her husband is absent from there at this time, and that in his absence Mr. Will Lynch handles all her mail and attends to her business, and you ask if the letter shall be delivered to him.

In reply you are advised that you should deliver the registered letter above referred to to Mr. Will Lynch, taking his receipt therefor, which please return to this office.

Respectfully,

Commissioner in Charge.

COPY

M.C.R. 3609

Muskegee, Indian Territory, December 22, 1902.

Lena Lynch,

Oglesby, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Samuel D. Dixey

Acting Chairman.

MUR-3609

Muskogee, Indian Territory, October 19, 1906.

Will Lynch,
Oglesby, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of your deceased wife, Mattie Lynch, and children is a part.

Respectfully,

Commissioner.

No. 3609

For Identification as a Mississippi Choctaw.

Date **SEP 24 1901**

THE A.S.
Name *Mattie Lynoch*

Age *26* Blood *1/16*

Post Office, *Oylesty, Texas.*

Father: *Dr. Spier Stanford (dead)*

Mother: *Lucinda A Stanford*

Claims through *mother*

husband. Robert Lynoch
(no claim for him)

Children:

<i>Lena Lynoch</i>	<i>10</i>
<i>Leslie "</i>	<i>8</i>
<i>Alice "</i>	<i>5</i>
<i>Johnny "</i>	<i>3</i>

Claims for self and 4 children

Stenographer

H. Oelford

Choctaw MCR 3610

William G. Britton

See MCR. 3386

MCR 3610

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3610

In the matter of the application of William G. Britton for identification as a Mississippi Choctaw.

William G. Britton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William G. Britton.
Q What is your age? A Seventy.
Q What is your post office address? A Guion, Taylor County, Texas.
Q How long have you lived there? A About fourteen years.
Q Where did you live before that? A In Hill County, Texas.
Q How long did you live there? A Six years.
Q Where did you live before that? A In North Alabama. Franklin County Alabama.
Q How long did you stay in Alabama? A Fifty years.
Q In the same place? A Yes sir.
Q And then from there you went to Texas? A Yes sir.
Q What place in Texas? A Near Osceola, Hill County, Texas.
Q From there you went where? A Guion, Taylor County.
Q What is your father's name? A William Britton.
Q Is he living? A No sir.
Q What is your mother's name? A Sarah Britton.
Q Is she living? A No.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much 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 either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A M. J. Britton.
Q What is her blood? A White.
Q You make no claim for her do you? A No sir.
Q Have you any children you want to make application for? A No sir.
Q Just for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.
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 judgment of United States Court in Indian Territory? A No sir.
Q Is this the first application of any kind that you have ever made for citizenship? A Yes.

Q You now make this application in order that you may be identified as a Mississippi Choctaw and receive land in the Choctaw Nation, Indian Territory, under article fourteen of the treaty of 1830? A Yes.

Q Do you understand that article of that treaty? A I don't know that I do.

Q You know what a treaty is? A Yes sir.

Q Do you know what an article in a treaty is? A Yes sir.

Q Well, the treaty of Dancing Rabbit Creek was entered into between the Choctaw tribe of Indians in Mississippi and Alabama and the United States Government on the twenty seventh day of September, 1830. The object of that treaty was the removal of all the Choctaw Indians in those two States to the Choctaw Nation, Indian Territory. Before that treaty was signed it became apparent that a great many Choctaws wouldn't go to the Indian Territory and in order to protect their interests this fourteenth article was put into the treaty; that was satisfactory to those Indians who remained and the treaty then became ratified between the two Nations. Now that article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that alright do you? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A No, not that I know of.

Q What was the name of your ancestor that you claim your Choctaw blood from and who was a recognized Indian and lived in Mississippi and Alabama in 1830 and occupied land there? A I claim through Philip Gates.

Q He is the common ancestor of Sarah A. Benson, Arthur E. Britton, Lucinda Stanford and others? A Yes sir.

Q Are these people all kin to you? A Yes sir.

Q And there are others, I presume, who claim through the same common ancestor? A Yes sir.

Q You claim through which parent- your mother, Sarah Britton? A Yes.

Q What was her maiden name? A Sarah Gates.

Q And what was her father's name? A Philip Gates.

Q What evidence have you that he lived in Mississippi and was the head of a family in 1830? A No sir.

Q Did he live in Alabama? A Yes.

Q Was he head of a family there at that time? A Yes.

Q What evidence have you of that fact? A I have been to his house.

- Q Well, did you see him? A Yes sir.
- Q When did you go there? A I don't remember.
- Q When you were young? A Yes.
- Q You were born in--? A 1829.
- Q Well, then you would be more than seventy years old now; you would be about seventy two years old. A Yes I am; my recollection is poor.
- Q Then your father and mother were both living in Alabama at that time, that is, if they were living? A Yes sir.
- Q Did they have lands in Alabama at that time? A Yes my father did.
- Q Did he own it or take it from the Government? A He bought it.
- Q Do you know whether your mother ever had any land from the Government as an Indian? A Never did.
- Q Do you know whether your mother could speak the Choctaw language or whether Philip Gates could? A Well, I presume she could I have seen her talking with those Indians there.
- Q Did you hear and understand her? A No sir.
- Q Could you swear that they were talking Choctaw? A No sir.
- Q They may have been talking in English? A Yes sir.
- Q Do you know of any of your ancestors who had Choctaw names, that is I mean names different from the English names? A No sir.
- Q Were any of your ancestors recognized members of the Choctaw tribe in Mississippi or Alabama in 1830 do you know? A No sir, I don't.
- Q Did Philip Gates or any other of your Choctaw ancestors, including your mother, Sarah Britton, within six months after the ratification of the treaty of 1830 go to the Indian agent, Col. Ward, and tell him they wanted to stay there and become citizens of the United States? A No sir; I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the present Indian Territory with the other Indians between 1833 to 1838? A No sir.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama as beneficiaries under the fourteenth article of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the Government instructed the United States Indian Agent, Col. Ward, who lived in Mississippi in 1830 to make a register of the names of all Choctaw Indians who declared their intention to stay in Mississippi and take land there, before said agent within six months after the ratification of the treaty of 1830. The records of the Government show that this agent failed to do that; that he recorded only a few Indians who came before him. On account of his neglect a great many Indians living in Mississippi and Alabama had their lands taken from them together with improvements on them; this caused a great deal of complaints and on account of these complaints Congress in 1837 appointed Commissioners who went to Mississippi and made lists of the names of all successful claimants. In 1842 another Commission was appointed for the same purpose.

- Q Do you know whether any of your ancestors, your mother or her father Philip Gates, or any other of your Choctaw ancestors went before either of these Commissions in 1837 or 1842 and claimed benefits under article fourteen of the treaty of 1830 A No sir not that I ever heard of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw Indian was entitled to benefits under article fourteen but that his land had been taken from him that he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and that a certificate should be given to him to that effect; these certificates were called scrips.

Q Did any of your ancestors ever receive any scrip from the Government from the United States under this article of Congress? A No sir.
Q Have you any documentary evidence you want to give the Commission now? A Yes sir.

Statement in writing of William G. Britten presented by applicant received filed and marked Exhibit "A" and made a part of the record in this case; affidavit of John H. Britton presented by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case; affidavit of Lucinda Americus Stanford, received filed, marked Exhibit "C", and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to offer further documentary evidence in support of this application.

Q Is there anything further you want to say now in support of this claim? A No sir.
Q Do you speak Choctaw? A No sir.

This applicant has the appearance and all the characteristics of being descended from white parentage- blue eyes light complexion; doesn't understand 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 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11th day of October, 1901.

David Shelby
Notary Public.

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH
SECRETARY

M.C.R. 3610

Muskogee, Indian Territory, October 15, 1902.

William G. Britton,
Galion, Texas

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
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Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John B. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
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William G. Britton,	M C R 3610
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Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Pesehal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wyle Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mame Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Ruby O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Volver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Lovee Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED)

I. B. Neccles,
Commissioner in Charge.

M.C.R. 3610

Muskegee, Indian Territory, December 22, 1902.

William G. Britton,
Guion, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

James L. Jones
Acting Chairman.

MUR-3610

Muskogee, Indian Territory, October 19, 1906.

William G. Britton,
Guion, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name William G. Britton

Age 72 - Blood 1/8

Post Office, Guion, Texas.

Father: William Britton, d

Mother: Sarah Britton, d

Claims through mother -
wife, M. J. Britton, w.
No claim for wife -

~~XXXX~~

Claims for self
alone -

Stenographer H. G. Hains

Choctaw MCR 3611

William R. Britton

See MCR 3386

MCR 3611

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

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In the matter of the application of William E. Britton et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3611.

In the matter of the application of Lula Bell Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3613.

In the matter of the application of Arthur G. Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3614.

B. S. Johnson, attorney for the applicants in the above named cases. (No appearance).

Lucinda Americus Stanford, being first duly sworn as a witness in the above entitled causes, testified as follows:

Examination by the Commission.

- Q What is your name? A Lucinda Americus Stanford.
Q What is your age? A Sixty-one.
Q What is your Post Office address? A Bynum, Hill County, Texas.
Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with William Robert Britton, Lula Bell Britton, and Arthur G. Britton who have just applied? A Yes.

- Q What relation are they to you, if any? A Cousins.
- Q Are they all the same relation to you? A No, their father's own cousin.
- Q Through which one of his parents does William R. Britton get his Choctaw blood? A Through his mother. Through his father. I made a mistake. Through his father.
- Q What is his father's name? A Calvin Britton. Well, there's a little more----they give a little more. Calvin----how did he give his father's name? Calvin Britton is his name.
- Q Well, they gave it Calvin Luther? A Well, I didn't know that.
- Q What relation was Calvin Luther Britton to you? A Cousins.
- Q Calvin Luther Britton was your cousin? A Yes.
- Q Well, then what relation is William R. Britton to you? A Well, Calvin Britton and me was own cousins, and this here Britton is Calvin Britton's son. Now ain't we cousins.
- Q Now, Calvin Britton was thir William R. Britton's father? A Yes.
- Q And grandfather to Lula Bell Britton and Arthur G. Britton? A Yes.
- Q You say Calvin Luther Britton's your cousin? A Why, his mother and my mothers was sisters.
- Q What was his mother's name? A Sarah Britton.
- Q What was your mother's name? A Catherine Henley.
- Q And Catherine Henley and Sarah Britton were sisters? A Yes.
- Q Both children of the same father? A Same father.
- Q What was their father's name? A Phillip Gates.
- Q And Calvin Britton got his Choctaw blood through which one of his parents? A His mother.
- Q You get your Choctaw blood through which one of your parents? A Mother.
- Q Were you personally acquainted with Sarah Britton? A Yes.
- Q Where did she live? A She lived in Alabama, near the Mississippi line.
- Q When did you know her? A I knowed her----I will have to count now----she died in '83----knowed her all my life up till she died. I couldn't tell you what year----couldn't remember back.
- Q Was she living in Alabama all that time? A Yes, all her life she lived there as far back as I can remember and she died there.
- Q You don't have any personal knowledge as to whether she went to the Indian Agent there in Mississippi within six months after the treaty of 1830 was ratified and told him she wanted to stay? A No, I don't know----never heard any talk of it.
- Q Do you know whether she owned any land in Mississippi arkansas, Louisiana or Alabama or not? A No, I don't know----never heard anything about that. I have heard her talk about them, claiming them kin, and all that.
- Q How much Choctaw blood did Sarah Britton claim to have? A One quarter.
- Q One quarter? A Yes.
- Q Did she have a Choctaw name? A Now, you got me tangled on that awhile ago.
- Q Well, I mean did she have a name in the Choctaw Indian language? A No.
- Q Like Nowahoka? A No. I don't understand that, and I couldn't tell you that awhile ago. I didn't understand it or I could have told you. Well, she could talk the Choctaw language, but I didn't whether it would be any use to give that or not. Well, she could talk it.
- Q Did you ever hear her talk it? A Yes, many a time.

#3.

- Q You know that it was Choctaw? A Yes, they said it was.
Q Did you hear her talking it to the other Choctaw Indians? A Yes
her and my mother would talk the Choctaw language to the Choctaw
Indians back there. Heap of them back there that I used to know
talked Choctaw.

Witness excused.

Hal Belford being duly sworn, upon his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings in the above entitled causes
on September 24, 1901, and that the above and foregoing is a
full true and correct transcript of his stenographic notes in
said causes on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16th day of October, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

#3611.

In the matter of the application of William R. Britton for the identification of himself and his two minor children as Mississippi Choctaws.

B. S. Johnson, Attorney for Applicant. (No Appearance.)

William R. Britton, being first duly sworn, upon his oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Britton.
Q Well, what is your given name? A William Robert----William R.
Q What is your age? A Forty-nine.
Q What is your Post Office address? A Hillsboro, Hill County, Texas.
Q How long have you lived in Texas? A Been in Texas just seven years. This is my first year there in Hillsboro.
Q Where did you live before you lived in Texas? A In Mississippi, I come from there. In Alabama, then to Mississippi and from Mississippi to Texas.
Q How long did you live in Mississippi? A Ten years.
Q And before that you lived in Alabama? A Yes.
Q Were you born in Alabama? A Yes.
Q What is your father's name? A Calvin Luther.
Q Britton? A Yes.
Q Is he living? A No.
Q What is your mother's name? A Why, Eunice Britton, and her maiden name was Patterson.
Q Is your mother living? A No, she's dead.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A Sixteenth.
Q Has your father ever been recognized or enrolled as a citizen of

- the Choctaw Nation? A No.
- Q Have you any evidence of your father's and mother's marriage?
A No, I havn't.
- Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application. A Well, I thought you meant did I have it with me. I have it at home on the old record, but then I did not bring it along.
- Q Well, you can send it in later. Are you married? A Yes.
- Q What is your wife's name? A Eliza G.
- Q Is she living? A Yes.
- Q Do you make application for your wife? A What?
- Q Do you make application for your wife? A No, I reckon not.
- Q She is a white woman? A Yes.
- Q Makes no claim to Choctaw blood? A What?
- Q Makes no claim to Choctaw blood? A No.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes, I have two.
- Q Give the names and ages of those children? A William H.
- Q How old? A Fourteen years.
- Q Next? A Lizzie Pearl.
- Q How old? A Eleven years old.
- Q Is that all? A Yes, that's all.
- Q You are the father of these children? A Yes.
- Q What is the name of their mother? A Eliza.
- Q When and where were you married to her? A In Mississippi in 1878.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A By an Official----a Magistrate.
- Q Have you your marriage license and certificate and you wish to offer same in evidence? A I havn't them with me. I can get them. They are over there in Mississippi.
- Q It will be necessary for the Commission to be supplied with evidence of your marriage in support of the application you make for your minor children. A Yes, I will have to send and get that.
- Q Is your name or your children's on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you 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, 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 the United States Court in Indian Territory? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.
- Q 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 Well, I suppose to make an application for citizenship and for enrollment.
- Q What do you claim to be? A I claim to be one sixteenth 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 I don't know----I couldn't tell you. I don't understand that. I don't know.
- Q The law under which the Commission is acting at this time in hearing these applications gives it authority 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 then in Mississippi for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them all to the country west of the river, but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for the Choctaws who wanted to stay in Mississippi, so article fourteen was put into the treaty for the sake of those Choctaws who didn't want to leave their homes there. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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 numbers of the Indians went to the Agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for the Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made, so under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians were entitled to land in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip which was redeemable in land at fifty cents an acre from any of the public lands in Mississippi, Arkansas, Alabama or Louisiana. Did any of your ancestors own land in one of those states? A None that I know of.

- Q What was your father's father's name? A His name was William---- William Britton.
- Q What was your father's mother's name? A Sarah.

- Q Britton? A Britton, yes.
- Q Which one of your father's parents claimed to be Choctaw? A My father's mother.
- Q Sarah Britton? A Yes.
- Q How old would your father be if he were living now? A He would be seventy-six years old.
- Q Then Sarah Britton was married and the head of a family in 1830. A I suppose so----yes, I know she was.
- Q And her name was Sarah Britton at that time? A Yes.
- Q How much Choctaw blood did Sarah Britton claim to have? A One fourth.
- Q What was Sarah Britton's father's name? A Gates.
- Q What was his given name? A Phillip.
- Q What was Sarah Britton's mother's name? A I couldn't tell you. I don't remember her name. If they told me I can't remember it.
- Q Did Sarah Britton come West with the other Choctaw Indians to the present Choctaw Nation between 1833 and 1838? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him she wanted to stay in Mississippi? A No, she did not. She lived in Alabama.
- Q What part of Alabama did she live in? A In Franklin County----north Alabama.
- Q She lived there in 1830, did she? A Well, that's father back than I can remember. I am satisfied she was there in that time but then I couldn't say because that was before my time.
- Q Of course you don't know personally, but that has always been your understanding? A Yes, she was there always as long as she lived and died there, I know that.
- Q Now in order for you to be identified as a Mississippi Choctaw you should bring evidence to prove that Sarah Britton was a recognized Choctaw Indian and lived in the old Choctaw Nation in 1830, that you are a lineal descendent of hers----A Yes.
- Q And that she within six months after the treaty of 1830 was ratified signified to the United States Indian Agent her intention to remain in Mississippi or attempted to do so. Have you any evidence on those points at this time? A No.
- Q You expect to produce that evidence later do you? A Yes.
- Q Have you any papers which you want to file now? A Yes, I have some and then I also have a witness that I want to introduce here.
- Q Who is that? A Miss Stanford. Lucinda Stanford.

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

Affidavit of John H. Britton offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- Q Who is John H. Britton? A An uncle of mine. That old gentleman

in here to-day.

- Q Would you like to have his testimony in your case? A I would like to but then he's so feeble I couldn't get him back here. He hasn't gone home but then he's blind and you have to just lead him up.
- Q He has already testified here, has he A Yes, made application for himself this morning.
- 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. Is there any other statement that you would like to make? A No, there's no other.

This applicant has grayish black hair, gray beard and gray eyes, and rather dark 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 1830, although it appears from his testimony that his grandmother lived in Alabama at the time of the making of the treaty.

Hal Belford, being duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October, 1901.

Charles H. Sawyer

Notary Public.

Muskogee, Indian Territory, November 18, 1901.

B. B. Johnson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant enclosing certified copy of marriage license between W. R. Britton and Eliza G. Patterson, and certified copy of marriage license and certificate between F. L. Britton and Della Boyd, offered by you for filing in support of the application of Calvin Luther Britton and William R. Britton, for the identification of themselves and their minor children as Mississippi Choctaws.

You are informed that the same have this day been filed with the records in these cases and will receive the consideration of the Commission in the disposition of the claims of these persons as Mississippi Choctaws.

Yours truly,

W. C. 3611
 W. C. 3617.

Acting Chairman.

COMMISSIONERS

HENRY L. BOWEN,
TOMAS BERRY,
THOMAS E. NEEDLES,
C. B. BRACKENRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. WYLERWORTH
SECRETARY

M.C.R. 3611

Muskogee, Indian Territory, October 15, 1902.

William H. Britton,
Hillsboro, Texas

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emily Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John E. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hosterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Vidler Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulén, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mammie Sweetman, Lucinda Americus Staunford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velvee Rogers, William Clifton Britton, Mertie Blanch Britton, Pearlie Madge Britton, William G. Britton, Wilham K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

(SIGNED): *I. B. Needles.*
Commissioner in Charge.

Registered.

mfm

REFER IN REPLY TO THE FOLLOWING:

MCR-3611

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


Muskogee, Indian Territory, October 19, 1906.

William B. Britton,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,



Commissioner.

M.C.R. 3611

Muskogee, Indian Territory, December 22, 1902.

William R. Britton,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tame Dixby.
Acting Chairman.

MCR-3611

Muskogee, Indian Territory, October 19, 1906.

William R. Britton,
Hillsboro, Texas.

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Respectfully,

Commissioner.

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DEPARTMENT OF THE INTERIOR
Commissioner of the General Land Office

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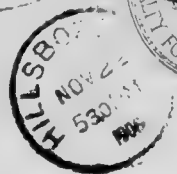


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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



William R. Britton,

Hillsboro, Texas.

No. 3611

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name *William R. Britton*

Age *49* Blood *1/16*

Post Office, *Hillsboro Texas*

Father: *Calvin L. Britton (dead)*

Mother: *Eunice Britton (dead)*

Claims through *father*

wife: *Eliza G. Britton*
(*No claim for her*)

Children:

William H. Britton 14

Lizzie Pearl "

Claims for self and 2 children

Stenographer

H. Belford

Choctaw MCR 3612

• Sarah W. Dye

See MCR 3386

MCR 3612

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3612

In the matter of the application of Sarah Wilson Dye for the identification of herself and one child as a Mississippi Choctaw.

B. B. Johnson attorney for applicant; no appearance by attorney.

Sarah Wilson Dye being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Sarah Wilson Dye; D-y-e.
Q Do you apply for yourself and one child? A Yes a twelve year old girl.
Q What is your age? A Forty six.
Q What is your post office address? A Tuscola, Taylor County, Texas.
Q How long have you lived in Tuscola? A I have lived there five years.
Q Where did you live before that? A I lived in Travis County, Texas.
Q How long did you live there? A Seven years.
Q And before that where? A In Taylor County, Texas.
Q Where you were born? A Franklin County, Alabama.
Q How long did you live in that County in Alabama? A Five years.
Q And from there where did you move to? A Hill County, Texas.
Q What is your father's name? A William D. Britton.
Q Is he living? A Yes sir.
Q Did he appear before the Commission for identification to day?
A Yes; he was here just before me.
Q What is your mother's name? A Mary J. Britton.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A William C. Dye.
Q Is he an Indian or a white man? A White man.
Q You make no claim for him? A No sir.
Q What is the name of your child? A Vistar Dye, a girl.
Q How old is she? A Twelve years old.
Q You claim for yourself and child, do you? A Yes sir.
Q William C. Dye is the father of this child? A Yes sir.
Q And you are the mother? A Yes sir.
Q You and your husband were married by license? A Yes sir.
Q - and by ordained minister? A Yes sir.
Q When and where? A In 1885.
Q What day? A The 19th of November.
Q In Texas? A Yes sir; Woodbury, Hill County, Texas.

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

Q Did you ever make application for yourself and child or did any one for you to the Choctaw tribal authorities for enrollment as Choctaw citizens? A No sir.

Q Did you or did any one for you in 1896 under the Act of Congress of June 10, 1896 make application for either you or your child for citizenship in the Choctaw Nation to the Dawes Commission? A No sir.

Q Have you or your child ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or by judgment of the United States Court in Indian Territory? A No sir.

Q Have you ever made application before this for yourself or child to either the Choctaw tribal authorities, the authorities of the United States or United States Court in Indian Territory? A No sir.

Q Do you now appear before this Commission for the purpose of claiming rights in the Indian Territory for yourself and child under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand article fourteen of the treaty of 1830? A No, I have heard it read a good deal today but I didn't understand it just I reckon.

The treaty of 1830 was entered into between the Choctaw tribe of Indians and the United States Government and called the Treaty of Dancing Rabbit Creek sometimes because it was made at that place in Mississippi. The object of that treaty was to get all the Choctaw Indians who lived in Mississippi and Alabama to go to the Choctaw Nation, Indian Territory, where they might have a tribal government of their own. Before the treaty was finally signed by all the parties it became apparent that a great many Choctaw Indians wouldn't go to the Territory and in order to protect their interests article fourteen was put into the treaty; an article in a treaty is a part of it and articles are numbered from one up to as many as there are articles in the treaty. Article fourteen was inserted into the treaty for the benefit of those who wanted to remain, and after it was inserted it was a treaty. It 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 the provisions now of the fourteenth article of the Treaty of Dancing Rabbit Creek? A Yes sir.

- Q Did any of your ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A No sir, not that I know of.
- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know sir.
- Q Through whom do you claim? A Through my father.
- Q William G. Britten? A Yes sir.
- Q And he claims through whom? A Sarah Britten; that's my grandmother.
- Q And she claimed through whom? A Philip Gates.
- Q Her father? A Yes sir.
- Q Was he living in Mississippi or Alabama in 1830- seventy years ago? A My father told he was- I don't know myself.
- Q Do you know whether he had any improvements on land in Mississippi or Alabama? A I don't know; I suppose he did.
- Q You don't know about that? A No I don't.
- Q You claim through the same common ancestor with John H. Britten, Almer Rogers, Lucinda Stanford, Arthur E. Britten, Sarah A. Benson, Hollie D. Paschal and William G. Britten, don't you? A Yes sir.
- Q They have all appeared here to day? A Yes sir.
- Q Were others of your kin folks appeared and made application before today? A Yes sir. This cousin, Almer Rogers and Lucinda Americus Stanford.
- Q Do you want to have their testimony considered as a part of your own when your case is taken up? A Yes sir.
- Q Now, you say that Philip Gates was living, you think, in Alabama in 1830? A Yes sir.
- Q Do you know whether he was a recognized member of that tribe of Choctaw Indians at that time? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Alabama in 1830? A I can't say.
- Q Did any of your ancestors go from Alabama or Mississippi to the Indian Territory with the other Indians between 1833 to 1838? A I don't know whether they did or not.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent, Col. Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your ancestors claim any benefits either of land or money as Choctaw Indians under article fourteen of the treaty of 1830? A Well, I can't only say what I have heard them say; I have heard older ones say that they claimed that.
- Q Do you know whether they claimed any land or had any land in Mississippi? A No, I don't know.
- Q Do you know whether any of them claimed or received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know; I can't say.
- Q Could any of your Choctaw ancestors speak the Choctaw language? A I don't know sir; I never heard them.
- Q You don't speak it? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government directed the United States Indian agent who lived in Mississippi at that time, Col. Ward, to make a list of all Choctaw claimants who appeared before him within six months after the ratification of the treaty of 1830 and declared their intention

to stay and become citizens of the states and take land there; Notwithstanding these instructions the agent failed to record the names of most of the Choctaw who appeared before him claiming under the fourteenth article of the treaty of 1830. As a result of this neglect on his part the land on which the Indians were living and the improvements on them were taken away from them by the Government and sold at Public Land Sale. This caused a great deal of distress among the Indians and finally in 1837 Congress appointed a Commission under an Act approved March 2, 1837 which went to Mississippi and heard a great many of these claimants; lists were made of these claimants at that time. In 1842 another Commission was appointed for the same purpose.

Q Do you know whether any of your ancestors, your mother or Philip Gates or any other of your ancestors went before either of these Commissions that were appointed in 1837 or 1842 and claimed benefits under article fourteen of that treaty? A No sir; I don't know; I never heard.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 but that his land had been sold by the Government he should be entitled to select land elsewhere in the States of Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant Government land and that a certificate should be given to him and these certificates were called scrip.

Q Did any of your ancestors receive any scrip from the Government under these Acts of Congress? A No sir. I don't know that they did.
Q Have you any documentary evidence that you would like to file now?
A Yes sir.

The applicant, Sarah Wilson Ewe, presents statement in writing which is received, filed, marked Exhibit "A", and made a part of the record in this case. Also affidavit of John H. Britton, received, filed, marked Exhibit "B" and made a part of the record in this case; also affidavit of M.N. Gates received, filed, marked Exhibit "C", and made a part of the record in this case.

Also reasonable time will be allowed this applicant in which to file further documentary evidence in support of this case if she so desires.

Q Is there anything farther you want to say at this time that you can think of? A No sir.
Q You don't speak Choctaw? A No sir.

Applicant has the appearance of being descended from white parents; blue eyes brown hair a light complexion; does not speak Choctaw and

8

knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Wains 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 September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Wains

Subscribed and sworn to before me this 14 day of October, 1901.

David Shelby
Notary Public

COMMISSIONERS

HENRY L. DAVIS.
TAMM BIRDY.
THOMAS B. NEEDLES.
C. R. BRACKENRIDGE.

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

REFER IN REPLY TO THE FOLLOWING

B.C.A. 3612

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, October 15, 1902.

Sarah W. Dye,
Tuscola, Texas.

Dear Madam:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John B. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3598
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulén, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Louzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Laura Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velyer Rogers, William Clifton Britton, Mertie Blanch Britton, Pearlie Madge Britton, William G. Britton, Wilham K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED)

I. B. Necales.
Commissioner in Charge.

M.O.R. 3612

2007
Muskegee, Indian Territory, December 22, 1902.

Sarah W. Dye,

Tuscola, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Acting Chairman.

MCH-3612

Muskogee, Indian Territory, October 19, 1906.

Sarah W. Dye,
Tuscola, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and child is a part.

Respectfully,

Commissioner.

No. 3612

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Sarah W. Heye

Age 46 Blood 1/16

Post Office, Tuscola, Texas

Father: William G. Britton, l

Mother: Mary J. Britton, l

Claims through father =
Husband,
William C. Heye, W
No claim for him.

Children:

Vistar Heye (que) 12

Claims for self
& child -

Stenographer H. L. Hairs

Choctaw MCR 3613

Lula Bell Britton

See MCR 3386

MCR 3613

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

#3613.

In the matter of the application of Lula Bell Britten
for identification as a Mississippi Choctaw.

B. S. Johnson, Attorney for applicant. (No appearance).

Lula Bell Britten, being first duly sworn, testifies
as follows:-

Examination by the Commission.

- Q What is your name? A Lula Bell Britton.
Q B-e-l-l-e ? A No just B-e-l-l .
Q L-u-l-a ? A Yes.
Q What is your age? A Twenty-three.
Q What is your Post Office address? A Hillsboro, Hill County,
Texas.
Q How long have you lived in Texas? A Seven years----about seven
years.
Q Where did you live before you lived in Texas? A In Mississippi.
Q How long did you live in Mississippi? A Ten years.
Q How long? A Ten years.
Q And where did you live before you lived in Mississippi? A In
Alabama.
Q How long did you live in Alabama? A Well, I don't know. I was
quite small when I left there----just about five or six years old.
Q You were born in Alabama? A Yes.
Q Lived there until you went to Mississippi? A Yes----well, we
went to Florida from there and stayed just a few months in Florida
I don't know just how long, and then went to Mississippi.
Q What is your father's name? A Britton.
Q What is his given name? A William----William Robert Britton.
Q William what? A William Robert.
Q He is living? A What.
Q He is living? A Yes.
Q What is your mother's name? A Eliza G. Britton.

#2.

- 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 thirty-second.
- Q Has your father ever been recognized or enrolled as a citizen of the Choctaw Nation? A No.
- Q Have you any evidence of your father's and mother's marriage? A No.
- Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application. Are you married? A No.
- Q You are making this application just for yourself? A Yes.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you 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 anyone for you in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation? 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 Dawes Commission or the Choctaw Tribal Authorities? A No.
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Is this the first application of any kind that you have ever made? A Yes.
- Q What kind of an application do you want to make now? A Well, just----I don't know very much----just a short application.
- Q What is it? A Just a short application.
- Q Well, what do you claim to be? A I claim to be part Choctaw.
- Q Do you claim as a Mississippi Choctaw? A Mississippi Choctaw yes.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A I don't know whether I do or not.
- Q Of course if you don't know, why you can say so. The law under which the Commission is acting at this time in hearing these applications, gives it authority 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 then in Mississippi and the Western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those States and moving them all to the Country west of the River. But some of the Indians didn't want to come west and the others would not sign any treaty which didn't contain some provision for those Choctaws who wanted to stay, so article fourteen was put into the treaty for the benefit of those Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the Agent Within six months from the ratification of this Treaty, and he or she shall thereupon be entitled to a reservation of one section

of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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 large numbers of the Indians went to the Agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians had a right to land there in Mississippi 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 if the land which the Indians claimed hadn't 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, Louisiana Arkansas or Alabama. Did any of your ancestors own land in one of those states? A No, not that I know anything about.

- Q What was your father's father's name? A It was Calvin Britton--- Calvin Luther.
- Q What was your father's mother's name? A Eunice Britton----Eunice
- Q Which one of your father's parents claimed to be Choctaw? A I declare, I forget. My father's parents? A My grandfather, his father.
- Q It was your father's father? A Yes, my father's father.
- Q Have you any evidence of the marriage between your grandfather and your grandmother? Q Well, no not any here. We have got it at home.
- Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application? A Yes.
- Q What was Calvin Luther Britton's father's name? A It was Valentine Britton I believe----I don't know----I have forgotten.
- Q You don't think it was Valentine then? A No, I don't know. I can't remember.
- Q Do you know what Calvin Britton's mother's name was? A It was Sarah.
- Q Which one of Calvin Britton's parents claimed to be Choctaw? A His mother.
- Q Sarah Britton? A Yes.
- Q Do you know how much Choctaw blood she claimed to have? A One eighth, I think. One half, I believe----one half.
- Q Was Sarah Britton a married woman and the head of a family in 1830 when that treaty was made? A Well, I don't know.
- Q Now, how old is your father? A Forty-nine.
- Q Do you know how old his father would be if he were living now?

- 4.
- A Seventy-six.
- Q Well then, Sarah Britton, the mother of your father's father must have been a married woman and the head of a family in 1830 wasn't she? A Surely she was, yes.
- Q And her name was Sarah Britton at that time? A Yes.
- Q Did Sarah Britton come to the present Choctaw Nation with the other Choctaws between 1833 and 1838? A No.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him she wanted to stay? A No, now that I know of---never heard of it.
- Q Did she own any land there in Mississippi, Arkansas, Alabama or Louisiana? A No.
- Q Where was she living in 1830? A In Alabama.
- Q Do you know in what part of Alabama? A Franklin County.
- Q If you wish to be identified as a Mississippi Choctaw you should endeavor to produce evidence to show that Sarah Britton was a recognized Choctaw Indian and the head of a family in 1830, and that you are her lineal descendant, and that she lived in the old Choctaw Nation in 1830, and that she within six months after the treaty of 1830 was ratified signified to the Indian Agent her intention to remain in Mississippi or attempted to do so. Have you any evidence on those points? A No.
- Q Do you expect to be able to produce that evidence later? A Yes.
- Q Have you any papers you want to file at this time? A Yes.

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

Affidavit of John H. Britton offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

- Q Have you any other papers you wish to file at this time? A No.
- Q Have you any witnesses you would like to introduce? A Yes, my father and Lucinda Americus Stanford my cousin.
- 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 brown hair, blue eyes and medium 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 1830, but it appears from her testimony that the ancestor through whom she

claims lived in Alabama at the time of the making of that treaty.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October, 1901.

Charles W. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

In the matter of the application of William R. Britton et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3611.

In the matter of the application of Lula Bell Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3613.

In the matter of the application of Arthur G. Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3614.

B. S. Johnson, attorney for the applicants in the above named cases. (No appearance).

Lucinda Americus Stanford, being first duly sworn as a witness in the above entitled causes, testified as follows:

Examination by the Commission.

- Q What is your name? A Lucinda Americus Stanford.
Q What is your age? A Sixty-one.
Q What is your Post Office address? A Wynum, Hill County, Texas.
Q Are you an applicant for identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with William Robert Britton, Lula Bell Britton, and Arthur G. Britton who have just applied? A Yes.

#2.

- Q What relation are they to you, if any? A Cousins.
- Q Are they all the same relation to you? A No, their father's own cousin.
- Q Through which one of his parents does William R. Britton get his Choctaw blood? A Through his mother. Through his father. I made a mistake. Through his father.
- Q What is his father's name? A Calvin Britton. Well, there's a little more---they give a little more. Calvin---how did he give his father's name? Calvin Britton is his name.
- Q Well, they gave it Calvin Luther? A Well, I didn't know that.
- Q What relation was Calvin Luther Britton to you? A Cousins.
- Q Calvin Luther Britton was your cousin? A Yes.
- Q Well, then what relation is William R. Britton to you? A Well, Calvin Britton and me was own cousins, and this here Britton is Calvin Britton's son. Now ain't we cousins.
- Q Now, Calvin Britton was thir William R. Britton's father? A Yes.
- Q And grandfather to Julia Bell Britton and Arthur G. Britton? A Yes.
- Q You say Calvin Luther Britton's your cousin? A Why, his mother and my mothers was sisters.
- Q What was his mother's name? A Sarah Britton.
- Q What was your mother's name? A Catherine Henley.
- Q And Catherine Henley and Sarah Britton were sisters? A Yes.
- Q Both children of the same father? A Same father.
- Q What was their father's name? A Phillip Gates.
- Q And Calvin Britton got his Choctaw blood through which one of his parents? A His mother.
- Q You got your Choctaw blood through which one of your parents? A Mother.
- Q Were you personally acquainted with Sarah Britton? A Yes.
- Q Where did she live? A She lived in Alabama, near the Mississippi line.
- Q When did you know her? A I knowed her---I will have to count now---she died in '83---knowed her all my life up till she died. I couldn't tell you what year---couldn't remember back.
- Q Was she living in Alabama all that time? A Yes, all her life she lived there as far back as I can remember and she died there.
- Q You don't have any personal knowledge as to whether she went to the Indian Agent there in Mississippi within six months after the treaty of 1830 was ratified and told him she wanted to stay? A No, I don't know---never heard any talk of it.
- Q Do you know whether she owned any land in Mississippi Arkansas, Louisiana or Alabama or not? A No, I don't know---never heard anything about that. I have heard her talk about them, claiming them kin, and all that.
- Q How much Choctaw blood did Sarah Britton claim to have? A One quarter.
- Q One quarter? A Yes.
- Q Did she have a Choctaw name? A Now, you got me tangled on that awhile ago.
- Q Well, I mean did she have a name in the Choctaw Indian language? A No.
- Q Like Nowahoka? A No. I don't understand that, and I couldn't tell you that awhile ago. I didn't understand it or I could have told you. Well, she could talk the Choctaw language, but I didn't whether it would be any use to give that or not. Well, she could talk it.
- Q Did you ever hear her talk it? A Yes, many a time.

70.

- Q You know that it was Choctaw? A Yes, they said it was.
Q Did you hear her talking it to the other Choctaw Indians? A Yes
her and my mother would talk the Choctaw language to the Choctaw
Indians back there. Heap of them back there that I used to know
talked Choctaw.

Witness excused.

Hal Belford being duly sworn, upon his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings in the above entitled causes
on September 24, 1901, and that the above and foregoing is a
full true and correct transcript of his stenographic notes in
said causes on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October, 1901.

Charles McSweeney

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

In the matter of the application of Lula Bell Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3613.

In the matter of the application of Arthur G. Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3614.

B. S. Johnson, attorney for the applicants in above cases. (No appearance).

William Robert Britton, being first duly sworn as a witness in the above entitled causes, testified as follows:

Examination by the Commission.

- Q What is your name? A William Robert Britton.
Q What is your age? A Forty-nine.
Q What is your Post Office address? A Hillsboro, Hill County, Texas.
Q Are you an applicant here for identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with the applicants Lula Bell Britton and Arthur Guy Britton? A Yes.
Q What relation are they to you if any? A They are my children.
Q They get their Choctaw blood through you? A Yes.
Q And you get your Choctaw blood through which one of your parents? A My father.
Q What is his name? A Calvin Luther Britton.
Q And through which one of your father's parents did he get his Choctaw blood? A His mother.
Q What was her name? A Her name was Sarah Britton.

- Q Sarah Britton? A Yes.
Q What relation is Sarah Britton to you? A She was my grandmother.
Q What relation is she to your children? A Their great-grandmother.
Q These children get Choctaw blood through no other source except through you? A No.

Witness excused.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled causes on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said causes on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

In the matter of the application of Lula Bell Britton
for identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, September 24, 1901. M. C. 3613.

In the matter of the application of Arthur G. Britton
for identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, September 24, 1901. M. C. 3614.

B. S. Johnson, attorney for the applicants in above
cases. (No appearance).

William Robert Britton, being first duly sworn as a
witness in the above entitled causes, testified as follows:

Examination by the Commission.

- Q What is your name? A William Robert Britton.
Q What is your age? A Forty-nine.
Q What is your Post Office address? A Hillsboro, Hill County,
Texas.
Q Are you an applicant here for identification as a Mississippi
Choctaw? A Yes.
Q Are you acquainted with the applicants Lula Bell Britton and
Arthur Guy Britton? A Yes.
Q What relation are they to you if any? A They are my children.
Q They got their Choctaw blood through you? A Yes.
Q And you got your Choctaw blood through which one of your parents?
A My father.
Q What is his name? A Galvin Luther Britton.
Q And through which one of your father's parents did he get his
Choctaw blood? A His mother.
Q What was her name? A Her name was Sarah Britton.

#2.

- Q Sarah written? A Yes.
Q What relation is Sarah Britton to you? A She was my grandmother.
Q What relation is she to your children? A Their great-grandmother.
Q These children get Choctaw blood through no other source except through you? A No.

Witness excused.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled causes on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said causes on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October, 1901.

Charles Mc Sawyer

Notary Public.

COMMISSIONERS

HENRY L. DAWES.
TANS DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

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

REFER IN REPLY TO THE FOLLOWING:

ALLISON L. AYLESWORTH
SECRETARY

M.C.R. 3613

Muskogee, Indian Territory, October 15, 1902.

Lula Bell Britton,
Hillsboro, Texas

Dear Madam:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Veler Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wyhe Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lara Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallage Britton, Rely O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Veler Rogers, William Clifton Britton, Meenie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, All Byron Britton, Aurie A. Britton, Winnie Davis Britton, Ethel Lovey Britton, William Olessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

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

M.C.R. 3613

Muskegee, Indian Territory, December 22, 1902.

Lula Bell Britton,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Tame Bixby.

Acting Chairman.

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REFER IN REPLY TO THE FOLLOWING:

MCR-3613

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

Muskogee, Indian Territory, October 19, 1906.

Lula Bell Britton,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

Respectfully,



Commissioner.



DEPARTMENT OF THE INTERIOR,
Commissioner of the General Land Office.

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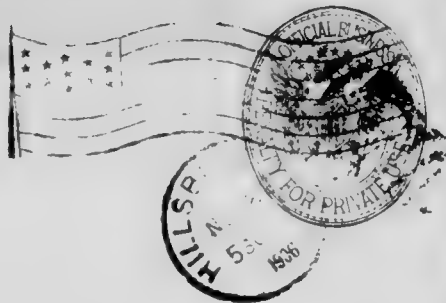
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Lula Bell Britton,

Hillspore, Texas.

No. 3613

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name *Lula Bell Britton*

Age 23

Blood $\frac{1}{32}$

Post Office, Hillsboro, Texas

Father: *William R. Britton*

Mother: *Eliza G. Britton*

Claims through *father*

Children

Claims for self only

Stenographer

N. Belford

Choctaw MCR 3614

Arthur G. Britton

See MCR 3386

MCR 3614

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

93614.

In the matter of the application of Arthur G. Britton
for identification as a Mississippi Choctaw.

B. S. Johnson, Attorney for applicant. (No appearance).

Arthur G. Britton, being first duly sworn, upon his
oath testifies as follows:-

Examination by the Commission.

- Q What is your name? A Arthur Guy Britton.
Q Arthur? A Yes. Arthur G. Britton is the way it's signed up.
Q What is your age? A Twenty-one.
Q What is your Post Office address? A Hillshore, Hill County,
Texas.
Q How long have you lived in Texas? A In Texas?
Q Yes? A Seven years.
Q Where did you live before you lived there? A In Mississippi.
Q How long did you live in Mississippi? A Ten years, to my best
recollection.
Q And where did you live before you lived in Mississippi? A Well,
I was born in Alabama, moved to Florida and stayed a few months
and then to Mississippi.
Q About how long did you live in Alabama? A About---left there I
believe when I was about six year old, to my best recollection.
Of course I was quite small.
Q What is your father's name? A William Robert Britton.
Q He is living? A Yes.
Q What is your mother's name? A Eliza G.---Eliza Green.
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 thirty-second.
Q Has your father been recognized or enrolled as a citizen of the

- Choctaw Nation by the Choctaw Tribal Authorities or the United States Authorities? A No.
- Q Have you any evidence of your father's and mother's marriage? A No, I couldn't say anything about that.
- Q It will be necessary for the Commissioner to be supplied with evidence of that marriage in support of your application. A Yes, I guess I could get it. Later on I could reply to it.
- Q It can be sent in later. Are you married? A No.
- Q You are making this application for yourself alone? A Yes.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I didn't understand you.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation here in the Territory? A No.
- Q Have you ever applied to the Choctaw Tribal Authorities here in the Territory to be enrolled as a member of that Tribe? A Yes.
- Q When? A Yesterday was the time. I thought you asked me if I applied this time. Yesterday was the time I understood you to say. Was you asking me any time or this time.
- Q Have you applied to the Choctaw Tribal Authorities here in the Territory to be enrolled as a member of that tribe? A Yes.
- Q When? A That was the way I understood you. No never before until this time.
- Q Did you apply here yesterday? A Well, I commenced the thing yesterday, the way I understood you. Not here at this place no, of course not.
- Q Well, did you apply to the Choctaw Tribal Council ever at Tuska-ho-ma, ever, to be admitted or enrolled as a citizen of the Choctaw Nation? A No.
- Q Did you or did anyone 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?
- Q Have you ever before this time applied to either the Choctaw Tribal Authorities or to the Authorities of the United States to have yourself----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 Well, I don't know, whether I could state exactly the way it is or not. I am not posted on that.
- Q Well, what do you claim to be? A I claim to be one thirty-second Mississippi Choctaw Indian.
- Q Do you claim under any of the treaties between the United States and the Choctaw Indians? A Why, I know----of course I can't explain how it is. It's under a treaty but I am not posted well enough to tell what treaty, but all treaties applicant to my case.
- Q The law under which the Commission is acting at this time authorizes it 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 then in Mississippi and the Western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states, and moving them to the

country west of the river, but some of the Indians didn't want to come and the others wouldn't sign any treaty which did not contain some provision for those Choctaws who wanted to stay, so article fourteen was put into the treaty for the sake of those Choctaws who wanted to stay in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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, numbers of the Indians went to the agent there in Mississippi and told him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a great many who claimed they had gone to the Agent and told him they wanted to stay, whose names were not on the list which the Indian Agent had made. So under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians had a right to land in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War, if the land which the Indians claimed hadn't already been sold it was given to them. If the land had been sold they were given scrip with which they could locate lands on any of the public lands in Mississippi, Alabama, Arkansas or Louisiana. Now did any of your ancestors own land in one of those states? A No, not that I know of.

- Q What was the name of your father's father? A Calvin Luther Britton.
- Q What was the name of your father's mother? A Eunice Britton.
- Q Which one of your father's parents claimed to be Choctaw? A Well my father's father.
- Q Have you any evidence of the marriage between Calvin Luther and Eunice Britton? A No.
- Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application. A Would I ever have any chance to produce this evidence any later?
- Q Oh! yes. A Well, I misunderstood you awhile ago is how come me not to answer that question.
- Q Which question is that? A When I said I had applied before. I thought you was meaning this one.

4.

- Q What was Calvin L. Britton's father's name? A William Britton.
Q What was Calvin L. Britton's mother's name? A Sarah Britton.
Q Which one of Calvin L. Britton's parents claimed to be Choctaw?
A Sarah, his mother.
Q Was Sarah Britton a married woman and the head of a family in 1830? A Yes.
Q Did she reside in Mississippi at that time? A Alabama.
Q What part of Alabama? A Franklin County.
Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay? A No, I think not.
Q Did she come to the present Choctaw Nation with the other Choctaw Indians, between 1833 and 1838? A No.
Q How much Choctaw blood did she claim to have? A One fourth.
Q Did she have any Choctaw name? A Yes, it was----her maiden name was, so I have been told.
Q What was it? A Gates----Sarah Gates.
Q Well, that's an English name? A Well, I have been told that. Of course I don't know.
Q I mean did she have any name in the Choctaw Language----any Choctaw Indian name? A Not that I know of.
Q Did she own any land in Mississippi, Arkansas, Louisiana or Alabama? A No, not that I know of. I have been told not..
Q If you wish to be identified as a Mississippi Choctaw you should produce evidence to show that Sarah Britton, your great-grandmother, was a resident of the Old Choctaw Nation in 1830 and a recognized Choctaw Indian, and that you are her lineal descendent, and that she within six months after the treaty of 1830 was ratified signified her intention to the Indian Agent of remaining in Mississippi, or attempted to do so. Have you any evidence on those points at this time? A Not at this time.
Q You expect to be able to produce this evidence later? A Yes. I reckon I will.
Q Have you any papers which you want to file at this time? A Yes.

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

Affidavit of John H. Britton offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

- A I want that lady, Lucinda Stanford in proof of this, that I am one of her----of these ancestors.
Q You want to offer her testimony? A Yes.
Q Now 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 allowed to do so, and the same will be made a part of the record in your case. A Well, of course I don't know whether you can do it

#5.

this afternoon or not, but I want to do so.

Q You expect to bring witnesses in person before the Commission do you to prove these facts? A Yes.

This applicant has reddish hair, blue eyes and florid 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 1830. It appears from his testimony that his great-grandmother through whom he claims lived in Alabama in 1830.

Hal Belford, being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all the proceedings in the above entitled cause on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16th day of October, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

In the matter of the application of Lula Bell Britten
for identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, September 24, 1901. M. C. 3613.

In the matter of the application of Arthur G. Britten
for identification as a Mississippi Choctaw, heard at Atoka, Indian
Territory, September 24, 1901. M. C. 3614.

B. B. Johnson, attorney for the applicants in above
cases. (No appearance).

William Robert Britten, being first duly sworn as a
witness in the above entitled causes, testified as follows:

Examination by the Commission.

- Q What is your name? A William Robert Britten.
Q What is your age? A Forty-nine.
Q What is your Post Office address? A Hillsboro, Hill County,
Texas.
Q Are you an applicant here for identification as a Mississippi
Choctaw? A Yes.
Q Are you acquainted with the applicants Lula Bell Britten and
Arthur Guy Britten? A Yes.
Q What relation are they to you if any? A They are my children.
Q They get their Choctaw blood through you? A Yes.
Q And you get your Choctaw blood through which one of your parents?
A My father.
Q What is his name? A Galvin Luther Britten.
Q And through which one of your father's parents did he get his
Choctaw blood? A His mother.
Q What was her name? A Her name was Sarah Britten.

#2.

- Q Sarah Britton? A Yes.
Q What relation is Sarah Britton to you? A She was my grandmother.
Q What relation is she to your children? A Their great-grandmother.
Q These children get Chectaw blood through no other source except through you? A No.

Witness excused.

Nal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled causes on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said causes on the said day of September, 1901.

Nal Belford

Subscribed and sworn to before me this 26 day of October, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

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In the matter of the application of William R. Britton et al., for identification as Mississippi Choctaws, heard at Atoka, Indian Territory, September 24, 1901. W. C. 3611.

In the matter of the application of Lula Bell Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3613.

In the matter of the application of Arthur G. Britton for identification as a Mississippi Choctaw, heard at Atoka, Indian Territory, September 24, 1901. M. C. 3614.

B. S. Johnson, attorney for the applicants in the above named cases. (No appearance).

Lucinda Americus Stanford, being first duly sworn as a witness in the above entitled causes, testified as follows:

Examination by the Commission.

- Q What is your name? A Lucinda Americus Stanford.
Q What is your age? A Sixty-one.
Q What is your Post Office address? A By num, Hill County, Texas.
Q You are an applicant for identification as a Mississippi Choctaw? A Yes.
Q Are you acquainted with William Robert Britton, Lula Bell Britton and Arthur G. Britton who have just applied? A Yes.

#2.

- Q What relation are they to you, if any? A Cousins.
- Q Are they all the same relation to you? A No, their father's own cousin.
- Q Through which one of his parents does William R. Britton get his Choctaw blood? A Through his mother. Through his father. I made a mistake. Through his father.
- Q What is his father's name? A Calvin Britton----Well, there's a little more----they give a little more. Calvin----how did he give his father's name? Calvin Britton is his name.
- Q Well, they gave it Calvin Luther? A Well, I didn't know that.
- Q What relation was Calvin Luther Britton to you? A Cousins.
- Q Calvin Luther Britton was your cousin? A Yes.
- Q Well, then what relation is William R. Britton to you? A Well, Calvin Britton and me was own cousins, and this here Britton is Calvin Britton's son. Now ain't we cousins.
- Q Now, Calvin Britton was this William R. Britton's father? A Yes.
- Q And grandfather to Lula Bell Britton and Arthur G. Britton? A Yes.
- Q You say Calvin Luther Britton's your cousin? A Why, his mother and my mothers was sisters.
- Q What was his mother's name? A Sarah Britton.
- Q What was your mother's name? A Catherine Henley.
- Q And Catherine Henley and Sarah Britton were sisters? A Yes.
- Q Both children of the same father? A Same father.
- Q What was their father's name? A Phillip Gates.
- Q And Calvin Britton got his Choctaw blood through which one of his parents? A His mother.
- Q You get your Choctaw blood through which one of your parents? A Mother.
- Q Were you personally acquainted with Sarah Britton? A Yes.
- Q Where did she live? A She lived in Alabama, near the Mississippi line.
- Q When did you know her? A I knowed her----I will have to count now----she died in '83----I knowed her all her life up till she died. I couldn't tell you what year----couldn't remember back.
- Q Was she living in Alabama all that time? A Yes, all her life she lived there as far back as I can remember and she died there.
- Q You don't have any personal knowledge as to whether she went to the Indian Agent there in Mississippi within six months after the treaty of 1830 was ratified and told him she wanted to stay? A No, I don't know----never heard any talk of it.
- Q Do you know whether she owned any land in Mississippi, Arkansas, Louisiana or Alabama or not? A No, I don't know----never heard anything about that. I have heard her talk about them, claiming them kin and all that.
- Q How much Choctaw blood did Sarah Britton claim to have? A One quarter.
- Q One quarter? A Yes.
- Q Did she have a Choctaw name? A Now, you got me tangled on that awhile ago.
- Q Well, I mean did she have a name in the Choctaw Indian language? A No.
- Q Like Nowahoka? A No. I don't understand that, and I couldn't tell you that awhile ago. I didn't understand it or I could have told you. Well, she could talk the Choctaw language, but I didn't know whether it would be any use to give it or not. Well, she could talk it.
- Q Did you ever hear her talk it? A Yes, many a time.

43.

- Q You know that it was Choctaw? A Yes, they said it was.
Q Did you hear her talking it to the other Choctaw Indians? A Yes
her and my mother would talk the Choctaw language to the Choctaw
Indians back there. Neap of them back there that I used to know
talked Choctaw.

Witness excused.

Hal Belford, being duly sworn upon his oath states that as
stenographer to the Commission to the Five Civilized Tribes he
reported in full all the proceedings in the above entitled causes
on September 24, 1901, and that the above and foregoing is a
full true and correct transcript of his stenographic notes in
said causes on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 16 day of October 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON I. AYLESWORTH,
SECRETARY.

M.C.E. 3614

Muskogee, Indian Territory, October 15, 1902.

Arthur G. Britton,
Hillsboro, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3430
Elby Heasterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullons, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3443
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.	M C R 4438
Jose Cox, et al.	M C R 5081
Eva Hardy, et al.	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.	M C R 3606
Alice N. Sanders, et al.	M C R 4439
Luther Alma Rogers, et al.	M C R 1223
William Clifton Britton, et al.	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.	M C R 3616
Sarah Wilson Dye, et al.	M C R 3612
Buena Vista Ivey, et al.	M C R 3615
Add Benton Britton, et al.	M C R 3820
William Robert Britton, et al.	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.	M C R 3617
Mary C. Cox, et al.	M C R 4287
James A. Cox, et al.	M C R 4288

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

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

Said decision concludes as follows:

"It is in refore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A.) Lytal, Vander Great Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emily Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Anne Winifred McLain, Kirby Hesterly, Archie Hesterly, Violet E. Hesterly, Steene McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Steaford, William R. Evetts, Catherine Akins, Mely Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Louzo Rogers, Julia Rogers, Genorah Rogers, Jose Cox, Lara Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallange Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Oze Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hose Rogers, Rufus Webb Rogers, Velver Rogers, William Clifton Britton, Mettie Blanch Britton, Poorie Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mattie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Lula Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, All Britton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Olessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Bouie Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the farther opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED) *T. B. McCallie.*
Commissioner in Charge.

M.C.R. 3614

Muskogee, Indian Territory, December 22, 1902.

Arthur G. Britten,
 Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

James H. ...
Acting Chairman.

7/1/06

ORDER IN REPLY TO THE FOLLOWING:

MCB-3614

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

Muskogee, Indian Territory, October 19, 1906.

Arthur G. Britton,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself is a part.

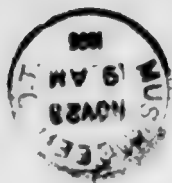
Respectfully,



Commissioner.



D. ...
C. ...
... ..
... ..



Department of the Interior.

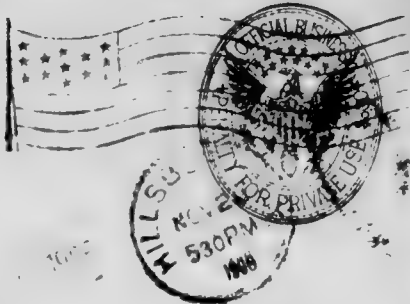
Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Miss. Cheetaw Div.

Arthur G. Britton,

Hillstoro, Texas.



No. 3614

For Identification as a Mississippi Choctaw.

Date **SEP 24 1901**

Name *Arthur G. Britton*

Age *21* Blood *1/32*

Post Office, *Hillsboro Texas*

Father: *William R. Britton*

Mother: *Eliza G. Britton*

Claims through *father*

~~Children:~~

Claims for self alone

Stenographer

H. Bedford

Choctaw MCR 3615

Buena U. Ivey

See MCR 3386

MCR 3615

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3615

In the matter of the application of Buena Vista Ivey for the identification of herself and her five minor children as Mississippi Choctaws.

B.S. Johnson for applicant; no appearance by attorney.

Buena Vista Ivey being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Buena Vista Ivey.
Q What is your age? A Thirty seven.
Q What is your post office address? A Tuscola, Texas.
Q How long have you lived there in that place? A Twelve years.
Right in four miles of that place.
Q Where did you live before that? A Hill County, Texas.
Q And where before that? A Franklin County, Alabama.
Q How long did you live in Franklin County, Alabama? A Seventeen years.
Q Were you born there? A Yes sir.
Q What is your father's name? A William Gates Britton.
Q Is he living? A Yes sir.
Q Did he appear before the Commission today for identification? A Yes.
Q What is your mother's name? A Mary J. Britten.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory?
A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A Richard F. Ivey.
Q Red man or white man? A Whiteman.
Q You don't claim for him then, do you? A No sir.
Q How many children have you under twenty one years of age and unmarried for whom you desire to make application? A Five.
Q What is the name of the oldest? A Leila Ivey.
Q How old is Leila? A Sixteen.
Q Next? A Richard E. Ivey, fourteen.
William G. Ivey, eleven Amos Clyde Ivey, eleven.
Q Twins? A Yes sir. And Charles Ray Ivey, four.
Q That's all? A Yes.
Q Is Richard F. Ivey the father of these children? A Yes sir.
Q Are you the mother? A Yes sir.

Q Are they all living with you at your home? A Yes sir.

Q Were you married to him under a license and by certificate of a minister? A Yes sir.

Q When and where were you married to him? A Hill County, Texas, 1884.

Q Is your name or the names of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A I don't know.

Q Did you or any one for you or for your children ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.

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

Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself and children to any authority for citizenship in the Choctaw Nation?

A No sir.

Q You now come before the Commission for the purpose of becoming identified as a Mississippi Choctaw and for your children's identification as Mississippi Choctaws under article fourteen of the Treaty of Dancing Rabbit Creek? A Yes sir.

Q Do you understand about that treaty of Dancing Rabbit Creek? A No sir, I don't believe I do.

That is the treaty of 1830 and in that year this treaty was made at Dancing Rabbit Creek in Mississippi between the Choctaw Indians who lived in Mississippi and Alabama and the United States Government. The object of the treaty was to get all the Indians who were in Mississippi and Alabama to go to the Indian Territory; a great many Indians refused to go and they would not sign that treaty until something was done for and looking after the interests of those Indians who stayed back there. Therefore article fourteen was drafted and put into the treaty of 1830 and then it became a law and was signed by up by representatives of both Nations. Article fourteen was satisfactory these who stayed; it 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 to be entitled to any portion of the Choctaw annuity."

Q That's article fourteen of the treaty of 1830; you understand it now do you? A Yes sir.

Q Did any of your ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I don't know.

Q Were any of your Choctaw ancestors living in Mississippi or Alabama in 1830 when the Treaty of Dancing Rabbit Creek was ratified?

A Well, they tell me my great-grandfather lived there.

Q What was his name? A Philip Gates.

Q What evidence have you to prove that he was a head of a family at that time living in Mississippi? A Well, I have evidence; only the testimony of some of these older people besides affidavits.

Q He had a family at that time? A Yes sir. I have one affidavit here and two more promised; that's all the testimony I have now.

Q Do you know whether Philip Gates or any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830?

A I don't.

Q Do you know whether any of your ancestors, including Philip Gates, owned any improvements on land in 1830? A No.

Q Did Philip Gates or any of your ancestors within six months after the ratification of the treaty of 1830 told the United States Indian Agent, Col. Ward, that they wanted to stay in Mississippi and that they wanted land in Mississippi? A I don't know.

Q Did you hear anything in the family about that? A I may have; but I don't remember anything about that.

Q Did any of your ancestors, including Philip Gates go from Mississippi or Alabama to the Indian Territory between 1833 to 1838? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama as beneficiaries under article fourteen of the treaty of 1830? A I don't know.

Q Do you know whether any of your Choctaw ancestors, including Philip Gates received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty?

A I don't know.

Q Do you know whether the descendants of Philip Gates or he or any other of your ancestors have been in a position to comply with the provisions of article fourteen of the treaty? A No sir.

According to the provisions of article fourteen of the treaty of 1830 the United States required the agent who lived in Mississippi at that time to make a list of all the Choctaws who came before him within six months after the treaty was ratified and told him their intention to remain and take lands in Mississippi; notwithstanding these directions from the Government, for some reason, Col. Ward failed to record the names of the greater part of the Indians; as a result of this neglect the Indians lost both the land and improvements- the land was taken from them by the Government and sold at Public Sale; this, of course was a great injustice and caused many complaints, and as a result of these complaints on March 3, 1837 a Commission was appointed by Congress and afterwards approved, which Commission went to Mississippi and heard a great many claimants and made lists of them; in 1842 another Commission was appointed and they made lists.

Q Do you know whether any of your ancestors, Philip Gates or any other ancestors went before either of these Commissions, that of 1837 or 1842, and claimed rights and benefits under article fourteen of the treaty of 1830? A No, sir; I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 but that his land should be taken from him that he should be entitled to select lands from any of the States of Mississippi, Alabama, Arkansas or Louisiana, which land should be of the Public Domain of the Government, and that certificates should be issued to them to that effect. These certificates were called scrip.

Q Do you know whether any of your ancestors ever received any such scrip from the Government under this act of Congress? A No sir; I don't
Q Have you any documentary evidence you would like to produce now?
A Yes.

Statement in writing of Buena Vista Ivey presented, received filed marked Exhibit "A" and made a part of the record in this case; also affidavit of John H. Britton received filed, marked Exhibit "B", and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to introduce further documentary evidence if she desires in support of this application.

Q Is there anything further you want to say now in support of this application? A No, I believe not.
Q Do you speak the Choctaw language? A No sir.
Q Can you count? A Not in Choctaw.

This applicant has the appearance and all the physical characteristics of being descended from white parentage; has blue eyes and light hair and light complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry S. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry S. Hains

Subscribed and sworn to before me this 16 day of October, 1901.

Charles W. Sawyer
Notary Public.

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. 3615

ALLISON L. AVLESWORTH,
SECRETARY.

OFFICE OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 15, 1902.

Buena Vista Ivey,
Tuscola, Texas.

Dear Madam:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
Matilda Emly Lytal,	M C R 3387
Sarah Ann Benson,	M C R 3607
Mollie B. Paschal,	M C R 3608
Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
Charles V. Gates, et al.,	M C R 3423
Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John B. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
Arthur E. Britton, et al.,	M C R 3606
Alice N. Sanders, et al.,	M C R 4439
Luther Alma Rogers, et al.,	M C R 1223
William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
William K. Britton, et al.,	M C R 3616
Sarah Wilson Dye, et al.,	M C R 3612
Buena Vista Ivey, et al.,	M C R 3615
Add Benton Britton, et al.,	M C R 3820
William Robert Britton, et al.,	M C R 3611
Lulu Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virder Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Paschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Drommie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Drommie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lara Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Rily O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Velve Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Amos Clyde Ivey, Charles Ray Ivey, Add Benton Britton, Audie A. Britton, Winnie Davis Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED). *T. B. Nockles.*
Commissioner in Charge.

X.C.R. 3615

Muskogee, Indian Territory, December 22, 1902.

Buena V. Ivey,

Tuscola, Texas.

Dear Madam:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

James D. ...
Acting Chairman.

MCR-3616

Muskogee, Indian Territory, October 19, 1906.

Buena V. Ivey,
Tascola, Texas.

Dear Madam:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No. 3615

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Buena V. Jory

Age 37 — Blood 1/6

Post Office, Tuscola, Texas,

Father: William G. Britton, I.

Mother: Mary J. Britton I

Claims through father -
~~Husband~~ Richard F. Jory, W.
No claim for him.

Children: Leila Jory - 16
Richard C. " 14
William G. " 11
Amos C. " 11
Charles R. " 4

Claims for self
& children

Stenographer H. G. Harris.

Choctaw MCR 3616

William K. Britton

See MCR 3386

MCR 3616

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3616

In the matter of the application of William K. Britton for the identification of himself and his ten minor children as Mississippi Choctaws.

B.S. Johnson for applicant; no appearance by attorney.

William K. Britton being first duly sworn on his oath testified as follows:

Examination by the Commission:

- Q What is your name? A William K. Britton.
Q What is your age? A Fifty one.
Q What is your post office address? A Lawn, Taylor County, Texas.
Q How long have you lived there? A Ever since 1891.
Q Where did you live before that? A In Alabama.
Q What place in Alabama? A Franklin County, near Russellville, 18 or 20 miles.
Q How long did you live there? A Till I was twenty seven years old.
Q Then you went to--? A Hill County, Texas.
Q And from there to? A Lawn, Taylor County, Texas.
Q You have lived there since? A Yes.
Q What is your father's name? A William gates Britton.
Q Is he living? A Yes.
Q Has he been here before the Commission? A Yes.
Q Today? A Yes a few minutes ago.
Q What is your mother's name? A Mary Jane Britton.
Q Is she living? A Yes.
Q Through which one of your parents do you claim your Choctaw blood?
A Through my father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Nation by the Choctaw tribal authorities or the United States authorities? A If he was I never knowed nothing of it.
Q Are you married? A Yes.
Q What is your wife's name? A Nancy E. Britton.
Q Is she Choctaw or wife woman? A Choctaw.
Q Do you make claim for her? A No sir.
Q Why don't you? A She can make it herself if she wishes to.
Q How much Choctaw blood has she? A About one sixteenth. The understanding with my lawyer is that she can make application for herself.
Q Then you don't want to make application for her? A No sir.
Q Have you any children under ~~xx~~ xx twenty one years of age and unmarried for whom you wish to make application? A Yes, ten.
Q What is the name of the eldest? A Katie, seventeen.
Q K-a-t-i-e? A Yes.
Q Next. A Willie, a boy, about sixteen, between fifteen and sixteen.
Q W-i-l-l-i-e? A Yes.

Q Next? A Ollie, a boy, fourteen.
 Q O-l-l-i-e? A Yes.
 Q Q Mentie, a boy, ten.
 Q M-e-n-t-i-e? A Yes.
 Q Next? A Byron, seven.
 Q Next? A Herase; H-e-r-a-c-e, five.
 Q Next? A Otto, three and Ossie, a girl, three; twins.
 Q Next? A Mittle, M-i-t-t-i-e-, a girl; and Minnie; they are both four months old; both infants, they are.
 Q That's all? A Yes.
 Q Is your wife Nancy E. Britten the mother of these children? A Yes
 Q And they are all living with you at your home? A Yes sir.
 Q Have you your marriage license and certificate? A No.
 Q When and where were you married to her? A In Hill County, Texas, in 1883, 25 day of December.
 Q Can you get a copy, do you think, of the marriage license to file here? A I think so signed; I have sent for them.

A reasonable time will be allowed you in which to file this marriage license or certificate in support of your application for these children.

Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Did you or anyone for you make application to the Choctaw tribal authorities in Indian Territory for the enrollment of yourself and your children as Choctaw Indians? A No sir.
 Q Did you or any one for you or for your children in 1896 under 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 been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in the Indian Territory? A No sir.
 Q Did you ever before this time make application to the Commission to the Five Civilized Tribes or to the Choctaw tribal authorities for enrollment as citizens of the Choctaw Nation? A I don't know.
 Q Do you now come before the Commission for the purpose of becoming identified and getting your children identified under article fourteen of the treaty of 1830? A I do.
 Q Do you understand that article? A No.

In 1830 on the 27 day of september of that year, a treaty was made between the United States Government and the Choctaw tribe of Indians; this treaty was made at Dancing Rabbit Creek in Mississippi and is sometimes called the treaty of Dancing Rabbit Creek; - they don't know it by any other name. The object of that treaty was the removal of the Indians from the States of Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became apparent that a great many Indians wouldn't come to the Territory; they flatly refused to come unless something was done for those who wanted to stay there in the old Choctaw Nation. In order to provide for them and in order to look after their interests, article fourteen was put into the treaty. It reads as follows: "Each Choctaw

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

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830 as just read to you? A If they did, I don't know.

Q What was the name of the ancestor through whom you claim, who was a head of a family in Mississippi in 1830? A Philip Gates, is what I have been told.

Q You claim through your father? A Yes sir.

Q Through which parent did he claim? A His father; no his mother.

Q Another name was what? A Sarah Britton.

Q Was it Sarah Gates before she married? A Yes sir.

Q And her father's name was what? A Philip Gates.

Q And he was the Choctaw citizen through whom you claim? A Of course it runs on up to him; it has been my understanding that he was in 1830 in Mississippi; I don't know that he was.

Q Was John H. Britton one of your kin? A Yes sir.

Q Almer Rogers? A Yes.

Q Lucinda Stanford? A Yes.

Q Arthur H. Britton? A Yes sir.

Q Sarah A. Benson? A Yes sir.

Q Nellie B. Paschal? A Yes sir.

Q These persons have all made application before the Commission this date, September 24, 1901, and they all claim through the same common ancestor that you do? A Yes sir.

Q Do you want to have their testimony considered with yours when your case is taken up so that all may be considered together? A Yes sir.

Q Do you know whether Philip Gates or any of your Choctaw ancestors were recognized members of the Choctaw tribe in Mississippi or Alabama in 1830? A No sir; I don't.

Q Did Philip Gates live in Mississippi or Alabama? A I don't know only what I have been told; its in Alabama I believe; that's my understanding.

Q Do you know whether he had any improvements on land in Alabama?

A No sir, I don't.

Q Have you any documentary proof of any kind that show he was a Choctaw Indian living in Mississippi or Alabama in 1830? A No sir, I haven't.

Q Do you know whether any of your Choctaw ancestors, Philip Gates, or

any other within six months after the treaty of 1830 was ratified went to the Indian Agent, Col. Ward and told him that he intended to stay in Mississippi, take land there and become a citizen of the United States? A No sir; I don't.

Q Did any of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838?

A If they did I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama as beneficiaries under the fourteenth article of the treaty of 1830? A If they did I don't know.

Q Do you know whether they ever received any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Have any of your ancestors been able to comply with any of the provisions or articles of the treaties that you know? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed an agent to register the names of those Choctaws who within six months after the ratification of the treaty told the United States Indian Agent that they wanted to stay in Mississippi and take land there. This agent failed to perform his duty in this that a great majority of the Indians who did go before him and signify their intention to remain and take land failed to have their names recorded on Ward's Register. This neglect on the part of the Indian Agent caused great distress among the Indians; their lands and improvements were taken from them, and they lost both the land and the improvements; of course complaints were made, many and bitter, by the Indians, and finally the Government by Act of Congress approved March 3, 1837, appointed a Commission which went to Mississippi and heard claims under that article and made lists of the names of the successful claimants. In 1842 another Commission was appointed for a similar purpose.

Q Do you know if any of your ancestors, Philip Gates or any other ancestor, if a Choctaw, appeared before either of these two Commissions, that of 1837 or that of 1842, and claimed benefits under article fourteen of the treaty of 1830? A I don't.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of that treaty, but that his land had been taken from him and sold, he should be entitled to select lands from the vacant Government lands in Louisiana, Mississippi, Arkansas or Alabama, and that certificates should be given to him to that effect; these certificates were called scrip.

Q Do you know if any of your ancestors received any scrip from the Government under this Act of 1842? A No sir, I don't.

Q Have you any documentary evidence that you want to file? A Yes sir.

Statement in writing of William K. Britton received, filed and made a part of the record in this case, and marked Exhibit "A"; affidavit of John H. Britton presented by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case; also affidavit of Lucinda Americus Stanford presented by applicant, received, filed, marked Exhibit "C", and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file further proof or other evidence in support of this application if he so desires.

- Q Anything further you want to say now? A No sir.
- Q In this written application where you say "wife", you mean "widow"? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and all the physical characteristics of being descended from white parentage; hair is light; blue eyes. He doesn't speak the Choctaw language and 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.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 10 day of October, 1901.

Charles H. Sawyer
Notary Public

Miss. Chootaw 3616

Muskogee, Indian Territory, April 3, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the first instant, inclosing certified copy of marriage license and certificate between W. K. Britton and Mrs. N. E. Green, which you offer in support of the application of William K. Britton for the identification of himself and his minor children as Mississippi Chootaws. The same has been filed with the record in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AVLESWORTH
SECRETARY

M. O. R. 3616

Muskogee, Indian Territory, October 15, 1902.

William K. Britton,
Lawn, Texas.

Dear Sir:-

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

William H. Gates,	M C R 3386
Sarah (A) Lytal, et al.,	M C R 3377
Elizabeth J. Maxwell, et al.,	M C R 3378
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Sarah Ann Benson,	M C R 3607
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Phillip H. Gates,	M C R 3441
Mary C. Nabers, et al.,	M C R 3422
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Thomas L. Gates, et al.,	M C R 3421
Phillip A. Gates,	M C R 3370
John R. Hughes, et al.,	M C R 3594
William V. Bentley, et al.,	M C R 3295
John Harvey Bentley,	M C R 3596
Fred G. Bentley,	M C R 3593
Arthur B. Bentley,	M C R 3595
Percy (H) Gates,	M C R 3690
William McLelland,	M C R 3388
Mary C. Pagan, et al.,	M C R 3389
Sydney E. Armistead, et al.,	M C R 3409
William A. Pagan,	M C R 3391
Rebecca McLain, et al.,	M C R 3420
Elby Hesterly, et al.,	M C R 3408
Steele McLelland, et al.,	M C R 3390
George W. McLelland, et al.,	M C R 3402
Elizabeth Mullens, et al.,	M C R 4436
Alice Douglas, et al.,	M C R 4471
Drommie Sweetman, et al.,	M C R 4437
Lucinda Americus Stanford, et al.,	M C R 3294
Catherine Akins, et al.,	M C R 3442
Phillip Stanford,	M C R 3443
Mattie Lynch, et al.,	M C R 3609

Puss Rogers, et al.,	M C R 4438
Josie Cox, et al.,	M C R 5081
Eva Hardy, et al.,	M C R 5120
John H. Britton,	M C R 3605
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William Clifton Britton, et al.,	M C R 4331
William G. Britton,	M C R 3610
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William Robert Britton, et al.,	M C R 3611
Lula Bell Britton,	M C R 3613
Arthur Guy Britton,	M C R 3614
Calvin Luther Britton, et al.,	M C R 3617
Mary C. Cox, et al.,	M C R 4287
James A. Cox, et al.,	M C R 4288

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William H. Gates, Sarah (A) Lytal, Virdler Grant Lytal, Elizabeth J. Maxwell, Winnie Buford Maxwell, Matilda Emly Lytal, Sarah Ann Benson, Mollie B. Puschal, Phillip H. Gates, Mary C. Nabers, Charles Nabers, Lizzie Nabers, Thomas Nabers, Willie Nabers, Earl Nabers, Charles V. Gates, Victor Gates, Esther Gates, Philip Gates, Bessie Gates, Wylie Gates, Gladys Gates, Thomas L. Gates, Lois Gates, Eunis Gates, Mary Gates, Thomas S. Gates, Ruth Gates, Phillip A. Gates, John R. Hughes, Charles A. Hughes, William V. Bentley, Gladys Bentley, Willie Bentley, John Harvey Bentley, Fred G. Bentley, Arthur B. Bentley, Percy (H) Gates, Mary C. Pagan, Sydney E. Armistead, Lillie B. Armistead, Ethel E. Armistead, William A. Pagan, Rebecca McLain, Herbert Alexander Hulen, Amie Winifred McLain, Elby Hesterly, Archie Hesterly, Violet E. Hesterly, Steele McLelland, Auda McLelland, Arnold McLelland, George W. McLelland, Veron McLelland, Elizabeth Mullens, Dronmie Bailey, William Bailey, William Pinkney Mullens, Alice Douglas, Mary Elizabeth Douglas, John Jasper Douglas, Jesse Boyd Douglas, Forest Douglas, Myrtle Douglas, Bessie Douglas, Paul Douglas, Dronmie Sweetman, Katie Sweetman, Louise Sweetman, Mamie Sweetman, Lucinda Americus Stanford, William R. Evetts, Catherine Akins, Melvy Akins, Emma Akins, Mollie Akins, Rufus Akins, Phillip Akins, Milton Akins, May Akins, Phillip Stanford, Mattie Lynch, Lena Lynch, Leslie Lynch, Alice Lynch, Johnny Lynch, Puss Rogers, Lonzo Rogers, Julia Rogers, Genorah Rogers, Josie Cox, Lara Cox, Edna Cox, Bruce Cox, Loretta Cox, Eva Hardy, Bessie Hardy, Emma Hardy, John H. Britton, Arthur E. Britton, Tallmage Britton, Ruby O. Britton, Callie Britton, Alice N. Sanders, Lottie Sanders, Jennie Sanders, Willie Sanders, Ozie Sanders, Lizzie Sanders, Minnie Sanders, Mary Sanders, Luther Alma Rogers, Oscar Rogers, Pearl Rogers, Hosie Rogers, Rufus Webb Rogers, Verver Rogers, William Clifton Britton, Mertie Blanch Britton, Pearl Madge Britton, William G. Britton, William K. Britton, Katie Britton, Willie Britton, Ollie Britton, Montie Britton, Byron Britton, Horace Britton, Otto Britton, Ossie Britton, Mittie Britton, Minnie Britton, Sarah Wilson Dye, Vistar Dye, Buena Vista Ivey, Leila Ivey, Richard E. Ivey, William G. Ivey, Anos Clyde Ivey, Charles Ray Ivey, All Benton Britton, Audie A. Britton, Winnie Davis, Britton, Ethel Loyce Britton, William Odessa Britton, William Robert Britton,

William H. Britton, Lizzie Pearl Britton, Lula Bell Britton, Arthur Guy Britton, Calvin Luther Britton, Robert Lee Britton, Mary C. Cox, Johnnie Cox, George Cox, Beula Cox, Rosie Cox, Fred Cox, James A. Cox and Edna Cox as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by William McLelland for himself, and by Mary C. Pagan for her husband, James A. Pagan, as inter-married Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

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

Respectfully,

Registered.

(SIGNED

I. D. JOHNSON.
Commissioner in Charge.

M.C.R. 3616

OPF.

Muskogee, Indian Territory, December 22, 1902.

William K. Britton,
Lawn, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

Acting Chairman.

MCR-3616

Muskogee, Indian Territory, October 19, 1906.

William K. Britton,
Law, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and children is a part.

Respectfully,

Commissioner.

No. 3616

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name William H. Britton,

Age 51 Blood 1/16

Post Office, Lawn, Texas,

Father: William G. Britton, C.

Mother: Mary J, " C.

Claims through father
wife, Nancy E. Britton,
No claim for wife.

- Children:
- | | |
|---------------|-----------------|
| Katie Britton | 17 |
| Willie boy " | 16 |
| Ollie (") " | 14 |
| Montie " " | 10 7 |
| Byron " " | 7 |
| Horace " " | 5 |
| Otto " " | 3 |
| Ossie (que) " | 3 |
| Mittie (") " | 4m |
| Minnie (") " | 4m |

claims for self & children

Stenographer H. G. Harris

Choctaw MCR 3617

Calvin Luther Britton

See MCR 3386

MCR 3617

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

In the matter of the application of Calvin Luther Britton, for the identification of himself and his minor child as Mississippi Choctaws. M. C. 3617.

B. S. Johnson, Attorney for applicant. (No appearance).

Lucinda Americus Stanford, being first duly sworn as a witness in this case, testified as follows:-

Examination by the Commission.

- Q What is your name? A Lucinda Americus Stanford.
Q What is it? A Lucinda Americus Stanford.
Q What is your age? A Sixty-one.
Q What is your Post Office address? A Bynum, Hill County, Texas.
Q Are you an applicant for identification as a Mississippi Choctaw?
A Yes.
Q Are you acquainted with Calvin Luther Britton who has just made application here? A Yes.
Q What relation is he to you if any? A Cousin. He's the same kin that that other one was. I said cousin you knew.
Q Well, what is his father's name? A Calvin Britton.
Q What is his mother's name? A Eunice Britton.
Q What relation was this applicant's father to you? A Own cousins first cousins.
Q First cousins? A First cousins.
Q What was Calvin Luther Britton Sr.'s father's name? A Billy Britton.
Q What was his mother's name? A Sarah Britton.
Q Which one of his parents claimed to be Choctaw? A Sarah Britton.
Q Now what is your father's name? A My father's? Wash Henley.
Q What is your mother's name? A Catherine Henley.
Q Now was your mother or your father related to Calvin Luther Britton? A My mother and Calvin Britton's mother was sisters.
Q Through which one of your parents do you claim Choctaw blood?

#2.

- A My mother.
- Q And through which one of Calvin Luther Britton's parents did you say he claimed his Choctaw blood? A His mother.
- Q What was the name of the father of Catherine Henley and Sarah Britton? A Phillip Gates.
- Q Were you acquainted personally with Sarah Britton? A Yes.
- Q She was a married woman and the head of a family in 1830 wasn't she? A Yes.
- Q And your mother was also a married woman and the head of a family in 1830 wasn't she? A Yes, in 1830.
- Q Did Sarah Britton go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay? A I do not know.
- Q You never heard about that? A I never heard about that.
- Q Did she own any land there? A I don't know whether she did or not.
- Q Did she speak the Choctaw language? A Yes, she talked it often. When she would meet up with the Choctaws.

Witness excused.

Wal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Wal Belford

Subscribed and sworn to before me this 19 day of October, 1901.

Charles H. Sawyer

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 24, 1901.

#8617.

In the matter of the application of Calvin Luther Britton, for the identification of himself and his minor child as Mississippi Choctaws.

B. S. Johnson, Attorney for applicant. (No appearance).

Calvin Luther Britton, being first duly sworn, upon his oath testified as follows:-

Examination by the Commission.

- Q What is your name? A How?
- Q What is your name? A Britton.
- Q What else? A Calvin Luther Britton----I have my father's full name.
- Q What is your age? A Thirty-nine----will be the first day of October, coming.
- Q What is your Post Office address? A Hillsboro, Texas, Hill County.
- Q How long have you lived in Texas? A Seven years----soon will be.
- Q Where did you live before you lived in Texas? A Mississippi.
- Q How long did you live in Mississippi? A Well, I lived, the last time, I lived in Mississippi six years.
- Q Where did you live before you lived there? A Alabama.
- Q How long did you live in Alabama? A Well, four or five years. I was principally raised in Mississippi.
- Q Where did you live before you lived in Alabama that time? A No, I was born in Alabama, and moved to Mississippi. I went back there after I became a man and lived a few years afterwards. I was first born in Alabama, and my father moved to Mississippi.
- Q How old were you when you moved to Mississippi? A About six years old----about six.
- Q And how long did you live in Mississippi that time? A Well, I would have to count to get it back that far.

#2.

- Q Well, about how long? A Well, somewhere in the neighborhood of, ----Well, I suppose sixteen years----something near that----I couldn't say positive.
- Q How long? A About sixteen years.
- Q Then where did you go? A I went back to Alabama.
- Q And how long did you live there that time? A My recollection is about five or six years.
- Q And then moved to Texas? A No, moved to Mississippi again, further South----away down in Mississippi.
- Q How long did you live in Mississippi that time? A Six years the last time.
- Q And then you went to Texas? A Yes, come to Texas.
- Q What is your father's name? A Same of mine, Calvin Luther Britton.
- Q Is your father living? A No.
- Q What is your mother's name? A Britton.
- Q Well, what is her given name? A Eunice.
- Q Is she living? A No, she's dead.
- Q Through which one of your parents do you claim your Choctaw blood? A My father.
- Q How much Choctaw blood do you claim? A Sixteenth.
- Q Has your father ever been recognized or enrolled as a citizen of the Choctaw Nation? A Have not.
- Q Have you any evidence of your father's and mother's marriage? A No, I havn't.
- Q It will be necessary for the Commission to be supplied with evidence of that marriage in support of your application. A Yes.
- Q You can get a certified copy of the record can you? A Yes, I could I guess.
- Q Are you married? A Yes.
- Q What is your wife's name? A Maiden name you mean?
- Q No. A Britton.
- Q What is her given name? A Modena.
- Q What is it? A Modena.
- Q Is she living? A No, my first wife isn't. I am living with my second wife now.
- Q Well, Modena Britton is it? A Yes.
- Q What is the name of your second wife? A Britton----Addie Britton Addie is her given name.
- Q She is living? A Yes, she's living.
- Q Do you make application for her? A No.
- Q She is a White woman? A Yes.
- Q Makes no claim to Choctaw blood? A No.
- Q Have you any children under twenty-one and not married for whom you wish to make application at this time? A Yes, just for the ont, he's ten in November----by my first wife.
- Q What is his name? A Robert Lee.
- Q You say that Modena, your first wife, was his mother? A Yes.
- Q When and where were you married to her? A Mississippi in '90.
- Q When and where were you married to Modena Britton? A In Mississippi, in the year eighteen hundred and ninety.
- Q Did you get a license to marry? A Yes.
- Q Were you married by an ordained minister or by an Official? A An Official----Justice of the Peace.
- Q Have you your marriage license and certificate and wish to offer same in evidence? A No, I havn't got it. I can get it.
- Q It will be necessary for the Commission to be supplied with evi-

dence of your marriage to your wife in support of the application you make for your child. A All right, I can send back there and get it. I haven't got it now.

- Q Is your name or your child's name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Have you applied to the Choctaw Tribal Authorities in the Indian Territory to have yourself or your child enrolled as Choctaws? A Have not----before this.
- Q Did you, or did anyone 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 or your child 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 child been admitted to citizenship in the Choctaw Nation by a judgment of the United States Court in Indian Territory? 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 Never have before.
- 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 What?
- Q What kind of an application do you want to make now? A Any kind. As having Indian blood.
- 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 Well, I do any that's applicable to my case. I don't know that I understand all these treaties.
- Q The law under which the Commission is acting in hearing these applications is found in Section twenty-one of the Act of Congress of June 28, 1898, which is as follows:-

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and 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 then in Mississippi and the western part of Alabama for the purpose of giving them land west of the Mississippi River in exchange for their lands in those states and moving them all to the country west of the river, but some of the Indians didn't want to come west, and the others wouldn't sign any treaty until some provision was made for those Choctaws who wanted to stay, so article fourteen was put into the treaty for the sake of those Choctaws who didn't want to leave their homes in Mississippi. Article fourteen of the treaty of 1830 provides that:-

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this Treaty, and he or

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

Within six months after the treaty of 1830 was ratified a great many Indians did go to the Agent and tell him they wanted to stay, but when a man was sent down by the United States Government to locate the lands for those Indians it was found that there were a large number who claimed they had gone to the Agent and told him they wanted to stay whose names were not on the list which the Indian Agent had made; so under different Acts of Congress men were appointed as Commissioners and sent down to Mississippi to look into the matter and find out which of the Indians had a right to land in Mississippi under the fourteenth article of the treaty. These Commissioners took up and passed on several hundred cases. Some of them were allowed and some of them were refused. In those cases where the Commissioners allowed the claims and their action was approved by the Secretary of War if the land which the Indians claimed hadn't 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, Alabama or Louisiana. Did any of your ancestors own land in one of those states. A I have always been informed that they didn't. My grandfather and father always told me---I was too small to know anything about it.

- Q What was your father's father's name? A William Britton.
- Q What was your father's mother's name? A Sarah Britton.
- Q Which one of your father's parents claimed to be Choctaw? A His mother, Sarah Britton.
- Q How much Choctaw blood did Sarah Britton claim to have? A I think a fourth. She showed to be. I remember her very well.
- Q How old would your father be if he were living now? Q How?
- Q How old would your father be if he were living now? A He'd be about seventy-six.
- Q Then Sarah Britton, your grandmother, was a married woman and the head of a family in 1830? A Yes.
- Q Did she go to the Indian Agent there in Mississippi within six months after the treaty was ratified and tell him she wanted to stay in Mississippi. A I think so. That's always been my understanding----I have been informed that.
- Q That she did go to the Agent and tell him she wanted to stay? A Yes.
- Q Did she live in Mississippi? A She lived in Alabama.
- Q What part of Alabama? A Franklin County, Alabama----North Alabama near the state line.
- Q Did she hold any land in Mississippi, Louisiana, Arkansas or Alabama? A None, I have always been informed.

- Q Well, how did it happen that she didn't get any land if she went to the Agent there and told him she wanted to stay? A I couldn't tell that. I have just been informed that she wanted to stay--- didn't want to come west.
- Q That she did stay? A I know she stayed. I say I have been informed that she wanted to stay.
- Q West and told the Agent that she wanted to stay? A I wouldn't say whether she went and told the agent or not, but she told others. I couldn't say positive about the agent. I don't know.
- Q If you wish to be identified as a Mississippi Choctaw you should endeavor to bring evidence to prove that your grandmother, Sarah Britton was a recognized Choctaw Indian, and lived in the old Choctaw Nation in 1830, and that you are her grandchild, and that she within six months after the treaty of 1830 was ratified signified to the Indian Agent her intention to remain in Mississippi or attempted to do so. Have you any evidence on those points at this time? A I have nothing only what's on the papers here and cousin Lucinda Stanford---she's a cousin of my father's--- and that's all I have only what's on the papers here.
- Q You have papers you want to file now? A Yes.

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

Affidavit of John H. Britton offered in evidence, marked exhibit "B", filed and made a part of the record in this case.

Affidavit of W. H. Gates offered in evidence, marked exhibit "C", filed, and made a part of the record in this case.

- Q Who is John H. Britton? A An uncle of mine.
- Q Your father's brother? A Brother. My father was the oldest and he was next.
- Q Who is W. H. Gates? A He's a cousin---no, cousin of my father's.
- Q And you wish to offer the testimony of witnesses here? A I would like to if you have time. It's Mrs. Lucinda Stanford. I couldn't hardly call her name. I am notlager dutch, but I can't speak plain. I have lost my teeth. I can't speak plain. She knew my father and knows what blood I am.
- 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 allowed to do so, and the same will be made a part of the record in your case, and the testimony of any witnesses whom you may desire to present will be taken to-day. A All right, much obliged.

Q Is there anything further you would like to say in support of your application? A No, not that I know of.

This applicant has grayish black hair, brown moustache, brown eyes and dark 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 1830. It appears from his testimony that his grandmother through whom he claims lived in Alabama when that treaty was made.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 24, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 19 day of October, 1901.

Charles H. Sawyer

Notary Public.

Maskogee, Indian Territory, November 15, 1901.

B. S. Johnson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant enclosing certified copy of marriage license between W. C. Britton and Eliza G. Patterson, and certified copy of marriage license and certificate between J. L. Britton and Della Boyd, offered by you for filing in support of the application of Calvin Luther Britton and William R. Britton, for the identification of themselves and their minor children as Mississippi Choctaws.

You are informed that the same have this day been filed with the records in these cases and will receive the consideration of the Commission in the disposition of the claims of these persons as Mississippi Choctaws.

Yours truly,

W. C. 3611
W. C. 3617.

Acting Chairman.

M.C.R. 3617

Muskogee, Indian Territory, December 22, 1902.

Calvin Luther Britton,

Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 12th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William H. Gates, et al., of which decision you were advised by registered mail on the 15th day of October, 1902.

Respectfully,

James D. [unclear]

Acting Chairman.

MM

REFER TO ONLY TO THE FOLLOWING:

MEM-3617

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

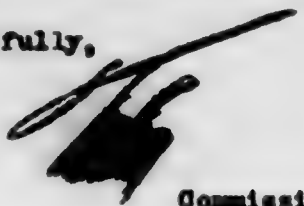
Muskogee, Indian Territory, October 19, 1906.

Calvin Luther Britton,
Hillsboro, Texas.

Dear Sir:

You are hereby notified that on September 26, 1906, the Secretary of the Interior denied a motion, filed May 25, 1906, by J. O. Pool, for review of the consolidated Mississippi Choctaw case of William H. Gates et al., of which the application for the identification of yourself and child is a part.

Respectfully,



Commissioner.

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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Calvin Luther Britton,

Hill Country, Texas.

No. 3617

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Calvin Luther Britton

Age 39 Blood 7/16

Post Office, Hillsboro, Texas.

Father: Calvin Luther Britton (dead)

Mother: Eunice Britton (dead)

Claims through father

1st wife: Modema Britton (dead)

2nd wife: Addie Britton
(no claim for her)

Children:

Robert Lee Britton 10

Mother: Modema Britton (dead)

Claims for self and child.

Stenographer

H. Belford

Choctaw MCR 3618

Minnie L. Kennedy

See MCR 3358

MCR 3618

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3618

3610

In the matter of the application of Minnie L. Kennedy for the identification of herself and her two minor children as Mississippi Choctaws.

C.L.Galloway for applicant; no appearance by attorney.

Minnie L. Kennedy being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Minnie L. Kennedy. K-e-n-n-e-d-y.
Q What is your age? A About eighteen.
Q What is your post office address? A Waco, Texas.
Q How long have you lived there? A I have been living there- I have lived there twice; I lived there five years last time.
Q Where were you born? A Cook County, Texas.
Q Lived there how long? A About six years.
Q Then went where? A To Waco.
Q How long did you stay there? A About five years.
Q And then- A To Hill County.
Q You stayed there how long? A Four years.
Q And then where? A To Waco where I am.
Q What is your father's name? A F.M. Brooks.
Q Is he living? A Yes sir.
Q What is your mother's name? A L.C. Brooks.
Q What does the "L" stand for? A Lucretia C. Brooks.
Q Is she living? A Yes sir.
Q Have either your father or mother been before the Commission for identification as Mississippi Choctaws? A My father has.
Q When did he come? A I think about two weeks ago.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A J.W. Kennedy.
Q What is his blood, white or red? A White.
Q Making any claim for him? A No sir.
Q Have you any children you want to make application for? A I have two.
Q What is the name of the oldest? A Alma Pauline Kennedy, about two years old.
Q Next? A Eunice F. Kennedy.

- Q How old is she? A Infant.
- Q About how old? A Two months old several-or-
- Q About three or four months? A Yes sir.
- Q Is J.W.Kennedy the father of these children? A Yes sir.
- Q You are the mother? A Yes sir.
- Q When and where were you married to him? A In Hill County, Texas.
- Q When? A About the 3rd of March.
- Q What year? A About three years ago.
- Q Were you married by a minister and under a license? A Yes sir.
- Q Is your name or the name of any child on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you or any one for you or your children make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? 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? That is to the Dawes Commission? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q You now come before the Commission for the purpose of getting identified and getting your children identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand article fourteen of that treaty? A No sir.

The treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was entered into between the Choctaw tribe of Indians who lived in Mississippi and Alabama at that time and the United States Government; the object of the treaty was the removal of the Choctaw Indians from Mississippi and Alabama, that is, portions of it of these two States where they were living called the old Choctaw Nation, to the Choctaw Nation, Indian Territory. It was considered by the Government that the Indians would have a better chance to live and enjoy the rights as Indians to which they were entitled if they had their own nation undisturbed by the white people which they couldn't do if they stayed in Mississippi. Before the treaty was signed it became evident that a great many Indians wouldn't come to the Indian Territory and to protect their interests article fourteen was put into the treaty an article is a part of a treaty and is numbered from one up to as many articles as there are. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon

said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand the article now? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A No sir.

Q What was the name of your ancestor who lived in Mississippi in 1830 and was a recognized member of the Choctaw tribe of Indians at that time? A Tom Kelly; Kelly or Killy.

Q You don't know which? A No sir.

Q Was he the head of a family at that time? That, is did he have a family and occupy land in Mississippi or Alabama? A I don't know about the land.

Q You claim through your father? A Yes sir.

Q And he claims through which parent, father or mother? A Through his mother.

Q What was her name? A Julia Ann Brooks.

Q She claimed through which parent? A Her father.

Q And his name was what? A Tom Kelly.

Q That's as far back as you go? A Yes sir.

Q He was living in Mississippi in 1830, was he? A Yes sir.

Q And was the head of a family at that time? A I don't know about Mississippi.

Q Do you know if he lived in Alabama? A I don't know.

Q Then you can't swear whether your ancestor, Tom Kelly or Killy, lived in Mississippi in 1830? A No sir.

Q You don't know the name of any Choctaw ancestor that you could swear lived in Mississippi in 1830 and was the head of a family at that time? A No sir.

Q Did any of your Choctaw ancestors ever have any improvement on land in Mississippi or Alabama in 1830 or any time before that? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Have you ever heard any one say? A Yes, I have heard.

Q Through whom did you hear that? A Through my father.

Q Then it is a matter of family history, is it, that he lived in Mississippi in 1830 and was the head of a family in 1830, is it? A Yes

Q Did any of your Choctaw ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A No sir.

Q Did any of your ancestors, if Choctaw Indians, receive or claim any land in Mississippi under article fourteen of the treaty of 1830?

A No sir.

Q Did any of your Choctaw ancestors ever receive any benefit of any kind under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the United States Indian Agent was required by the Government to take down the names of all Choctaw claimants who appeared before him within six months after the ratification of the treaty of 1830 and tell him that they intended to stay in Mississippi and take land there; as a matter of fact this agent didn't comply with these orders of the Government except in a very little degree, because a great many Choctaws who did actually appear before him at that time failed to have their names put on the lists, Wards' Register. Now, as a result of this a great many had land taken from them and all the improvements upon it; this caused great distress, so in 1837 Commissioners were appointed, approved March 3, 1837, which Commissioners went to Mississippi and heard a great many claimants under article fourteen. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors ever go before the Commission of 1837 or 1842 and claim benefits under article fourteen of that treaty? A No.
Q You never heard of it? A No sir.

The Act of Congress approved August 23, 1842, provided that in the event a claimant who came before that Commission had his land taken from him but his claim allowed, he should be entitled to select land there in Mississippi, Louisiana, Arkansas or Alabama, and that certificates should be issued to him; these certificates were called scrip.

Q Do you know whether any of your Choctaw ancestors ever received any such scrip from the Government as Choctaw Indians under this Act of Congress? A No sir.

Q Have you any documentary evidence you want to introduce now in support of your claim? A Yes, I have these papers and I want to have my father testify.

Application and affidavit of Minnie Lou Kennedy, applicant, presented by her, received, marked Exhibit "A", filed and made a part of the record in this case; joint affidavit of A.L.White, W.H.Roberts, H.B.Nichols and A.J.Brooks, received, filed, marked Exhibit "B", and made a part of the record in your case.

Also reasonable time is allowed this applicant in which to file additional evidence and testimony, if she desires, in support of her application.

(Applicant excused and Francis M. Brooks called as a witness.)

Francis M. Brooks being called and sworn as a witness in relation to the application made by his daughter for identification as a Mississippi Choctaw testified as follows:

Q What is your name? A Francis M. Brooks.

Q What is your age, Mr. Brooks? A About fifty seven.

Q What is your post office address? A Vaughan, Hill County, Texas.

Q What is your occupation? A I was a farmer.

Q How long have you lived at Vaughan? A Less than a year, at that place where I live now.

Q Have you made application for identification as a Mississippi Choctaw at this office previous to this date? A Yes sir.

Q About when? A About three weeks ago.

Q Through what ancestor do you claim? A Through my mother.

Q I mean the one way back who lived in Mississippi in 1830? A Why, Thomas Kelly, my mother's father.

Q How much Choctaw did he have? A He was said to be a half blood Choctaw.

Q Did he speak the Choctaw language? A That's my understanding; I have heard my mother say that he could speak Choctaw better than English.

Q Did he have an Indian name? A I have heard that he did.

Q What was it? A Tom Killey; I have seen it spelled three ways.

Q How? A K-i-l-l-e-y, on a deed from my aunt to my father; it is attached to some papers; on another deed it is K-i-l-l-i-a, and on a deed of gift from my great grandfather, Hunt, to Julia Ann Killee- K-i-l-l-e-e,- from my recollection.

Q Have you filed any of these documents in your case? A Yes, some of them is attached to our applications; I don't know which.

Q Is this applicant your daughter? A Yes sir.

Q Does she claim through the same ancestor you claim through? A Yes.

Q Do you know whether this common ancestor complied with the provisions of this fourteenth article of that treaty? A I don't know.

Q Or with any other article than fourteen? A I don't know.

Q Is there anything further that you want to state now that you can think of in support of this claim? A Well, nothing only a statement that my mother made to me at the time she called me to examine those old papers which I have just witnessed to; I didn't make this statement before, it occurred to me afterwards. She called me--- I will make this statement, it may be benefit or not--- I think it was about two years before she died; she called me to examine some old papers which she then had: one was a will, a deed of gift, I don't know which, from great-grandfather Hunt to the heirs of Tom K-i-l-l-i-a, to the best of my recollection; another was a deed of gift from my great-grandfather Hunt to my mother Julia Ann Killee; another was a deed from Hannah Killee to my father John Brooks, signed K-i-l-l-e-y, which I think is now attached to some of our applications. That's all the statement according to my recollection.

Q That's all you think of, Mr. Brooks? A Yes, that's all now.

Witness excused and applicant recalled:

Q Do you speak Choctaw, the Choctaw language? A No.

(Q You don't, Mr. Brooks? A No; I was pretty near raised in Texas; my daughters was born in Texas; we come to Texas, in '60 and have resided in Texas ever since.)

This applicant has the appearance and general characteristics of being descended from white parents; rather dark complexion- not too dark-; the father who appeared before the Commission is much darker; both have dark eyes; this applicant's eyes are black, father's

eyes are very dark brown. She does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains.

Subscribed and sworn to before me this 16 day of October, 1901.

Charles K. Sawyer

Notary Public.

Muskogee, Indian Territory, June 16, 1902.

Minnie I. Kennedy,
Waco, 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

Chootaws:

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 Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie I. Kennedy, et al.,	" 3618
Mary A. 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. McMenamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Wininger, et al.,	" 4350
Robert A. Brooks,	" 4351
Willie Blackwell,	" 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. Bomberger, 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 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 P. Brooks, Mattie E. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Rober 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 E. Brooks, Wiley Brooks, Devie 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. Russom, Grover C. Russom, Robert L. Russom, Eula M. Russom, Oils A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks,

M C 2 3616--73

Eva Brooks, Minnie A. McKenamy, Lorena McKenamy, Reba McKenamy, -
McKenamy (infant unnamed) Charles L. Brooks, Nancy Arvey Wininger,
Allsta Wininger, Robert A. Brooks and Willie Blackwell as Chooc-
taw Indians entitled to rights in the Choctaw lands under the
provision 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.

11

COMMISSIONERS

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

PLEASE REPLY TO THE FOLLOWING

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

M C R 3618

A. L. ...
...

ADDRESS ONLY

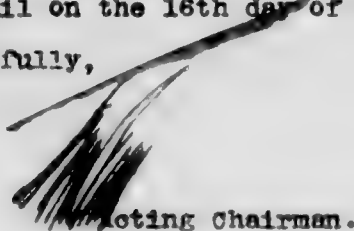
Muskogee, Indian Territory, October 17, 1902.

Minnie L. Kennedy,
Waco, 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,



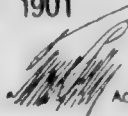
Acting Chairman.

Application
of
William Kennedy
Containing Affidavits of
A L White
W H Roberts
H B Nichols
A J Brooks
MCR 3618

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

FILED

SEP 21 1901



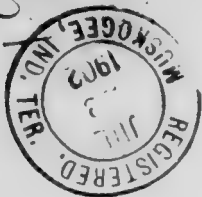
ACTING CHAIRMAN.

*Copy of affidavit
to be returned*

RETURN IN DAYS TO

S. H. HORTON, J. P.
WHITESBORO, TEXAS.

Galloway & Heflin



FILED

JUL 23 1902

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JUL 23 1902

FILED

ADMISSION TO THE FILE



[Handwritten mark]

Waco



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Minnie L. Kennedy,

Waco,

Texas.

3618

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

FILED

NOV 22 1902

[Handwritten Signature]
ACTING CHAIRMAN
NOV 19 1902
RECORDED

NOV 21 1902
RECORDED

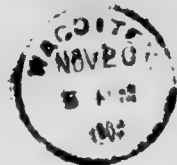
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Minnie L. Kennedy

Age 18 - Blood 1/16

Post Office, Waco, Texas,

Father: F. M. Brooks, l

Mother: Lucretia C. " l

Claims through father
Husband J. W. Kennedy, w.
No claim for husband.

Children:

Alma T. Kennedy, 2

Eunice F. " 3 m.

Claims for self
and children,

Stenographer H. G. Hains

Choctaw MCR 3619

Mary A. Cunningham

See MCR 3358

MCR 3619

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 24, 1901.

3619

In the matter of the application of Mary A. Cunningham for the identification of herself and her two minor children as Mississippi Choctaws.

C.L.Galloway for applicant; no appearance by attorney.

Mary A. Cunningham being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Cunningham.
Q What is your age? A About twenty two.
Q What is your post office address? A Gholson, Texas.
Q Where were you born? A I was born in Texas.
Q What place? A I think it is Denton County.
Q How long were you there? A Only a small while; about three years.
Q Then you went where? A Gainesville, Cook County.
Q How long were you there? A About five years.
Q Where then? A McClellan County.
Q How long were you there? A Near about the same time.
Q And then you went where? A Hill County.
Q Then where? A McClellan County.
Q Always lived in Texas? A Yes sir.
Q What is your father's name? A Francis M. Brooks.
Q Is he living? A Yes sir.
Q What is your mother's name? A Lucretia C. Brooks.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim Choctaw blood? A My father.
Q How much do you claim? A A sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the United States authorities in the United States, in the Indian Territory? A No sir; not that I know.
Q Are you married? A Yes sir.
Q What is your husband's name? A J.D. Cunningham.
Q Is he a white man or Indian? A White.
Q Do you claim for him? A No sir.
Q What is the name of your eldest child? A Elsie Cunningham.
Q How old is she? A About four.
Q Next? A Joseph M. Cunningham.
Q Boy or girl? A Boy.
Q How old is he? A About a year old.
Q Is that all? A Yes.
Q You are the mother of these children? A Yes sir.

Q J.D.Cunningham is the father of these children, is he? A Yes sir.

Q They are living with you at your home? A Yes sir.

Q When and where were you married? A Hill County, Texas about five years ago.

Q What day? A I don't remember exactly the day of the month.

Q You claim for yourself and two children, do you? A Yes sir.

Q Is your name or the name of your children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir.

Q Did you ever make application for yourself or children to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.

Q Did you ever apply to the Dawes Commission for citizenship in the Choctaw nation under Act of Congress of June 10, 1896, five years ago? A No sir.

Q Were you ever admitted to citizenship in the Choctaw nation you and your children by the Choctaw tribal authorities, the Dawes Commission or by United States Court in the Indian Territory? A No sir.

Q Did you ever make application for yourself and children before this time for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw for yourself and children under article fourteen of the treaty of 1830? A Yes, I guess so.

Q I guess you don't know about that article, do you? A No sir.

Q Would you like to have it explained? A Yes sir.

Q Do you know what a treaty is? A No sir.

Q Knew what a contract, an agreement is? A Yes sir.

Q A contract in writing an agreement in writing may be between individuals and then it is called a contract or agreement, but if between two Nations instead of individuals it is called a treaty.

Now in 1830 a treaty was made between the United States Government and the Choctaw tribe of Indians; the object of the treaty was to get all the Choctaw Indians who lived in Mississippi and Alabama to go to the Indian Territory Choctaw Nation; before the treaty was signed it was apparent that a great many Choctaw Indians wouldn't go to the Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That's article fourteen of the treaty of 1830; you understand that

now do you? A Yes, I think so.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830, do you know? A No, sir, I don't.

Q Were any of your Choctaw ancestors living in Mississippi or Alabama, what is the old Choctaw Nation in the year 1830 when the Treaty of Dancing Rabbit Creek was made? A Not that I knew of.

Q What ancestor do you claim through; way back, now? A Thomas Kelly.

Q Did Thomas Kelly live in Mississippi or Alabama in 1830, seventy years ago? A I don't know.

Q Have you heard that he did? A Yes sir.

Q Who told you? A I heard my father.

Q Where did he live in Mississippi or Alabama? A I heard that he lived in Mississippi.

Q Do you know what part of Mississippi? A No sir.

Q Was he the head of a family at that time? A Yes I think so.

Q Do you know if he was the head of a family and a recognized member of the Choctaw tribe of Indians at that time? A I heard so.

Q Lived right among them, lived and dressed and did as they did? A No sir, I don't know.

Q And was recognized by the council as a Choctaw Indian, do you know about that? A I know that they spoke of him as half Indian.

Q Now, I mean was he recognized by them, the Choctaw Indians as one of them, was he considered as a Choctaw Indian; did he vote with them go to the corn dances, pow-wows, stamp-dances, etc? A No sir; I don't know.

Q Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation Indian Territory with the other Indians between 1835 to 1838? A No sir; not that I know of.

Q Do you know whether any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 told the United States Indian Agent, Col. Ward, that they wanted to stay in Mississippi and take land there? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under article fourteen of the treaty of 1830? A Not that I know of.

Q Did any of your Choctaw ancestors claim any rights under any other article than article fourteen or under the supplement to the treaty? A I don't know.

Q You claim through your father- who claims through which parent? A His mother.

Q And her name was? A Julia Ann Brooks.

Q And she claims through? A Her father.

Q What was his name? A Thomas Kelly.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the Government directed an agent to register the names of those Choctaws who then desired to remain in Mississippi and become citizens of the States; the records of the Government show that he failed to record the names of Indians who did signify to him their intention to remain and take lands in Mississippi; this caused a great deal of distress, the land was taken from them and sold by the Government at Public Sale; this led to the appointing in 1837 of a Commission which Commission went to Mississippi and heard claimants under article fourteenth of the treaty of 1830. In 1842 another Commission was appointed for the same purpose.

Q Did any of your ancestors appear before either of these Commissions and claim rights under 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 any claimant had complied with all the provisions of the fourteenth article of the treaty of 1830 but that his land had been taken from him and sold, he should be entitled to land in Louisiana, Mississippi, Alabama and Arkansas, to be taken from vacant Government land and that certificates should be given to him to that effect; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any scrip from the Government under the treaty of 1830? A I don't know.

Q Is this your sister here and your father? A Yes.

(Pointing to Minnie L. Kennedy and P.M. Brooks.)

Q Do you want their testimony taken as a part of yours? A Yes sir.

Q Your father has appeared before the commission before, two or three weeks ago? A Yes sir.

Q Do you want that testimony considered as part of yours when your case is examined? A Yes, if it is any benefit.

Applicant excused and witness called.

Francis M. Brooks being called and sworn as a witness in this case testified as follows:

Q Who else has appeared? A A.L.J. Bombarger, a sister of mine, and aunt of this applicant; Hamilton D. Brooks; then, Price W. Brooks; A. J. Brooks; Sarah R. Burnett; Ambrose A. Brooks and Christopher C. Brooks, uncles and aunts of this applicant; brothers and sisters of mine.

Witness excused and applicant recalled

Q Do you speak Choctaw? A No sir.

Q Do you have any knowledge of it? A No sir.

Q Is there anything more you want to say in this case? A No sir, not that I know of.

Q You don't care to add anything further? A No sir.

Q Have you any papers you want to file now? A Yes sir.

Application and statement of applicant presented, received, filed marked Exhibit "A" and made a part of the record; joint affidavit of A.L. White, W.H. Roberts, H.B. Nichols and A.J. Brooks presented by applicant, marked Exhibit "B", filed and made a part of the record in this case.

Also reasonable time is allowed applicant in which to offer further proof in support of this testimony.

This applicant has the general appearance of a person descended from white parentage; has dark eyes and complexion; she does not speak the Choctaw language or understand it; has no knowledge of the compliance

on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1820. Her father also appeared before the Commission- he has dark complexion and thin, dark hair; her sister who also appears before the Commission, has dark eyes.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 24, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16 day of October, 1901.

Charles K. Sawyer

Notary Public.

Muskogee, Indian Territory, June 16, 1902.

Mary A. Cunningham,
Gholson, 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 3558
Sarah Rebecca Burnett, et al.,	" 3242
John Franklin Burnett, et al.,	" 3243
Rebecca Jane Harding, et al.,	" 3245
Sarah L. McClelland,	" 3246
Mary Ella Graham, et al.,	" 3247
Anna L. J. Bomberger,	" 3387
Hamilton D. Brooks, et al.,	" 3389
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
Leo Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John H. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie I. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Ruessom, et al.,	" 3620
Iola A. Moore, et al.,	" 3738
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. Mokenamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Winger, et al.,	" 4360
Robert A. Brooks,	" 4361
Willie Blackwell,	" 4362

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, Solly Brate Burnett, Jewella 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, 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, 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. Bomberger, Harvey C. Bomberger, Gracie M. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Una May Bomberger, Othel 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, Mula M. Russon, Iela A. Moore, Burt Moore, Minnie E. Moore, Eddie C. Moore, Cera A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, Eva

M A C #3

Brooks, Minnie A. McMenamy, Lorena McMenamy, Reba McMenamy, -- McMenamy (infant unnamed), Charles L. Brecks, 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".

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.

COPY.

H O R 3619

Muskogee, Indian Territory, October 17, 1902.

Mary A. Cunningham,
Gholson, 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,

SIGNED:

Fame Dixby.
Acting Chairman.

No. 3619

For Identification as a Mississippi Choctaw.

Date SEP 24 1901

Name Mary A. Cunningham

Age 22 Blood 1/6

Post Office, Shalson, Texas,

Father: F. M. Brooks. 2

Mother: Lucretia C. " 2

Claims through father
husband J. W. Cunningham
No claim for husband

Children: Elsie " 4
Joseph M. " 1 yr.

Claims for self
and 2 children.

Stenographer H. G. Hains.

Choctaw MCR 3620

Maud L. Russom

See MCR 3358

MCR 3620

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 24th 1901.

3620

-Applicant represented by G. R. Galoway as attorney,
who, however, does not appear during this application.

In the matter of the application of Maud L. Russom for the identification of her-self and her three minor children as Mississippi Choctaws.

MAUD L. RUSSOM being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Maud L. Russom.
Q What is your age? A 24.
Q What is your postoffice address? A Atlee, Chickasaw Nation.
Q Indian Territory? A Yes.
Q How long have you lived in the Indian Territory? A Seven months.
Q Where did you live before that? A Texas.
Q Do you hold any land in the Indian Territory? A No.
Q How long did you live in Texas? A Twenty three years.
Q Were you born in Texas? A Yes.
Q What is your father's name? A Price W. Brooks.
Q Is he living? A Yes.
Q What is your mother's name? A Aminta J. Brooks.
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 way or enrolled as a
citizen of the Choctaw Nation? A No.
Q Have you any evidence of your father's and mother's marriage? A Yes
Q Have you it with you? A I have my uncle.
Q Have you your father's marriage license and certificate? A No I
haven't.

Evidence of the marriage of P.W.Brooks and A.J.Brooks filed in
the application of Price W. Brooks et al., M.C. #3360.

- Q Are you married? A Yes.
Q What is your husband's name? A Robert L. Russom.
Q He is living? A Yes.
Q Do you make application for your husband? A No.
Q He is a white man? A Yes
Q Makes no claim to Choctaw blood? A No.
Q Have you any children for whom you wish to make application at this
time? A Yes.
Q How many? A Three.
Q Give their names and ages? A Grover C. Russom.
Q How old? A Eight years old.
Q Next? A Robert L. Russom.
Q How old? A Six years
Q Next? A Wula M.
Q How old? A Four years.
Q These are all your children? A Yes.
Q What is the name of their father? A Robert L. Russom.
Q When and where were you married to him? A Cook County, Texas.
Q When? A 1890.
Q Married when you were thirteen years old? A Yes.
Q Is your name or are the names of your children on any of the tribal
rolls of the Choctaw Nation in the Indian Territory? A No.

Q Did you or did any one for you or any of your children in 1896 apply to the Dawes Commission for citizenship in the Choctaw Nation under 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 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 to the authorities of the United States to have yourself or your children admitted or enrolled as citizens of the Choctaw Nation? A No.

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

Q What kind of an application do you make now? A For land I reckon.

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 I don't know.

Q You don't know anything about the treaties? A No.

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 contract is? A Yes.

Q When two Nations make a contract or agreement in writing, that is called a treaty? A Yes.

The law under which this Commission is acting in hearing these applications, gives it the power to determine the identity of Choctaws who claim rights in Choctaw lands under article fourteen of the treaty of 1830. In 1830 the United States wanted to make a treaty with the Choctaw Indians who were then living in Mississippi and the western part of Alabama, for the purpose of giving to them land west of the Mississippi river in exchange for their land in those States and removing them to the country west of the river; but some of the Indians didn't want to come west and the others wouldn't sign any treaty until some provision was made for the benefit of 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 who didn't want to come west; article fourteen of the treaty of 1830 provides: " Each Choctaw head of a family being desirous to remain and become a citizen of the States could do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be under ten years 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. " Under this article those Choctaw Indians who didn't want to come west could go to the Indian agent there in Mississippi and within six months after the treaty was ratified, tell him that they wanted to stay there and take land and they would get land from the Government for themselves and their children and if they lived on that land for five years they would get a title to it; and in doing this they would not lose their privileges as Choctaw citizens, but if they ever removed they would not be entitled to any portion of the Choctaw annuity. Within six months after this treaty was ratified large numbers of the Indians there in Mississippi went

to the Indian agent there and told him that they wanted to stay and take land, but when a man was sent down there 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 Indian agent there and signified their intention to remain and whose names were not found on the list made out by the Indian agent; so under the different Acts of Congress men were appointed as Commissioners and sent down there to find out which of the Indians had a right to the land there under the fourteenth article; these Commissioners took up and passed on several hundred cases of this kind, some of them they allowed and some of them they refused; in those cases which they allowed and where the action of the Commissioners was approved by the Secretary of War, if the land had not been already sold, which they claimed, it was given to them, and if it had been sold, they were given scrip with which they could locate land on any of the Public Lands in Mississippi, Alabama, Arkansas and Louisiana.

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 under whom you claim? A Tom Kelley or Killey, the Indian name was Killey, the name that they called him by was Kelley, and we have two names in that way.

Q What was your father's father's name? A Price W. Brooks.

Q Your father's father's name was Price W. Brooks as well as your father? A No my father's father's name was John B.

Q What was your father's mother's name? A Julia Ann.

Q Which one of your father's parents claimed to be Choctaw? A Mother.

Q How old is your father now? A Must be about 54, you my father's age is 54.

Q Is he the oldest one of his mother's children? A No.

Q How much older than he is the oldest one of his mother's children?

A I don't know.

Q Is Julia Ann Brooks living now? A No.

Q Do you know how long she has been dead? A No. - - - Let me speak a word: did I give in if I was an eighth or my father?

Q You said you were an eighth. A I am a sixteenth, my father is an eighth. I made a mistake.

Q What was Jane Ann Brook's father's name? A Tom Killey, Kelley or Killey.

Q Now, which one of your ancestors lived in the old Choctaw Nation and was married and the head of a family in 1830? A Tom Killey or Kelley.

Q Julia Ann Brooks was not married in 1830? A I reckon not.

Q Tom Kelley lived in the old Choctaw Nation in Mississippi in 1830 did he? A (No answer)

Q I don't mean do you know that from your own personal knowledge, for of course you are too young, but have you heard of it from your family?

A I don't know that I have heard.

Q Did Tom Kelley go to the Indian agent there in Mississippi within six months after this treaty was ratified and tell him that he wanted to stay? A I don't know.

Q Did he come west with the other Choctaws between 1830 and 1838 to the present Choctaw Nation? A I don't know.

Q Did he own any land in Mississippi, Alabama, Arkansas or Louisiana?

A I don't know.

Q What makes you say that they had two names? A I have been told that the Indian name was Killey and that they called him Kelley and that is why I gave in these two names, my father gave it in that way.

Q Did you say how much Choctaw blood Tom Kelley claimed? A One half.

Q Do you claim that he was enrolled in Mississippi? A I don't know.

If you wish to be identified as a Mississippi Choctaw you should bring evidence to prove that Tom Kelley was a recognized Choctaw Indian and lived in Mississippi in 1830; or if there was one of your ancestors nearer to you, who was married and the head of a family in 1830, you should bring evidence to show what that ancestors name was, and that

you are the lineal descendant of that ancestor, and that he or she within six months after the treaty was ratified signified an intention of remaining in Mississippi.

Q Have you any evidence on these points at this time? A I have papers.
Q Do you want to file these papers at this time? A Yes.

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

A Affidavit of J. F. Towers, offered in evidence, marked exhibit "B", filed, and made a part of the record in this case.

Q Have you any other evidence that you wish to offer at this time? A No if that is all that is necessary.

Q You have offered these papers, but you haven't any evidence here to show that Thomas Kelley lived in Mississippi in 1830 or that he was a recognized Choctaw Indian or whether he signified an intention to the Indian agent in Mississippi within six months after the treaty of 1830 was ratified, of remaining and taking land. You haven't offered any evidence on these points at all. You have here a written application or petition, setting forth certain facts which you have sworn to and the affidavit of J. F. Towers, who states that you are the daughter of J. W. Brooks and Arrinta Gray,

Q You say that you have an uncle here? A Yes.

Q Would you like to have his evidence in your case? A Yes if it is necessary.

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 allowed to do so and the same will be made a part of the record in your case.

Q Is there any other statement that you would like to make at this time? A No.

This applicant has brown hair, blue eyes, and medium 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 1830, and does not know whether they lived in Mississippi when that treaty was made.

FRANCIS M. BROOKS, being first duly sworn, testified as follows on behalf of the applicant: (Examination by the Commission)

Q What is your name? A Francis M. Brooks.

Q What is your age? A 57.

Q What is your post office address? A Vaughan, Hill County, Texas.

Q Are you an applicant for identification as a Mississippi Choctaw?

A Yes.

Q Are you acquainted with Haud L. Russon, who has just made application?

A Yes.

Q What relation to you is she if any? A My niece, daughter of P. W. Brooks.

Q Of your brother? A Yes.

Q She claims her Choctaw blood through the same common ancestor that you do? A Yes.

Q What is that ancestor's name? A Thomas Kelley is the one.

Q What relation is Julia Ann Brooks to this applicant? A Her grand mother.

Q Was Julia Ann Brooks a married woman and the head of a family in 1830? A No.

Q Are you the oldest one of your mother's children? A Oldest one of the boys.

Q How old is the oldest of your mother's children? A Sixty years of age
 Q Do you know when Julia Ann Brooks was married? A I think she was married in 1833.
 Q Did Thomas Kelley go to the Indian agent there in Mississippi within six months after the treaty of 1830 was ratified and tell him that she wanted to stay? A We don't know that. We know that he died back there.
 Q In Mississippi? A Mississippi or Alabama; we heard that he died in Mississippi and some of his family moved to the present Choctaw Nation
 Q Is there any other fact that you know of that would be material to this case about which you haven't been asked? A No I don't know of any other fact which would be material to this applicant any more than has been already stated.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

(Witness)

Subscribed and sworn to before me this 25th of September, 1901.

David Shelby
 Notary Public.

Muskogee, Indian Territory, October 3rd, 1901.

Messrs. Galloway & Heflin,
Attorneys at Law,
Sherman, Texas.

Gentlemen:-

Receipt is hereby acknowledged of your letter of September 30th, with which you enclose marriage certificate between E. L. Hanson and Maud L. Brooks, offered for filing in support of the application of Maud L. Brooks for the identification of herself and her minor children as Mississippi Choctaws, which application you state was made on September 24th, 1901.

In reply to your letter you are advised that as does not appear from our records that any person by the name of Maud L. Brooks has applied for identification as a Mississippi Choctaw. It does appear however, that on September 24th, 1901, Maud L. Hanson, daughter of Erice W. and Armina J. Brooks, and wife of Robert L. Hanson, appeared before the Commission at Atoka, Indian Territory, and applied for the identification of herself and her minor children as Mississippi Choctaws.

The marriage certificate above named has been filed with the other records in this case. If this is not correct kindly

Sub No. 2.

to advise the Commission.

Yours truly,

No. C. 3620.

Muskogee, Indian Territory, June 16, 1902.

Maud L. Russom,

Attie, Indian Territory.

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 3368
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 V. Brooks, et al.,	" 3360
Christopher C. Brooks, et al.,	" 3371
Andrew J. Brooks, et al.,	" 3372
Ambrose A. Brooks, et al.,	" 3373
Julia M. McConnell, et al.,	" 3416
Christopher C. Bomberger, et al.,	" 3417
Lee Gustus Bomberger, et al.,	" 3418
William Ryly Brooks, et al.,	" 3495
John E. Brooks, et al.,	" 3496
James A. Brooks, et al.,	" 3497
Minnie L. Kennedy, et al.,	" 3618
Mary A. Cunningham, et al.,	" 3619
Maud L. Russom, et al.,	" 3620
Iola A. Moore, et al.,	" 3726
Richard M. Brooks, et al.,	" 3807
John M. Brooks, et al.,	" 4091
Minnie A. McMenamy, et al.,	" 4092
Charles L. Brooks,	" 4093
Nancy Arvey Wisinger, et al.,	" 4360
Robert A. Brooks,	" 4361
Willie Blackwell,	" 4362

These application 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 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, Bertie Ethel Burnett, Rebecca Jane Harding, Harvey L. Harding Frank J. Harding, Sarah L. McClendon, Mary Ella Graham, Ella A. Graham, Anna L. J. Bomberger, Hamilton B. Brooks, Mary Ann Brooks, Lyman M. Brooks, Tuley 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, Charles 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, Mattie E. Brooks, Minnie F. Brooks, Mattie L. Brooks, Gracie L. Brooks, Julia M. McConnell, Walter McConnell, Fannie Elizabeth McConnell, Essie McConnell, Roger McConnell, Lee McConnell, Floyd McConnell, Avie McConnell, Christopher M. Bomberger, Harvey C. Bomberger, Gracie E. Bomberger, Lee Gustus Bomberger, Basil Lee Bomberger, Cha May Bomberger, Othal Paul Bomberger, Ava Price Bomberger, William Ryly Brooks, Fessie Brooks, Alice Brooks, Susie Brooks, Willie Brooks, Luther Brooks, John M. Brooks, Wile Brooks, Dovey Brooks, Henry Brooks, Ellen Brooks, James A. Brooks, Roy Brooks, Samuel Brooks, Winnie L. Kennedy, Anna Pauline Kennedy, Eunice P. Kennedy, Mary A. Cunningham, Miss Cunningham, Joseph M. Cunningham, Maud L. Russon, Grever C. Russon, Albert C. Russon, Eula C. Russon, Iola A. Moore, Burt Moore, Annie B. Moore, Edie C. Moore, Cora A. Moore, Richard M. Brooks, Foy H. Brooks, John M. Brooks, W.L.

M L R #3

Brooks, Minnie A. McMenary, Lorena McMenary, Reba McMenary, -- McMenary (infant unnamed), Charles L. Brooks, Nancy Ervey 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."

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

Registered.

Acting Chairman.

COPY.

V C R 3620

Muskogee, Indian Territory, October 17, 1902.

Haud L. Russon,

Atlee, 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,

SIGNED

Acting Chairman.

For Identification as a Mississippi Check.

Date SEP 24 1901

Name Maud L. Russom

Age 24 Blood ~~1/2~~ 1/16

Post Office, Atlee, L.T.

Father: Price W. Brooks ✓

Mother: Arminia J. Brooks ✓

Claims through father

husband, Robert L. Russom
(No claim for him)

Children:

Grover C. Russom 8

Robert L. " 6

Eula M. " 4

Claims for self and 4 children

Stenographer

Charles von Heise

Choctaw MCR 3621

William S. Eaves

See MCR 203

MCR 3621

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 23rd, 1901.

In the matter of the application of William S. Eaves for the identification of himself, his wife and two minor children as Mississippi Choctaws.

Said William S. Eaves, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A William S. Eaves.
Q What is your age? A Thirty-two.
Q What is your postoffice address? A Selma, Alabama.
Q Have you any street address there? A Yes sir, #111 Water Street.
Q How long have you lived at Selma? A Lived there two years.
Q Where did you live before that? A Birmingham.
Q How long have you lived in Alabama? A All my life.
Q Born there? A Yes sir.
Q Where were you born? A In Chilton County.
Q What part of the State is that? A Twenty-two miles from Selma.
Q Which direction? A About northeast. Eaves.
Q What is your father's name? A My father's name was John ~~XXXXXX~~.
Q Is your father living? A No sir.
Q What is your mother's name? A Emily A. Eaves.
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood? A No ther.
Q How much Choctaw blood has your mother? A One-eighth, according to the statements.
Q Is your father a white man? A Yes sir.
Q Was your mother ever recognized in any manner as a member of the Choctaw Tribe of Indians either in Mississippi or Indian Territory? A No sir.
Q How much Choctaw blood do you claim? A I suppose that would make me about one-sixteenth.
Q Are you married? A Yes sir.
Q What is your wife's name? A Elizabeth F. Eaves.
Q How old is she? A She is thirty.
Q Making any claim for your wife? A Yes sir.
Q Has your wife Choctaw blood? A Yes sir, same as myself; her mother and my mother were sisters.
Q You and your wife claim through the same common ancestor? A Yes sir.
Q What is our wife's father's name? A Marcus M. Hooks.
Q Is your wife's father living? A Yes sir.
Q What is your wife's mother's name? A Susan Hooks.
Q Is she living? A No sir.
Q Through which one of her parents does your wife derive her Choctaw blood? A Her mother.
Q How much Choctaw blood do you claim for your wife? A One-sixteenth.
Q When were you married? A I was married in 1892.
Q Has your wife always been a resident of the State of Alabama?
A Yes sir.

- Q Never has lived anywhere else? A Always lived in this State until she was about three years old.
- Q Born in Mississippi? A Yes sir.
- Q Where? A I don't know what part of Mississippi it was.
- Q You say that your mother and your wife's mother were full sisters? A Yes sir.
- Q Who was their mother? A Their mother was Mrs. Elise Martin.
- Q Who was their father? A James Martin.
- Q Which one of their parents was a Choctaw? A Their father.
- Q Have you any children under 21 years of age and unmarried for whom you desire to make application? A Yes sir, two.
- Q What are their names and ages? A Mary Lue.
- Q How old is she? A Five years old.
- Q Next one? A Pierson L.
- Q How old is he? A Three.
- Q You are the father of both these children? A Yes sir.
- Q Is Elizabeth Hayes, your present wife, the mother of both these children? A Yes sir.
- Q These children are both living with you at your home? A Yes sir.
- Q Always have lived with you? A Yes sir.
- Q You and your wife were married in 1892? A Yes sir.
- Q Married under a license? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir, they are recorded at the court house.
- Q You can obtain a copy? A Yes sir.

It will be advisable that you file a copy of your marriage license and certificate with the Commission as evidence of your marriage to Elizabeth Hayes.

- Q Have you, your wife or your two children ever been enrolled as members of the Choctaw Tribe of Indians in Indian Territory? A No sir, not that I know of.
- Q Have you ever lived there? A No sir.
- Q Have you or has anyone for you or for your wife or children ever made application to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.
- Q In 1896, under the Act of Congress approved June 10, 1896, this Commission was empowered to hear and determine original applications for citizenship in the Choctaw Nation--did you or anyone for you or for your wife or children make application to this Commission for citizenship in the Choctaw Nation at that time? A No sir.
- Q Have you or your wife or children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities by the Commission to the Five Civilized Tribes or by a judgment of the United States Court in Indian Territory? A No sir.
- Q Have you or your wife or anyone for you or your wife or children ever, prior to this time, made any application of any description to either the Tribal authorities of the Choctaw Nation or to the duly constituted authorities of the United States for citizenship in the Choctaw Nation in Indian Territory? A No sir.
- Q This is the first application you have ever made of any description? A Yes sir.
- Q Do you now appear before this Commission for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself, your wife and your two children under the provisions of the 14th article of the treaty between the United States and the Choctaw Nation concluded September 27th, 1830? A Yes sir.

William S. Eaves et al---3

Q Are you familiar with the 14th article of the treaty of 1830?

A No sir.

Q Have you read it? A No sir.

The treaty of 1830 was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw Tribe of Indians then residents of portions of the States of Mississippi and Alabama. The purpose of the treaty was to secure the removal of the Choctaw Indians from the territory then occupied by them to some territory west of the Mississippi River. Negotiations were entered into between the Government of the United States and the Choctaw Nation looking to the ratification of the treaty, providing for the removal of the Choctaws from this territory, but it was found impossible to adopt any treaty that did not provide for the protection of those Choctaws who desired to remain in Mississippi and Alabama and not remove to the Indian Territory. For the benefit of those Indians who desired to remain, there was incorporated in the treaty of 1830 an article, or a clause, which was known as the 14th article and which 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 This is the 14th article as incorporated in the treaty ratified 71 years ago. Do you understand this? A Yes sir.

Q Were any of your ancestors members of the Choctaw Tribe of Indians here in Mississippi or Alabama and recognized as such at the time this treaty was ratified? A I don't know. I suppose they was. Bound to have been or there wouldn't have been any Indian blood in me.

Q Who of your ancestors were indians? A As far back as we have it is Martha Moore.

Q Who was Martha Moore? A She was the mother of James Martin.

Q How old is your mother? A My mother is about fifty-seven I suppose.

Q How long has James Martin been dead? A About 22 or 23 years.

Q How old was he when he died? A I suppose he was in the neighborhood of 55 or 60.

Q You say his mother's name was Martha Moore? A Yes sir.

Q And she was also the grandmo ther of your wife's mother Susan Hooks? A Yes sir.

Q Have you any evidence of the fact that Martha Moore or James Martin were in 1830 recognized members of the Choctaw Tribe of Indians here in Mississippi? A No sir, I have not.

Q Where were they living in 1830? A They were living in Alabama I suppose.

Q Where in Alabama? A Their old home was in Chilton County.

Q What part of the State of Alabama is that in? A That is about 22 miles from Selma.

Q In what part of the State? A In the Southern part of Alabama.

Q Was the County of Chilton, Alabama, within the limits of the Choctaw Nation in Alabama and Mississippi in 1830? A I don't know, sir. It used to be Dallas County at the time my grandfather and all settled there.

Q Where did they come from? A I don't know.

Q Did Martha Moore or James Martin or any of your ancestors, through whom you claim your right to identification as Mississippi Choctaws ever own any improvements on land in the old Choctaw Nation in the States of Mississippi or Alabama at the time of the ratification of the treaty of 1830? A Not that I know of.

Q Have you any evidence of the fact that any of your ancestors ever complied in any manner or attempted to comply with the provisions of the 14th article of the treaty of 1830 between the United States and the Choctaw Nation? A No sir.

Q Did any of your ancestors remove from the Choctaw Nation in Mississippi and Alabama to the Indian Territory at the time of the removal of the Choctaw Tribe between 1833 and 1838? A Not that I have any record of.

Q Any of your ancestors ever live in the Choctaw Nation in Indian Territory? A I don't know. Don't think they have.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 signify to the United States Indian Agent of the Choctaws in Mississippi their intention to take advantage of the provisions of the 14th article of the treaty and remain here and become citizens of the United States and receive the benefits under that article of the treaty? A Not that I know of.

Q Are you making any claim by reason of any other provisions of the treaty of 1830 than the 14th article? A No sir.

In accordance with the provisions of the 14th article of the treaty of 1830 the United States Government directed an Agent of the Choctaw Indians in Mississippi to prepare ~~and register~~ a registry of the names of those Choctaws who signified their intention, within six months after the ratification of the treaty of 1830, to remain here and become citizens of the United States and take advantage of the provisions of that article of the treaty. The records of the Government show that that Agent failed to register and report the names of many Choctaws who really did signify to him their intention to take advantage of the provisions of the treaty. On this account and in many instances the land on which Choctaws had improvements and which they desired reserved for them under the 14th article of the treaty of 1830 was sold by the Government at its public land sales and the Choctaws were deprived of their possessions. This action of the Government caused complaint by the Indians here in Mississippi and Alabama

and the matter was brought to the attention of Congress and a resolution was enacted and approved March 3, 1837, providing for the appointment of a Commission whose duty it was to proceed to Mississippi and hear the testimony of such Indians as claimed rights under the 14th article of the treaty of 1830. This Commission was appointed and proceeded to Mississippi and heard a few of these applicants. In the time allotted by the Act of Congress under which they were appointed, they were unable to hear all those who desired to present their claims. This Commission reported to the Secretary of War or to Congress and a resolution was enacted and approved August 23, 1842, providing for another Commission to hear and determine the rights of these applicants under the 14th article of the treaty of 1830. This second Commission proceeded to Mississippi and heard a large number of claimants.

Q Did any of your ancestors appear before either of the United States Indian Agent within six months after the ratification of the treaty, or before either of these Commissions, one appointed under act of Congress approved ~~under Act~~ March 3rd, 1837, and the other under Act of August 23, 1842, and attempted to establish their rights as beneficiaries under 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 fully determined that a Choctaw had complied with all the provisions of this article of the treaty but that his land had been sold by the Government, he should be entitled to a selection of land from the public domain of the United States in the States of Mississippi, Alabama, Arkansas or Louisiana, and that a certificate to this effect should be given the claimant. These certificates were called scrip.

Q Did any of your ancestors or your wife's ancestors ever receive any scrip from the Government of the United States under this act of Congress of August 23, 1842? A I don't know.

Q So far as you know, were any of your ancestors in any manner ever recognized members of the Choctaw Tribe of Indians? A No sir.

Q Have you any witnesses here who could testify as to the citizenship of your ancestors in Mississippi in 1830? A No sir, not here; I could get them though.

Q When? A I don't know as I could get them here or not but I could get them at Plantersville.

Q What I want to know is--have you any witnesses who could testify to the fact that your ancestors were recognized members of the Choctaw Tribe of Indians in the Choctaw Nation in Mississippi and Alabama at the time of the treaty of 1830--do you know of any witnesses who could testify to that? A Yes sir, I know of them.

Q Who can testify as to the fact of any of your ancestors being recognized members of the Tribe here in Mississippi and Alabama at the time this treaty was ratified in 1830? No sir.

Q Have you any written evidence of any description, copies of records, deeds or patents or any proper documentary evidence, showing in any manner that your ancestors were ever recognized members of the Choctaw Tribe of Indians? A No sir.

William S. Hayes et al---6

Q Do you know of the existence of any documentary evidence of any description in any wise showing that your ancestors were recognized members of the Choctaw Tribe of Indians in Mississippi or Alabama?

A Not that I know of.

Q Do you desire to offer documentary evidence at any time in the future? A Yes, perhaps I might find them.

Reasonable time will be granted in which you will be allowed to offer written evidence in support of your application. The Commission will also hear the testimony of such witnesses as you may desire to present in person provided such testimony is offered within a reasonable time.

Q Is there anything further you wish to say in support of this application? A No sir.

Q Have you any relatives who have ever appeared before this Commission as applicants for identification as Mississippi Choctaws?

A Yes sir, when the Commissioners were here a few months ago.

Q They appeared here during the year 1901? A Yes sir.

Q Did they claim through this same common ancestor, Martha Moore?

A Yes sir.

Q What are their names and relationship to you? A My mother's brother David Martin and then I have one of my mother's sisters Martha Wright; then there is Marion Martin, a cousin of mine, and Mack Martin.

Q What relation is he to you? A My cousin. Then there is Sally Milling.

Q All these people claim their rights through the same common ancestor as you do? A Yes sir.

Q All of them the descendants of James Martin? A Yes sir.

Q You want their testimony to be considered in connection with your application? A Yes sir.

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

Q Have you any knowledge of it? A None whatever.

This applicant has all the appearance and characteristics of a white person. He has no knowledge of the Choctaw language or of any compliance by his ancestors with the provisions of article 14 of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 24th day of September, 1901, at Meridian, Mississippi.


Notary Public.

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

ALLISON L. AYLESWORTH
SECRETARY

COPY.

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

William S. Eaves,
Selma, Ala.

Dear Sir:

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

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

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

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

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

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

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

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

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

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

Yours truly,

(SIGNED) *James Dinby.*

Registered.

Acting Chairman.

K.S.R. 3621

COPY.

Muskogee, Indian Territory, November 12, 1902.

William S. Cross

211 Water Street,

Okla., Muskogee,

Dear Sir:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan E. Tipton, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

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

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

William S. Evans,
111 Water Street,
Selma, Alabama.

Dear Sir:

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

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

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

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

W.S.E., -2-

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

Respectfully,

Chairman.

Muskogee, Indian Territory, December 21, 1903.

William S. Evans,
111 Water Street,
Selma, Alabama.

Dear Sir:

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

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

Respectfully,

Chairman.

COPY

MCR-3621

Muskogee, Indian Territory, January 17, 1907.

William S. Eaves,
111 Water Street,
Selma, Alabama.

Dear Sir:-

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

Respectfully,

SIGNED

Cam Bixby.

Commissioner.

FOR REGISTRATION AS A MISSISSIPPI CHIEFLAW.

Date SEP 22 1901

Name William S. Caves.

Age 32. Blood 1/16.

Post Office Selma, Ala.

Father: John J. Caves. ^{#111 Natus et natus} dead

Mother: Emily A. Caves. ✓

Claims through mother.

WIFE: Elizabeth J. Caves. 30. 1/16

FATHER: Marcus M. Hooks. - ✓

MOTHER: Susan Hooks - dead
Claims through mother

Children:

Mary Lue Caves 5.

Persow L. " 3.

(Children blood 1/16).

Claims for self, wife and two children.

Stenographer

Ira S. Viles

Choctaw MCR 3622

Rebecca Lue Hooks

See MCR 203

MCR 3622

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 23rd, 1901.

In the matter of the application of Rebecca Lue Hooks for the identification of herself and her minor sister as Mississippi Choctaws.

Said Rebecca Lue Hooks, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Rebecca Lue Hooks.
Q How old are you? A Twenty-seven.
Q What is your postoffice address? A Stonewall, Alabama.
Q Where were you born? A In Mississippi.
Q Where? A I don't know what county-it was near Verona in Leake County.
Q How long did you live in Mississippi? A I came from there when I was a baby.
Q Where did you go? A To Plantersville, Alabama.
Q Lived there ever since? A Yes sir, within twenty miles from there.
Q Never have lived in the Choctaw Nation Indian Territory? A No sir.
Q What is your father's name? A Marcus Monroe Hooks.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Susan Hooks.
Q Is your mother living? A No sir.
Q Are you a full sister to the wife of William S. Hayes who made application here today for the identification of himself and his wife and children as Mississippi Choctaws? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A Mother.
Q How much Choctaw blood did your mother have? A One-eighth, I think.
Q Was she ever recognized in any manner as a member of the Choctaw Tribe of Indians in Mississippi or in the Choctaw Nation Indian Territory? A I don't know.
Q Did your mother ever live in the Choctaw Nation in Indian Territory? A No sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Hooks.
Q Is he any relation to you? A First cousin.
Q Has he any Choctaw blood? A No sir, I claim Choctaw blood from my mother.
Q Are you making any claim for him? A No sir.
Q Have you any children? A No sir.
Q Are you claiming for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know, sir.
Q Have you ever made application to the Choctaw Tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q In 1896, under the Act of Congress approved June 10, 1896, this Commission was empowered and authorized to receive and determine original applications for citizenship in the Choctaw Nation --did

you or did anyone for you at that time make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal authorities, by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you or has anyone for you ever, prior to this time, made an application of any description to either the Choctaw Tribal authorities or to the duly constituted authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q This is the first application that you have ever made or that has ever been made for you of any description? A Yes Sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory as a beneficiary under the provisions of article 14 of the treaty between the United States and the Choctaw Tribe of Indians concluded September 27th, 1830? A Yes sir.

Q Do you understand what that 14th article of the treaty of 1830 is? A I don't believe I do.

Prior to 1830 the Choctaw Nation occupied lands in the States of Mississippi and Alabama. The United States Government was desirous of opening up these lands for settlement to the citizens of the United States and was desirous of removing the Choctaw Indians from the territory then occupied by them to some territory West of the Mississippi River. A Commission was appointed to negotiate with the Indians, looking to their removal from the territory then occupied by them to some country in the far west. It was found impossible to make any treaty that was satisfactory to the Choctaw Indians that did not provide for the protection of those members of the Tribe who did not desire to remove with their brethren to the western country but who wanted to remain ~~ix~~ on the land that had been allotted to them here in Mississippi and become citizens of the United States. For the purpose of the protection of this class of members of the Choctaw Tribe there was incorporated in the treaty, that was afterwards ratified on September 27, 1830, a provision known as article 14 and which 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; ~~x~~ 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." The treaty of 1830 was ratified, together with this 14th article, and the Commission to the Five Civilized Tribes is now empowered by a provision of the act of Congress of June 28, 1898, to hear and determine applications of those persons claiming rights in the Choctaw lands in Indian Territory under the provisions of this 14th article of the treaty of 1830.

Q Do you understand that? A Yes sir.

Q Did any of your ancestors live here in Mississippi or Alabama in the territorial limits of the old Choctaw Nation at that time that this treaty was ratified and were they recognized members of the Choctaw Tribe at that time? A Martha Moore lived in Alabama.

Q Who is she? A She is my grandfather, Martin's mother.

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

Q What was her maiden name? A Susan Martin.

Q Who did she derive her Choctaw blood from? A Her father.

Q What was his name? A James Martin.

Q What relation was this Martha Moore to James Martin? A His mother.

Q Your mother's grandmother-your great-grandmother? A Yes sir.

Q Was Martha Moore a recognized member of the Choctaw Tribe of Indians here in Mississippi or Alabama at the time this treaty of 1830 was ratified? A Yes sir.

Q How do you know? A I think there is a witness at Plantersville, a Mr. Davis, that knew her.

Q What is his full name? A Andrew Davis. He knew her to be of the Tribe of Choctaw Indians.

Q Did he know her to be a recognized member of the Tribe and can or can he only testify to the fact that she had the appearance of a Choctaw Indian and that he considered her a Choctaw? A I think that he knew she was a Choctaw Indian.

Q Where was Martha Moore living in 1830-71 years ago? A I don't know.

Q Do you know anybody that could tell that? A No sir, unless Mr. Davis could.

Q Where was he living 70 years ago? A Up here in Alabama where he lives now. He is a very old man.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of 1830? A Not that I have any knowledge of.

Q Have you any evidence of any description showing that any of your ancestors, and especially Martha Moore or James Martin, were recognized members of the Choctaw Tribe of Indians in 1830 or at any time subsequent thereto? A No sir.

Q Did any of your ancestors, if recognized members of the Choctaw Tribe, remove from the territorial limits of 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 Tribe between the years 1833 and 1838? A I don't know, sir.

Q You or your mother, you say, have never lived in the Choctaw Nation in Indian Territory? A No sir.

Q Did your grandfather, James Martin, ever live there? A No sir.

Q Did Martha Moore ever live there? A No sir, she always lived in Plantersville, Alabama.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the United States Government under the 14th article of the treaty of 1830? A I have no knowledge of such.

Q Did any of your ancestors own any improvements on land in the Choctaw Nation in Mississippi or Alabama at the time of the treaty of 1830? A I don't know.

In accordance with the provisions of the 14th article, of the treaty of 1830, the Government directed the United States Agent of the Choctaws in Mississippi to register the names of those Indians who desired to remain here and become citizens of the States. The records of the Government show that he failed to perform his duty and did not report to the Government the names of all the Choctaws who did signify to him their intention to so remain. On this account and in many instances the land belonging to the Choctaw Indians was sold by the Government at its land sales and the Choctaws were deprived of their possessions. This action on the part of the United States Government ~~caused~~ caused much complaint by the Choctaws and the matter was brought to the attention of Congress and on March 3rd 1837 Congress passed an act providing for the appointment of a Commission to go to Mississippi and hear these claimants and from the evidence they might present ascertain whether or not such applicants or claimants were entitled to rights under this 14th article of the treaty of 1830. This Commission acted and reported to the Secretary of War or to Congress the names of a few claimants whose rights they had considered. The time in which they were empowered to act having expired, Congress on August 23, 1842, provided by resolution for the appointment of a second Commission. This Commission also had authority to hear the cases of such Choctaws as claimed that they had complied with the provisions of the 14th article of the treaty of 1830. This Commission came to Mississippi and heard a large number of claimants.

Q Did any of your ancestors appear before either the United States Indian Agent within six months after the ratification of the treaty of 1830 or before either of these Commissions, the one appointed under the Act of Congress of March 3, 1837, or the one appointed under the act of Congress of August 23, 1842, and attempt to establish their rights as beneficiaries under article 14 of the treaty of 1830? A I have no knowledge of it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that any claimant was entitled to privileges under article 14 of the treaty of 1830 but that his land had been sold by the Government, that such claimants should be entitled to select land out of the public domain of the United States in the States of Mississippi, Alabama, Arkansas or Louisiana and that a certificate to that effect should be given such claimant. These certificates were called scrip.

Q Did any of your ancestors ever receive, from the United States Government, any scrip under this Act of Congress of August 23, 1842?

A I have no knowledge of it.

Q Have any of your ancestors ever received any benefits in any manner as members of the Choctaw Tribe of Indians? A I don't know.

Q Do you know of any witnesses who could testify in any manner as to any recognition of your ancestors as members of the Choctaw Tribe of Indians? A I don't know of anyone unless Mr. Davis.

Q Could you have him appear here in person? A I don't think I could.

Q How would you desire to submit his testimony? A I can go before the justice of the peace there at Plantersville and have him swear to it.

Q Have you any documentary evidence of any description, any written testimony, affidavits, depositions, copies of records, deeds or patents, or any papers, showing that any of your ancestors were recognized members of the Choctaw Tribe in Mississippi in 1830?

A No sir.

Q Do you know of the existence of any records that would establish this fact? A No sir.

Q Do you desire to offer any written evidence in support of your application at a later date? A I would like to if I could.

You will be allowed a reasonable time to offer proper written evidence in support of your application; the Commission will also hear the testimony of such witnesses as you may desire to present in person in support of your claim.

Q Is there any additional statement you desire to make at this time? A None that I know of. I have a little sister I would like to make application for. She is only six years old. Her mother is dead. Her father is living and he could make application for the child, I suppose.

Q Is her father a white man? A Yes sir.

Q Is she a full sister of yours? A Yes sir.

Q And derives her Choctaw blood through her mother who is dead?

A Yes sir.

Q What is the child's name? A Eliza Dorcas Hooks.

Q Her claim is identical with yours? A Yes sir.

Q Claim through the same common ancestor? A Yes sir.

Q What is her age? A Seven years old.

Q Have you any relatives, the descendants of the same common ancestor who have appeared before this Commission as applicants for identification as Mississippi Choctaws? A Yes sir.

Q What are their names and their relationship to you? A I have an uncle, my mother's brother, David Martin. I have a cousin Mrs. Sally Carroll.

Q She is your full cousin? A Yes sir.

Q Go ahead? A My mother's sister, Mrs. Martha Wright.

Q So ahead? A Cousin James Wright, my cousin Mitchell Wright and my mother's uncle John Martin. One of his sons Dr. Tom Martin.

Q All these people have in person been before the Commission during its appointments in Mississippi this present year? A Mrs. Carroll came early this year. I don't know where they went to.

Q You desire that the testimony of these applicants be considered at the time your application is considered and be made a part of your application? A Yes sir.

Rebecca Lue Hooks et al---6

Q All of these people are the descendants of Martha Moore and James Martin? A Yes sir, this Mr. John Martin is my mother's own cousin.

Q Can you speak the Choctaw language? A No sir.

Q Have you any knowledge of it? A No sir.

The applicant in this case makes application for herself and her sister Eliza Dorcas Hooks. The applicant has the appearance and characteristics of a white person. She is unable to understand and has no knowledge of the Choctaw language and has no knowledge of any compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Ira S. Niles

Subscribed and sworn to before me this the 25th day of September, 1901, at Meridian, Mississippi.

[Signature]
Notary Public.

COPY.

COMMISSIONERS

HENRY L. DAWES
TAMS BIRBY
THOMAS B. NEEDLES
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, April 21, 1902.

Rebecca Lue Hooks,

Stonewall, Ala.

Dear Madam:

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

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

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

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

“The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows :

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

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

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

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Susan J. Tippit for the identification of her husband, James A. Tippit, the application made by Alva N. Tippit for the identification of his wife, Edna Tippit, and the application made by John R. Tippit for the identification of his wife, Dora Tippit, as intermarried Mississippi Choctaws, should be refused, and it is so ordered."

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

Yours truly,

(SIGNED) *Tamo Dixby.*

Registered.

Acting Chairman.

Y.C.R. 3622

Muskogee, Indian Territory, November 12, 1902.

Rebecca Lue Hooks,

Stonewall, Alabama.

Dear Madam:

You are hereby advised that on the 1st day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Susan J. Tippit, et al., of which decision you were advised by registered mail on the 21st day of April, 1902.

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

Respectfully,

Sam Bixby.

Acting Chairman.

Muskogee, Indian Territory, December 21, 1903.

Rebecca Lue Hooks,
Stonewall, Alabama.

Dear Madam:-

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

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

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

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

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

Respectfully,

Chairman.

COPY

MOR-3622

Muskogee, Indian Territory, January 17, 1907.

Rebecca Lus Hooks,
Stonewall, Alabama.

Dear Madam:-

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

Respectfully,

Tams Bixby.

Commissioner.

1409

No. 3022

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name Rebecca Lue Hooks.

Age 27. Blood 1/16.

Post Office, Stonewall, Ala.

Father: Marcus M. Hooks. - ✓

Mother: Susan Hooks - dead.

Claims through mother.

HUSBAND: William Hooks.
(no claim for husband).

Children: Child of Marcus & Susan Hooks.
Eliza Marcus Hooks 7.
(sister of applicant; same
parentage).

Claims for self and her
sister

Stenographer

Ira S. Niles.

Choctaw MCR 3623

Jim Loyd

See MCR 3699, 3700, 3701

MCR 3623

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jim Loyd, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of-

Jim Loyd, et al.,	M C R 3623
Candis Mack,	" 3699
Johnny Lloyd, et al.,	" 3700
Eddie Lloyd, et al.,	" 3701

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

Original application of Jim Loyd, et al., to the Dawes Commission for iden- tification as Mississippi Choctaws.....	1
Testimony of Dick Jones.....	5
Testimony of Will Walker.....	6
Original application of Candis Mack to the Dawes Commission for identification as a Mississippi Choctaw.....	9
Original application of Johnny Lloyd, et al., to the Dawes Commission for identification as Mississippi Choctaws.....	16

Marriage license and certificate of John Lloyd and Lula Bass.....	23
Original application of Eddie Lloyd, et al., to the Dawes Commission for identification as Mississippi Cheestaws.....	24
Testimony of Dick Jones.....	30
Testimony of Will Walker.....	34
Decision of the Commission refusing the ap- plications in the consolidated case of Jim Lloyd, et al., for identification as Missis- sippi Cheestaws.....	57

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES?
Meridian, Mississippi, September 23rd, 1901.

In the matter of the application of Jim Loyd for the identification of himself and five minor children as Mississippi Choctaws.

Said Jim Loyd, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Jim Loyd.
Q How old are you? A A bout forty.
Q Where do you live? A At Edwards.
Q Is that your postoffice address? A Yes sir.
Q What State is that in? A Mississippi.
Q In what County? A Hinds County.
Q How long have you lived in Mississippi? A All my days. I was bred and born in Newton County.
Q What is your father's name? A John Loyd.
Q Is your father living? A No sir, he is dead.
Q What is your mother's name? A Mandy Loyd.
Q Is your mother living? A No sir.
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.
Q How much Choctaw blood did your mother have? A She was half.
Q What other blood did she have? A Negro.
Q Was she ever a slave? A Yes sir.
Q What nationality was your father? A He was negro.
Q Was he a slave? A Yes sir.
Q Have you ever been a slave? A I was born a slave.
Q How much Choctaw blood do you claim? A That would make me a quarter, my mother is half.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lizzie Loyd.
Q Is she living? A Yes sir.
Q Making any claim for her? A No sir, not for my wife.
Q Is she a negro? A Yes sir.
Q Where did you marry her? A In Hinds County.
Q When? A About 21 years ago.
Q Marry under a license? A Yes sir.
Q Preacher marry you? A Yes sir.
Q Have you your marriage license and certificate with you? A No sir, but I have got it at home.
Q Have you any children under 21 years of age and unmarried for whom you desire to make application? A Yes sir.
Q How many of them? A Five.

It will be necessary that evidence of your marriage to the mother of these children be submitted and made a part of the application made in their behalf.

- Q Is Lizzie Loyd the mother of all these children? A Yes sir.
Q What is the name and age of your oldest child? A Ada Loyd.
Q How old is she? A She is about eighteen.
Q Next? A Mamie.
Q How old is she? A About fifteen.
Q Next one? A Anna.

Jim Loyd et al---2

Q How old? A She is about thirteen.

Q Next one? A Jim Jr.,

Q How old? A Twelve.

Q Next? A Eva.

Q How old? A Seven years old.

Q Is that all of them? A Yes sir.

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

Q Is Lissie Loyd the mother of all five of them? A Yes sir.

Q These children live with you? A Yes sir.

Q You and your wife live together as husband and wife? A Yes sir.

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

Q Have you or has anyone for you or for your children ever made application to the Choctaw Nation in Indian Territory to be admitted to citizenship there? A No sir.

Q In 1896 by an act of Congress approved June 10, 1896, this Commission was empowered to hear and act upon original applications for citizenship in the Choctaw Nation - did you or did anyone for you or for your children make application to this Commission at that time? A No sir.

Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.

Q Have you or has anyone for you or for your children ever, prior to this time, made an application of any description to either the Choctaw Tribal authorities in Indian Territory or to the authorities of the United States for citizenship in the Choctaw Nation? A No sir.

Q Is it your purpose in now appearing before this Commission to claim rights in the Choctaw lands in Indian Territory for yourself and your five minor children under the provisions of the 14th article of the treaty of 1830? A Yes sir.

Q Do you know what the 14th article of the treaty of 1830 provided? A No sir.

The treaty of 1830 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 the time this treaty was made the Choctaw Indians occupied territory in portions of the States of Alabama and Mississippi and the United States Government was desirous of removing the Indians from this section of the country to some territory west of the Mississippi River. Negotiations were entered into by Commissioners on the part of the United States and the Chiefs of the Choctaw Tribe but it was found impossible to negotiate any treaty satisfactory to the Indians that did not provide for the protection of those members of the Tribe who desired to remain in Mississippi and take their allotment here. When the treaty was finally ratified, article 14 was inserted in the treaty for the protection of these Indians who desired to remain. Article 14 is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey

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~~ 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 14th article of the treaty required that a Choctaw who did not intend to remove from Mississippi to the present Choctaw Nation in Indian Territory should signify his intention to the Indian Agent within six months after the 27th day of September, 1830, of remaining here and becoming a citizen of the United States.

Q What was the name of your Choctaw ancestor who lived here in Mississippi in 1830-71 years ago and who was recognized as a member of the Choctaw Tribe of Indians at the time this treaty was ratified?

A The father of my grandmother-his name was Tubbee Indian.

Q Who was this Tubbee Indian? A My mother's father.

Q Have you any evidence of the fact that he was a recognized member of the Choctaw Tribe of Indians here in 1830? A That is what they told me.

Q Have you any evidence-how do you know he was a recognized member of the Choctaw Tribe here in 1830? A That is what they all said.

Q How do you know it? A My mother always told me he was an Indian.

Q Did you ever see him? A No sir.

Q How do you know that Lizzie Loyd is his child? A My mother always told me so. She told me so when she was bound in slavery.

Q Was this Tubbee Indian a full blood Choctaw? A Yes sir.

Q Is that all the name you ever heard that he had? A Yes sir.

Q Do you know what the meaning ~~in~~ of the word "ancestor" is?

A No sir.

Q Your ancestors are the people that you descended from, your father, mother, grandfather, grandmother-people that you are directly descended from. Were any of your ancestors in any manner ever recognized here as members of the Choctaw Tribe of Indians in 1830? A Yes sir.

Q Who was recognized-which one of your ancestors? A I don't know, sir.

Q Do you know anything about your ancestors 71 years ago? A No sir.

Q Did any of your ancestors comply or attempt in any manner to comply with the provisions of this 4th article of the treaty of 1830? A I don't know, sir.

Q Do you know the availability of any witness who could testify as to any compliance by your ancestors with this provision of the treaty? A No sir, I don't know of anybody.

Q Did any of your ancestors remove from Mississippi to the Indian Territory between 1833 and 1838 when the Choctaw Indians were moved west by the United States Government? A No sir, none of them moved.

Q Did any of them ever receive any land or any benefits whatever from the United States?

Jim Loyd et al---4

from the United States Government? A No sir.

Q Did any of your ancestors ever own an improvement on land situated in the old Choctaw Nation in Alabama or Mississippi in 1830?

A I don't know, sir.

In accordance with the provisions of the 14th article of the treaty of 1830 the United States Government directed the Agent of the Choctaw Indians here in Mississippi to receive and make a record of the intention of those members of the Tribe who did, within six months after the ratification of the treaty, signify to him their intention of remaining here and becoming citizens of the United States instead of going west when the Tribe was moved between 1833 and 1838. The records of the Government show that the Indian Agent failed to do this and only reported to the War Department a few of the names of those Choctaws who did in reality signify their intention to remain. On this account, in many instances, the land on which the Choctaw had improvements and which they desired reserved for them under this article of the treaty, was sold by the United States Government and its public land sales and the Choctaws were deprived of their possessions. This matter was brought to the attention of the Government and in 1837, March 3, 1837, Congress appointed a Commission to come here to Mississippi and hear the claims of those Choctaws and the testimony of such witnesses as they wanted to present, claiming that they had lost their land at public land sales and that they were entitled to benefits under this 14th article of the treaty. In 1842 on August 23, 1842, another Commission was authorized by Act of Congress and this Commission came here to Mississippi and heard a number of claims.

Q Did any of your Choctaw ancestors ever appear before either of these Commissions, the one appointed by act of Congress of March 3, 1837, and the other under act of Congress of August 23, 1842 and attempt to establish their rights as Choctaw Indians entitled to benefits under this 14th article of the treaty of 1830? A Not as I know of.

The Act of Congress of August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of the 14th article of the treaty of 1830 but that his land had been sold by the Government, he should be entitled to a selection of land from the public domain of the United States in the States of Alabama, Mississippi, Arkansas or Louisiana. When his claim had been settled, the Government issued him scrip or a certificate which would entitle him to such selection.

Q Did any of your ancestors ever receive any scrip-any of these certificates, that were issued by the Government in 1842 entitling him to select land in one of these four States? A No sir.

Q Have you any evidence of the fact that any of your ancestors were in any manner ever recognized or considered as members of the Choctaw Tribe of Indians either in Mississippi or in Indian Territory? A No sir.

Jim Loyd et al---5

Q Do you know of any witnesses who could testify materially to any recognition by any of your ancestors as Choctaw Indians? A Yes sir, two old gentlemen over there.

Dick Jones being called to testify on behalf of this applicant and being first duly sworn, states as follows:-

Examination by the Commission.

- Q What is your name? A Dick Jones.
Q How old are you? A Seventy-seven.
Q Where do you live? A Newton County, Mississippi.
Q What is your occupation? A Farming.
Q How long have you lived in Mississippi? A I was raised in Mississippi.
Q Born here? A No sir.
Q Where were you born? A In North Carolina.
Q How old were you when you came here? A I don't know, sir-about nine years old.
Q Then you are seventy-seven now? A Yes sir.
Q About nine or ten years old when you came here? A Yes sir.
Q Do you claim any rights as an Indian? A No sir.
Q Are you a negro? A Yes sir.
Q You have been a slave? A Yes sir.
Q Do you know this man Jim Loyd? A Yes sir.
Q Did you know his mother? A Yes sir.
Q What was her name? A Manda Lewis.
Q What was her father's name? A Tubbee.
Q What was his full name? A Mashula Tubbee.
Q How do you know that Mashula Tubbee was his father? A That is what they said.
Q Do you know of your own knowledge that Mandy M Lewis, the mother of this man was the daughter of Mashula Tubbee? A I have always believed it.
Q Do you know that this man Jim Loyd is the grand-son of this Choctaw Indian Mashula Tubbee? A Yes sir.
Q How do you know it? A By what I was told.
Q Who told you? A His grandmother told me.
Q Somebody told you? A Yes sir.
Q Tell me what you personally know? A I am going by what his mother said.
Q How do you know it? A I only know what she said.
Q Do you know that this Mandy Lewis was the daughter of Mashula Tubbee? A That is what she told me.
Q Do you know of your own personal knowledge? A No sir.
Q Did this Mandy Lewis look like an Indian? A Yes sir.
Q Do you think this man looks like an Indian? A His hair shows it.
Q Did you ever see this man Mashula Tubbee? A Yes sir, many times-didn't live very far from him.
Q What was his wife's name? A I don't know his wife's name.
Q Who was the mother of this woman Mandy Lewis? A It was a woman named Sarah Lewis.
Q How do you know that Mashula Tubbee was the father of Mandy Lewis? A That is what they tell me.

Jim Loyd et al---6

- Q Was Sarah Lewis the wife of this Indian Mashula Tubbee? A She took up with him.
- Q How do you know that Mandy Lewis was the daughter of Mashula Tubbee? A That is what Sarah Lewis said.
- Q Did these people always live in Mississippi since you have known them? A Yes sir.
- Q How long had you been in Mississippi when you first knew them? A I had been here a long time.
- Q About how old were you? A I was a man grown-about 16 years old.
- Q You are seventy-seven now? A Yes sir.
- Q Do you remember when the Indians moved from Mississippi? A Yes sir.
- Q How old were you then? A I don't remember.
- Q How long had you been here when the Indians moved away? A I couldn't tell you how long.
- Q About how long? A I was a good big boy.
- Q Did any of this man Jim Loyd's people go with the Indians to the Indian Territory? A I couldn't say.
- Q Did Mashula Tubbee go to Indian Territory? A He died here in Mississippi.
- Q Where did he die? A At Ponty.

Witness excused.

Will Walker being called to testify on behalf of this applicant and being first duly sworn, states as follows:

Examination by the Commission.

- Q What is your name? A Will Walker.
- Q What is your age? A Ninety-one or ninety-two.
- Q What year were you born in? A I couldn't tell you now. I was a right smart boy when the stars fell.
- Q Where do you live? A Close to line of Lauderdale and Newton.
- Q What is your postoffice address? A Chuney's Station.
- Q What is your occupation? A Farmer.
- Q Where were you born? A In North Carolina.
- Q When did you leave there? A When I was about seven years old.
- Q Do you know what year it was you came to Mississippi? A No sir.
- Q About how old were you when you came here? A I was a seven year old boy.
- Q You don't make any claim to Indian blood-do you? A No sir.
- Q You are a negro? A Yes sir.
- Q You have been a slave? A Yes sir.
- Q Do you know this boy Jim Loyd? A I don't know, sir, much about him but I know his mother and father.
- Q How was it you know his mother and father if you don't know him? A About the time they married he went away.
- Q What was his mother's name? A Mandy Lewis.
- Q How do you know this is the son of Mandy Lewis? A He was born at Chunkey and he went off from there.
- Q How long has it been since you have seen him? A Directly after the surrender.
- Q You didn't see him after the surrender until when? A One day last week.

Jim Loyd et al---7

Q And yet you can identify this man Jim Loyd, whom you haven't seen for 35 years, as the child of Mandy Lewis? A He has got the favor of her.

Q How long has Mandy Lewis been dead? A Four or five years.

Q Did Mandy Lewis look like a Choctaw? A Yes sir.

Q How long did you know her? A Since she was a baby.

Q What was her father's name? A Indian Tubbee.

Q Is that the only name you ever knew him to have? A Yes sir.

Q How do you know that Mandy Lewis was the daughter of Indian Tubbee? A I saw him with Mandy a time or two.

Q What was Mandy's mother's name? A Sarah Lewis.

Q When did you first know these people? A I was about thirteen or fourteen years old.

Q Was that before the Indians moved from Mississippi? A No sir, some of them was here and some wasn't. The principal part of them was gone.

Q Can you recollect about what year it was that you first knew them? A No sir.

Q Did this Indian Tubbee and Sarah Lewis live together as man and wife? A No sir, they didn't live together.

Q Did Sarah Lewis ever live with any other man beside Indian Tubbee? A Yes sir.

Q How do you know then that Mandy Lewis was this Indian's child?

A She had children before she tied up with the Indian and they didn't favor.

Q Was Sarah Lewis a slave? A Yes sir.

Q Mandy Lewis was a slave? A Yes sir.

Q Did you know John Loyd? A Yes sir.

Q Was John Loyd and Mandy Lewis married? A Yes sir.

Q Do you know this boy to be the son of Mandy Lewis? A He says he is the child of Mandy.

A Witness excused.

Jim Loyd recalled.

Examination by the Commission.

Q Have you any documentary evidence, any affidavits, depositions, copies of records, or any papers showing that your ancestors were in any manner ever recognized as Choctaw Indians or considered as members of the Tribe? A No sir.

Q Can you speak the Choctaw language? A No sir.

Q Do you understand it? A No sir.

Q Have you any knowledge of it at all? A No sir.

The Commission will grant you a reasonable time in which to offer any documentary evidence that you may desire in support of our application. The testimony of such witnesses as you may desire to present in person, provided they present themselves within a reasonable time, will also be heard.

Q Have you any relatives, any brothers or sisters or any descendants of this Indian Tubbee who have appeared before the Commission this year and made application for identification? A No sir.

This applicant has all the appearance of a negro, shows

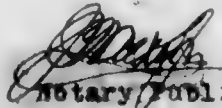
Jim Loyd et al---8

none of the characteristics or traces of Choctaw blood, is unable to speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of 1830.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 25th day of September, 1901, at Meridian, Mississippi.



Notary Public.

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

C. W.

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

Jim Loyd, et al.,	M C R 3623
Gandis Mack,	• 3699
Johnny Lloyd, et al.,	• 3700
Eddie Lloyd, et al.,	• 3701

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

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission, by Jim Loyd for himself and his five minor children, Ada,
Mamie, Anna, Jim Jr., and Eva Loyd; by Gandis Mack for herself;
by Johnny Lloyd for himself and his five minor children, Lucy Ann,
Addie Lee, Nevelle, Clara Belle and Cordelle Lloyd, and by Eddie
Lloyd for himself and his two minor children, Lucile and Charley
Lloyd, under the following provision of the act of Congress ap-
proved June 28, 1898 (30 Stats., 495):

(2).

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

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 Tubbee Indian, or Wa-shu-la Tub-bee, or Indian Tubbee, or Shubbe Tubbee, or Tobbee, or Shu-le Tub-bee, 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 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).

From an examination of the records in the possession of the Commission, it is found that the name of one Tubbee appears on page 402, Volume I, of the Claimant's Brief and Evidence in the Case of the Choctaw Nation vs. United States, before the Court of

(3).

Claims, number 12742, in "A Tabular Statement of cases arising under the fourteenth article of the Treaty of Dancing Rabbit Creek adjudicated by the Board of Commissioners constituted by the act of Congress of 23rd of August, 1842", as the child of Ahn-to-nah under ten years of age at date of treaty, and by reference to page 661, Volume I, of said record, the name of Tubbee, a child one year of age at date of treaty, appears in affidavit number 239, made by its mother, Ahn-to-nah, and following which is the statement that claimant Ahn-to-nah "Had a husband named Jones, a white man, at the treaty. He died before the annuity and she applied as the head of a family at that time to the Agent Ward to have her name and her child's registered for the five years stay." But there is nothing either in the said record or in the evidence submitted herein, tending to show that the Tubbee through whom these applicants claim, is the identical Tubbee whose name appears in the record cited, and 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 one by the name of Tubbee Indian, or Wa-shu-la Tub-see, or Indian Tubbee, or Shubbe Tubbee, or Tobbee, or Shu-le Tub-see, 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 adjudi-

cate 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 the Commission that the evidence herein is insufficient to determine the identity of Jim Loyd, Ada Loyd, Mammie Loyd, Anna Loyd, Jim Loyd, Jr., Eva Loyd, Candis Mack, Johnny Lloyd, Lucy Ann Lloyd, Addie Lee Lloyd, Nevelle Lloyd, Clara Belle Lloyd, Cordelle Lloyd, Eddie Lloyd, Lucile Lloyd and Charley Lloyd 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.

Acting Chairman.

Commissioner.

Commissioner.

Muskegee, Indian Territory,

OCT 13 1902

Muskogee, Indian Territory, October 13, 1902.

Jim Loyd,
Edwards, Mississippi.

Dear Sir:

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

Jim Loyd et al.,	M C R 3623
Cardis Mack,	M C R 3699
Johnny Lloyd et al.,	M C R 3700
Eddie Lloyd et al.,	M C R 3701.

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 the Commission that the evidence herein is insufficient to determine the identity of Jim Loyd, Ada Loyd, Mamie Loyd, Anna Loyd, Jim Loyd, Jr.,

J L 2

Eva Loyd, Candis Mack, Johnny Lloyd, Lucy Ann Lloyd, Addie Lee Lloyd, Novelle Lloyd, Clara Belle Lloyd, Cordelle Lloyd, Eddie Lloyd, Lucile Lloyd and Charley Lloyd as Choctaw Indians entitled 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.

Muskogee, Indian Territory, October 13, 1902.

Manfield, 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 Jim Loyd et al., embracing the following applications for identification as Mississippi Choctaws:

Jim Loyd et al.,	M C R 3623
Gandis Mack,	M C R 3699
Johnny Kloyd et al.,	M C R 3700
Eddie Kloyd et al.,	M C R 3701.

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 the Commission that the evidence herein is insufficient to determine the identity of

M.Me. & C.---2

Jim Loyd, Ada Loyd, Mamie Loyd, Anna Loyd, Jim Loyd, Jr., Eva Loyd, Candie Mack, Johnny Lloyd, Lucy Ann Lloyd, Addie Lee Lloyd, Novelle Lloyd, Clara Belle Lloyd, Cordelle Lloyd, Eddie Lloyd, Lucile Lloyd and Charley Lloyd as Choctaw Indians entitled 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,

Commissioner in Charge.

COPY

M C R 3623

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 Jim Loyd, 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:

Jim Loyd, et al.,	M.C.R. 3625
Candis Mack,	" 3699
Johnny Lloyd, et al.,	" 3700
Eddie Lloyd, et al.,	" 3701

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

Respectfully,

[Signature]

[Signature]
Acting Chairman.

Through the
Commissioner of Indian Affairs.

1 inclosure.

DEPARTMENT OF THE INTERIOR.

EAF.

Washington.

ITD. 7589-1902.
L.R.S.

December 13, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 29, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Jim, Ada, Mamie, Anna, Jim Jr., and Eva Loyd; of Candis Mack; of Johnny, Lucy Ann, Addie Lee, Novelle, Clara Belle and Cordelle Lloyd; and of Eddie, Lucile and Charley Lloyd.

All of the applicants claim to be descendants of one Tubbee Indian, or Wa-shu-la Tub-see, or Indian Tubbee, or Shubbe Tubbee, or Tobbee, or Shu-le Tub-see, who is 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 the alleged ancestor of the applicants, or any of the applicants themselves, 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 13, 1902.

-2-

Forwarding the papers December 5, 1902, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed herewith.

Having carefully considered the entire record, and finding no reason to modify your decision, it is hereby affirmed.

Respectfully,

(Signed) THOS. RYAN.

Acting Secretary

1 inclosure.

Land, 65300-1902.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, Dec. 5, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, for your consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Jim Loyd for himself and his five minor children, Ada, Maudie, Anna, Jim Jr., and Eva Loyd; Candis Mack for herself; Johnny Lloyd for himself and his five minor children, Lucy Ann, Aldie Lee, Novelle, Clara Belle and Cordelle Lloyd, and Eddie Lloyd for himself and his two minor children, Lucile and Charley Lloyd, wherein a decision adverse to the applicants was rendered by the Commission on October 13, 1902.

The testimony in this case shows that the parties base their claims to identification as Mississippi Choctaws under this application because of their descent from an Indian whose name is given veriously as Shulitubbee, Shubbe-tubbee, Mashula-tubbee, Tubbee (Indian) and his wife, Sarah Lewis, a slave, and Mandy Lewis, their daughter, also a slave, who, they claim, were Choctaw Indians and residents of the Choctaw Nation, in Mississippi, at the time of the making of the Choctaw treaty of 1830.

The commission rejected these parties because the names of their ancestors through whom they claim did not appear among the

names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicants themselves had never been enrolled as citizens of the Choctaw Nation.

An examination has been made of the records of this office with reference to the names of the different parties from whom these applicants claim descent, and it is discovered that neither their names, nor any names similar to them, appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

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

Very Respectfully,

W. A. Jones,

Commissioner.

(E.B.H.)
P.

M.C.R. 3623

COPY

Muskogee, Indian Territory, December 31, 1902.

Jim Loyd,

Edwards, Mississippi.

Dear Sir:

You are hereby notified that on the 13th 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 Jim Loyd, et al., of which decision you were advised by registered mail on the 13th day of October, 1902.

Respectfully,

Thomas H. Brown
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 31, 1902.

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

Gentlemen:

You are hereby notified that on the 13th 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 Jim Loyd, et al., of which decision you were advised by mail on the 13th day of October, 1902.

Respectfully,

Acting Chairman.

Consolidated Case
of
Jim Loydeta,

REFER TO M. C. R. 3623

Indian Tubbee
 { or Mashula Tubbee
 or Tubbee, or Tobbee
 or Shuletubbee
 married
 Sarah -
 - a slave -

Mandy Lewis - dead
 (Choc + negro)
 married
 John Lloyd - (negro)
 (or L Lloyd)

mech
 3/1/5
 Jim Lloyd 40 1/4
 wife
 Lizzie Lloyd - negro

Ada Loyd 18
 Manie Loyd 15
 Anna Loyd 13
 Jim Loyd Jr. 12
 Eva Loyd 7

map
 3/1/5
 Caudis Loyd 34 1/4
 married
 Charley Mack - negro

Johnny Lloyd 30 1/4
 married
 Lula Bass

Lucy Ann Lloyd 7
 Addie Lee Lloyd 5
 Novelle Lloyd 3
 Clara Belle Lloyd 1
 Cordelle Lloyd 1

map
 3/1/5
 Eddie Lloyd 26 1/4
 wife
 Annie Lloyd

Lucile S. Lloyd 3
 Charley Lloyd 1

#1410

No. 3023

For Identification as a Mississippi Choctaw.

Date SEP 23 1901

Name Jim Loyd.

Age 40 Blood 1/4

Post Office, Edwards, Miss.

Father: John Loyd - dead.

Mother: Mandy Loyd - dead.

Claims through mother.

WIFE: Lizzie Loyd. ✓
(no claim for wife).

Children:

- Ada Loyd. 18.
- Mamie " 15.
- Anna " 13.
- Jim Jr " 12.
- Eva " 7.

Claims for self and 5 children.

Stenographer

Ira S. Niles

Choctaw MCR 3624

Ellen Russell

MCR 3624

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

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In the matter of the application of Ellen Russell, et al., for identification as Mississippi Choctaws, M O R 3624.

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

	Page.
Original application of Ellen Russell, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Testimony of Will Walker in behalf of applicants	5
Decision of the Commission refusing the application of Ellen Russell, et al., for identification as Mississippi Choctaws	7

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 23rd, 1901.

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

Said Ellen Russell, being first duly sworn, testified as follows:-

Examination by the Commission.

- Q What is your name? A Ellen Russell.
- Q What is your age? A I was born in the year of the surrender.
- Q About 36 years old, are you? A Yes sir.
- Q Where do you live? A Edwards, Hinds County, Mississippi.
- Q How long have you lived in Mississippi? A I don't know, sir. They carried me away from here a baby.
- Q Where were you born? A In Chunkey.
- Q How old were you when you went away from here? A They tell me I was about three or four years old.
- Q Have you ever been out of the State of Mississippi? A No sir.
- Q What is your father's name? A I just don't know what my father's name was.
- Q What is your father's name? A Steve Lewis.
- Q Is he living? A No sir.
- Q What is your mother's name? A Elizabeth Lewis.
- Q Is your mother living? A No sir.
- Q Through which one of your parents do you derive your Choctaw blood? A My mother.
- Q You don't get any from your father? A I claim through my mother.
- Q What was your father? A I don't know, sir. Nigger I reckon.
- Q Was he a slave? A Yes sir.
- Q Was your mother ever a slave? A Yes sir.
- Q How much Choctaw blood did your mother have? A They said she was half.
- Q How much Choctaw blood do you claim? A I don't know, sir, exactly.
- Q How much do you claim? A One-fourth I reckon.
- Q Was your mother ever recognized in any manner or did she ever receive any benefits as a Choctaw Indian? A No sir.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Napoleon B. Russell.
- Q Is your husband a negro? A Yes sir.
- Q Did he have any Choctaw blood? A I don't know, sir.
- Q Are you making any claim for him? A No sir.
- Q Where did you marry him? A I married him in Hinds County.
- Q When were you married? A About eighteen years ago.
- Q Did you marry under a license? A Yes sir.
- Q Preacher married you? A Yes sir.
- Q Have you your marriage license and certificate with you? A No sir, I haven't got it with me.
- Q Have you any children? A Two.
- Q Both of them under 21 years of age and unmarried? A Yes sir.
- Q Is either of them married? A No sir.
- Q What is the name and age of the oldest one? A Ardelia Russell.
- Q How old is she? A Twelve years old.

- Q Next one? A Arterburry Russell.
Q How old is he? A Six years old.
Q Are you the mother of both these children? A Yes sir.
Q Napoleon B. Russell the father? A Yes sir.
Q You and your husband live together? A Yes sir.
Q These children live with you? A Yes sir.
Q Have you or your children ever been enrolled as citizens in the Choctaw Nation in Indian Territory? A No sir.
Q Have you or has anyone for you at any time ever made application to the Choctaw Tribal authorities in Indian Territory for citizenship in that Nation? A No sir.
Q Five years ago, in 1896, this Commission was authorized by an act of Congress approved June 10, 1896, to receive, consider and act upon original applications for citizenship in the Choctaw Nation--did you or did anyone for you or for your children make an application to this Commission at that time? A No sir.
Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by the Choctaw Tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No sir.
Q Have you or has anyone for you or for your children in any manner prior to this time ever made any application to either the Choctaw authorities or to the duly constituted authorities of the United States for citizenship in the Choctaw Nation? A No sir.
Q This is the first application that you have ever made or an one has ever made for you of any character? A Yes sir.
Q It is now your purpose to make application for benefits in the Choctaw Nation in Indian Territory as a Mississippi Choctaw? A Yes sir.

The only authority vested in this Commission to in any manner hear or consider applications of so-called Mississippi Choctaws is contained in a provision of the 21st section of the Act of Congress of June 28, 1896, which provides that said Commission is authorized to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 between the Choctaw Nation and the United States Government, concluded September 27th 1830, and 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 treaty of Dancing Rabbit Creek or the treaty of 1830 was entered into in Mississippi between the United States Government and the Choctaw Indians who then occupied a territory in parts of the states of Mississippi and Alabama, and this treaty provided for the removal of the Choctaw Indians from that territory to some territory west of the Mississippi River. It was found impossible to enact any treaty that did not provide for the protection of those Choctaws who did not want to move west, but wanted to stay here in Mississippi or Alabama and receive the lands here and become citizens of the United States. When the treaty was ratified article 14 was incorporated and made a part of it 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 for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That is the 14th article of the treaty of 1830 as ratified between the Choctaw Tribe and the United States Government 71 years ago. Do you understand it? A Yes sir.

Q What was the name of your Choctaw ancestor who resided here in Mississippi and was recognized and considered as a member of the Choctaw Tribe of Indians at the time this treaty was ratified?

A I just don't know what their name was.

Q Your mother's name was Elizabeth Lewis? A Yes sir.

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

Q What was her maiden name? A I don't know. She belonged to white folks.

Q How old a woman was she when she died? A I don't know.

Q How long has she been dead? A I don't know.

Q Do you know anything about your Choctaw ancestors? A No more than what old heads told me.

Q Have you any witnesses here that can testify to your having Choctaw blood? A There was an old gentleman in the room here.

Q Did any of your ancestors ever comply or attempt to comply with the provisions of the 14th article of the treaty of 1830?

A No sir.

Q Did any of your ancestors go to the Indian Agent of the Choctaws here 71 years ago? A No sir.

Q Did any of your people 71 years ago own any improvements on land in the Choctaw Nation in Mississippi? A Never has.

Q Did any of your ancestors—that is the people you descended from—remove from the State of Mississippi or Alabama to the Indian Territory, the Choctaw Nation in Indian Territory, at the time the Indians were removed, between 1833 and 1836? A No sir.

Q Do you know whether any of your ancestors in any manner ever received any benefits or have ever been recognized as members of the Choctaw Tribe of Indians? A No sir, they never has.

In accordance with the provisions of the 14th article of the treaty of 1830 the United States Indian Agent of the Choctaws in Mississippi was directed by the United States Government to make a roll of those Choctaws who had signified their intention to remain here and become citizens after the ratification of the treaty. At the expiration of the six months it developed that there still remained in Mississippi numerous Choctaws of whom the Government had no record. On this account and in many

instances land on which these Choctaws had improvements and which they desired reserved for them under this 14th article of the treaty of 1830 was sold by the Government of the United States at public land sales. This action of the Government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress. Legislation was enacted and approved March 3, 1837, providing for the appointment of a Commission to go to Mississippi and hear the claims of those persons who might have rights under this 14th article of the treaty of 1830 and make report to the Secretary of War or to Congress. This Commission acted, and on August 23, 1842, a subsequent Commission was appointed to further hear and determine the claims of these persons. Both of these Commissions reported to Congress the names of numerous persons entitled to benefits under article 14 of the treaty of 1830.

Q Did any of your ancestors appear before either one of these Commissions, one appointed under Act of March 3, 1837, and the other under Act of August 23, 1842, and attempt to establish their rights as beneficiaries under the 14th article of this treaty? A No sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the 14th article of the treaty but that his land had been sold by the Government he should be entitled to select land from the public domain of the United States, in the States of Mississippi, Alabama, Arkansas or Louisiana. Certificates to this effect were given to these claimants whose rights were adjudicated.

Q Did any of your ancestors, any of your people from whom you derive your Choctaw blood, ever receive any scrip or any of these certificates from the United States Government under this Act of Congress? A No sir, never has.

Q So far as you know, have any of your ancestors in any manner ever been recognized as Choctaw Indians either in Mississippi or in Indian Territory? A No sir.

Q Have you any witnesses here who you desire to present in support of your application? A Yes sir.

Will Walker, being first duly sworn and being called to testify on behalf of this claimant, states as follows:-

Examination by the Commission.

Q What is your name? A Will Walker.

Q What is your age? A About 91 or 92.

Q Where do you live? A Close to Chunkey Station.

Q How long have you lived in Mississippi? A I don't know, sir, been here a long time.

Q About how long? A I couldn't tell you exactly.

Q How old were you when you came here? A About seven years old.

- Q Where did you come from? A North Carolina.
- Q Were you a slave? A Yes sir.
- Q Have you got any Indian blood? A No sir.
- Q Do you know this woman Ellen Russell? A I have seen her a heap of times.
- Q What do you know about her mother? A All that I know, all of the people around at that time said that her mother was a half Indian; not that I know of myself but that is what they all say.
- Q What was her mother's name? A Lucy Lewis.
- Q When was the last time you saw her? A I saw her two or three years after the surrender.
- Q How old a woman was she then? A I couldn't tell you; she was getting along in years.
- Q Did she speak the Choctaw language? A Some of it.
- Q What do you mean by that? A She could talk some.
- Q Did she look like a Choctaw? A Her hair and color looked like Indian.
- Q How do you know that Ellen Russell is the daughter of Lucy Lewis? A No more than seeing them there together on the plantation.
- Q Did you know Lucy or Elizabeth Lewis' parents? A No sir.
- Q Was Elizabeth a Lewis a slave? A Yes sir.
- Q Did you know Steve Lewis? A Yes sir.
- Q Did he have any Choctaw blood? A No sir.
- Q Was he a slave? A Yes sir.
- Q Did you know anything about this girl's people except her father and mother? A No sir, I don't. I only know what the people say.
- Q You remember that before this applicant came here a man by the name of Jim Loyd was an applicant a few minutes ago and you testified about his grandfather and grandmother? A Yes sir.
- Q This woman Ellen Russell says she is the first cousin of Jim Loyd. They must have had the same grandfather and grandmother. Do you know anything about that? A No sir, I know his grandmother.
- Q But that is not this woman's grandmother? A No sir.

Witness excused.

Ellen Russell recalled.

Examination by the Commission.

Q Have you any documentary evidence, any papers, anything in writing, copies of records or old deeds, patents, or anything showing anything about your people being Choctaw Indians? A No sir, I haven't.

Q Do you desire to offer any such evidence in future- do you think that you can get evidence to prove that your people were recognized members of the Choctaw Tribe at any time? A I don't know, sir, whether I can or not.

Reasonable time will be granted this applicant to file documentary evidence in support of this application and also for the introduction of such witnesses in person as she may desire.

- Q Do you speak the Choctaw language? A No sir.
- Q Do you know anything about it? A No sir.

Ellen Russell et al---6

Q Have you any brothers or sisters or any other members of your family who have appeared and made application to this Commission claiming as descendants of some common ancestor? A No sir, none but me.

Q Have you any additional statements you want to make at this time in support of your application? A No sir, I don't believe there is.

The applicant in this case has none of the characteristics or features of a Choctaw Indian. She has no knowledge whatever of the Choctaw language or of any compliance on the part of her ancestors with the provisions of the 14th article of the treaty of 1830.

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 23rd, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.


Subscribed and sworn to before me this the 25th day of September, 1901, at Meridian, Mississippi.


Notary Public.

Y.A.S.
C.W.

COPY.

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

In the matter of the application of Ellen Russell, et al.,
for identification as Mississippi Choctaws, M.C.R. 3624.

---: 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 Ellen Russell for herself and her two minor children, Ardelia and Arterburry Russell, 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 Elizabeth (or Lucy) Lewis, who is alleged to have been a half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Elizabeth (or Lucy) Lewis 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 Ellen Russell, Ardelia Russell and Arterburry Russell as Choctaw Indians entitled to rights in the Choctaw lands under the provis-

less of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Bixby.

Acting Chairman.

T. B. Needles.

Commissioner.

T. B. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 5 1902

COPY.

M.C.R. 3624

Muskogee, Indian Territory, December 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Russell, 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 Ellen Russell, Ardelia Russell and Arterburry Russell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

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

Respectfully,

(SIGNED).

Fame Birby.

Acting Chairman.

COPY.

H.O.N. 3624

Muskogee, Indian Territory, December 5, 1902.

Ellen Russell,

Edwards, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ellen Russell, 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 Ellen Russell, Ardelia Russell and Arterburry Russell as Choctaw Indians entitled 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

Ellen Russell - 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

James D. Smith

Acting Chairman.

Registered.

Muskogee, Indian Territory, December 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Ellen Russell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 5, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the

Commissioner of Indian Affairs.

Acting Chairman.

Enc. M. C. R. 3624.

D.C. 9427-1903.
I.T.D. 2902-1903.
L.R.S.

E.A.F.
COPY

DEPARTMENT OF THE INTERIOR
WASHINGTON.

March 24, 1903.

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

Gentlemen:

December 22, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ellen Russell and her minor children, Ardelia and Arterburry Russell, including your decision of December 3, 1902, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Elizabeth (or Lucy) Lewis, who is alleged to have been a half blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Elizabeth Lewis 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 26, 1903, 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 record in the case, and finds no reason to modify your decision. It is, therefore, affirmed.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

Land
76104-1902

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Feb. 26, 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 Ellen Russell for herself and her two minor children, Ardelia and Arterburry Russell, 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 as Mississippi Choctaws under this application on their descent from Elizabeth or Lucy Lewis, the principal applicant's mother, who, it is alleged, was one-half blood Choctaw. The applicants do not know the name of their ancestor who lived in the Choctaw Nation in 1830, nor if any ancestor complied or attempted to comply with the provisions of the 14th article of said treaty.

The Commission rejected the applicants December 5, 1902, because the name of Elizabeth or Lucy Lewis through whom they claim does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of

said treaty, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

As the applicants were unable to give the name of an ancestor who was a resident of the Choctaw Nation in 1830, the office has been unable to make an examination of its records as to whether they had such an ancestor, and therefore the only examination it was able to make in this case was with reference to the principal applicant's mother, who they do not claim was a resident of the nation in 1830 and complied with the provisions of the Choctaw treaty of that date, whose name does not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty.

These being the facts, it is respectfully recommended that the decision of the Commission rejecting the parties hereto be approved.

Very respectfully,

(Signed)

A. C. TONNER,

Acting Commissioner.

C.T.C.(S)

Muskogee, Indian Territory, March 31, 1903.

Ellen Russell,

Edwards, Mississippi.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Russell, et al., of which decision you were advised by registered mail on the 5th day of December, 1902.

Respectfully,

Tamm
Chairman.

M.C.R. 3624

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ellen Russell, et al., of which decision you were advised by mail on the 5th day of December, 1902.

Respectfully,

Jams Dixby.

Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 23 1901
Name Ellen Russell.

Age 36. Blood 1/4.

Post Office, Edwards, Miss.

Father: Steve Lewis - dead.

Mother: Elizabeth Lewis - dead.

Claims through mother

HUSBAND: Napoleon B. Russell.

(no claim for husband).

Children:

Arabella Russell 12.

Arterbury " 6.

Claims for self and two children.

Stenographer

Ira S. Miles.

Received one copy of testimony
in mCR 36 re Ellen Russell et al

J. H. [unclear]

Choctaw MCR 3625

Polly Young

See MCR 4709, 4708, 4710
4707, 4711

MCR 3625

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

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

Pollie Young, et al.,	M C R 3625
Millie Potts, et al.,	M C R 4709
Alexander Young, et al.,	M C R 4708
Belle Nero, et al.,	M C R 4710
Willie Potts, et al.,	M C R 4707
James Young,	M C R 4711

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

	Page.
Original application of Pollie Young, et al., to the Dawes Commission for identification as Mississippi Choctaws	1
Affidavit of W. C. Porter	6
Affidavit of J. S. Smith	7
Original application of Millie Potts, et al., to the Dawes Commission for identification as Mississippi Choctaws	8
Certified copy of affidavit of W. C. Porter	13
Certified copy of affidavit of J. S. Smith	14
Original application of Alexander Young, et al., to the Dawes Commission for identification as Mississippi Choctaws	15

Certified copy of affidavit of J.S. Smith	20
Certified copy of affidavit of W. C. Porter	21
Original application of Belle Nero, et al., to the Dawes Commission for identification as Mississippi Choctaws	22
Certified copy of affidavit of W. C. Porter	27
Certified copy of affidavit of J. S. Smith	28
Original application of Willie Potts, et al., to the Dawes Commission for identification as Mississippi Choctaws	29
Affidavit of Pollie Young	35
Certified copy of affidavit of J.S. Smith	36
Certified copy of affidavit of W. C. Porter	37
Original application of James Young to the Dawes Commission for identification as a Mississippi Choctaw	38
Certified copy of affidavit of J. S. Smith	43
Certified copy of affidavit of W. C. Porter	44
Decision of Commission denying the applications of Pollie Young, et al., Willie Potts, et al., Alexander Young, et al., Belle Nero, et al., Willie Potts, et al., and James Young for identification as Mississippi Choctaws	46

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 25, 1901.

3625

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

Applicant not represented by attorney.

Polly Young being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Polly Young is my name.
Q What is your age? A I could not hardly tell you, I am fifty going on sixty. I am may be fifty-one or fifty two. Our bible got burned.
Q Well you think about fifty-two? A Yes I guess I am about that.
Q What is your post-office address? A Denison.
Q Texas? A Yes.
Q How long have you lived in Texas? A I lived there five miles from Denison and have lived there eighteen or fifteen years.
Q Where did you live before you lived near Denison? A All up and down the Red River.
Q In the State of Texas? A Yes.
Q Have you always lived in Texas? A Yes ever since I came here from Tennessee.
Q Where were you born? A In middle-Tennessee.
Q You know what town? A Nashville was the County seat.
Q How old were you when you left Tennessee? A Going on thirteen.
Q And have lived in Texas ever since? A Yes.
Q What is your father's name? A George Williams.
Q Is he living? A No sir he is dead. My mother is dead too.
Q What was her name? A Hannah George. I am named after her, her husband's name was William George.
Q Well you said George Williams which is right? A That is right.
Q Through which parent do you claim Choctaw blood? A My grandmother.
Q George or Hannah Williams? A My mother.
Q How much Choctaw blood did she claim to have? A One-half.
Q One-half Choctaw? A Yes.
Q What was the other half? A Chickasaw.
Q Was not your mother Hannah part negro? A Yes.
Q How could she be one-half Choctaw, one-half Chickasaw and part negro? A No answer.
Q Did your mother Hannah have any negro blood? A One-half negro and one-half Choctaw or Chickasaw.
Q Was your mother Hannah a slave before the War? A Yes sir.
Q She was a slave was she? A Yes sir.
Q What was your father's blood? A My father was colored.
Q All colored? A Yes sir.
Q He was a full blood negro? A No he was mixed but I could not tell you what mix it was.
Q Was he a slave before the War? A Yes sir.
Q How much Choctaw blood do you claim to have? A One-quarter or so I don't know.
Q Now you say you don't know whether mother was Choctaw or Chickasaw? A No sir.
Q What have you heard about that? A My grandmother told me my

mother was one half.

- Q One-half what? A One-half Choctaw.
- Q As far as you know then you have been taught in the family that your mother was one-half Choctaw? A Yes sir.
- Q How did you get the idea that it may have been Chickasaw? A I don't know.
- Q You came here to claim identification as a Mississippi Choctaw? A Yes sir.
- 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 my mother.
- Q Are you married? A Not now.
- Q Your husband is dead? A Yes sir.
- Q What was his name? A Alfred Young?
- Q Was he a negro? A Yes sir.
- Q Have you any children for whom you want to make application at this time, under twenty-one years of age and unmarried? A Only one.
- Q What is the name of that child? A Effie Young.
- Q How old is she? A Sixteen.
- Q She is not married? A No sir.
- Q Is Alfred Young the father of this child? A Yes sir.
- Q When and where were you married to Alfred Young? A In Clarksville.
- Q In Texas? A Yes sir.
- Q Were you married by a minister and under alienage? A Yes sir.
- Q You remember what date you were married? A No sir.
- Q You can't recall the date? A No sir.
- Q You claim for yourself and this child? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory or is the name of your child on any of these rolls? A No sir not only by my grandmother. I never was in it. I could not call for all the balance of them eleven children. No just this one they will have make for themselves.
- Q Did you ever make application to the Choctaw tribal authorities to have yourself or your child admitted or enrolled as members of the Choctaw tribe of Indians? A No sir.
- Q Did you or did any one for you or your daughter in 1896 under the act of Congress of June 10th 1896 make application for citizenship in the Choctaw Nation to the commission to the Five Civilized Tribes? A No sir.
- Q Have you been admitted to citizenship in the Choctaw Nation, either you or your child by authority of the Choctaw tribe, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No sir this is my first trial.
- Q Is this the first time you have ever made application to any authority for citizenship in the Choctaw Nation for yourself and daughter? A Yes sir.
- Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws, yourself and your daughter, under the provisions of the fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
- Q You understand that article? A No sir.

Article fourteen of the treaty of eighteen hundred and thirty is a part or subdivision of that treaty, which was made between the United States and the Choctaw Indians. An article in a treaty is a part of the treaty and all articles are numbered. This treaty was made between the United States and the Choctaw Indians for the purpose of getting all the Choctaw Indians who lived in Mississippi and Alabama to remove from these two states and go to the Choctaw Nation Indian Territory. Before the treaty was signed it e

became apparent that a great many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was put in the treaty. 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 no you understand that now? A No I don't understand the question right.
- Q Well you can hear? A Yes sir.
- Q You claim under that article? A Yes.
- Q You think you understand it well enough to claim under it? A A Yes I understand that.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? No sir, I don't know.
- Q Were any of your ancestors if Choctaw Indians living in Mississippi or Alabama in the year eighteen hundred and thirty when this treaty of Dancing Rabbit Creek was ratified and if so were they heads of families at that time? A I could not tell you.
- Q What ancestor do you claim your right now to be identified through A My grandmother.
- Q What was her name? A Sarah.
- Q Sarah what? A Sarah Cochran.
- Q That was your grandmother was it? A Yes sir.
- Q And she claimed through her mother? A Yes.
- Q How much Choctaw blood did your grandmother have? A Full blood.
- Q Did she live in Mississippi in eighteen hundred and thirty? A I could not tell you.
- Q How old are you? A Fifty-two.
- Q How old was your mother when she died? A I could not tell you.
- Q Was she a young woman or an old woman? A Well she was a young woman and had seven children.
- Q Was she old or young? A I could not tell you.
- Q When did she die, how long ago? A She has been dead about thirty years I reckon.
- Q Now about how old was she when she died? A I reckon about thirty or forty years.
- Q Then she would have been born about the year 1830? A Yes.
- Q Was she born in Mississippi? A Yes sir.
- Q About the time that treaty was made your mother was born? A Yes
- Q Then it would appear that your grandmother was married and had a family in 1830 and lived in Mississippi? A Yes sir.
- Q Did your grandmother have any children older than your grandmother A Yes

- Q Your mother was not the oldest one then? A No.
- Q There were elder children living when your mother was born? A Yes she had two that I can recollect of seeing.
- Q Do you know the name of your grandmother's husband. Your grandfather, that is your mother's father? A Yes.
- Q What was his name? A Cochran.
- Q What was his first name? A I don't know, I know his name was Cochran.
- Q Was he a slave? A No.
- Q Was his wife a slave? A No sir.
- Q Neither your mother's father or mother were slaves? A No sir.
- Q How did your mother happen to be a slave? A I can't tell you only that they said that she was stolen and sold in the States.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830? A I think my grandmother and her father.
- Q Your grandmother Sarah Cochran? A Yes.
- Q Had land in Mississippi? A That is what I learned.
- Q Where did you get that land? A I could not tell you.
- Q Where is the land now? A I have never seen it.
- Q Did they sell it? A No sir I don't reckon they did. I was young too young to know anything about that.
- Q Who told you that either of them had any land in Mississippi? A I heard it ever since I can recollect.
- Q Who told you? A My grandmother and my grandfather told me if I lived to see it I would have land for my children.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the present Choctaw Nation in Indian Territory with the other Indians between eighteen hundred and thirty-three and eighteen hundred and thirty-eight? A I could not tell you but she was with the Indians all the time.
- Q Did any of your Choctaw ancestors within six months after the treaty of eighteen hundred and thirty go to the United States Indian Agent and tell him that they wanted to stay there in Mississippi and take land there? A I could not tell you.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi or Alabama from the government under article fourteen of the treaty of 1830? No as I know of.
- Q Did any of your Choctaw ancestors claim any benefits whatsoever as Choctaw Indians under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A could not tell you.

In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government directed an Agent to the Choctaws in Mississippi to make a list of all the Choctaws who came before him within six months from the ratification of the treaty and signified their intention of remaining and taking advantage of the provisions of the fourteenth article of the treaty. The records of the government show that only a few of the Indians who actually did appear before Col. Ward and make such declaration before him had their names recorded on his register, known as Ward's register. As the result of this neglect on the part of the Indian Agent a great many Choctaws lost their land and also the improvements which they had on it. This caused a great many complaints among the Choctaws and Congress under act of March 3, 1837 appointed a Commission which Commission went to the State of Mississippi and heard claimants under article fourteen. In 1842 another Commission was appointed for a similar purpose, this Commission also went to the State of Mississippi and heard claimants under this fourteenth article of the treaty and both Commissions made list of all successful claimants

#5

who came before them.

Q Now did any of your Choctaw ancestors appear before either of these Commissions and claim benefits under the fourteenth article of the treaty of eighteen hundred and thirty? A I could not tell you.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty and if it further appeared that his land had previously been taken from him by the government, he should be entitled to select land elsewhere and certificates should be issued to him to that effect. These certificates were called scrip and he could locate land in either Mississippi, Arkansas, Louisiana or Alabama from any of the vacant government lands.

Q Did any of your Choctaw ancestors receive any such scrip from government? A Not that I know of.

Q Have you any documentary evidence that you would like to present to the Commission now in support of your application? A No not here.

A reasonable time will be allowed this applicant in which to file documentary evidence also the oral testimony of any witnesses that she may want to introduce.

Q Have you any relatives who have applied before the Commission before this time? A No.

Q Do you speak Choctaw? A No sir.

Q Can you speak any Choctaw at all? A No my grandmother and my grandfather could.

Q Did you ever hear them speak it? A Yes lots of times.

Q How did you know that it was Choctaw? A Because they said it was.

~~Did they talk to you?~~ A

Q To whom did they talk it? A Other Choctaws.

Q Did they have curly hair? A No it was straight and black.

This applicant has the appearance and physical characteristics of being a full negro. She does not understand 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 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 25th, 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 September 25, 1901.

Subscribed and sworn to before me this 23rd day of November 1901.

G. Rosenwinkel
Harry Public

Harry Public.

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

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

Polly Young, et al.,	M C R 3623
Willie Potts, et al.,	M C R 4709
Alexander Young, et al.,	M C R 4708
Belle Here, et al.,	M C R 4710
Willie Potts, et al.,	M C R 4707
James Young,	M C R 4711

DECISION.

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Polly Young for herself and her minor child, Effie Young; by
Willie Potts for herself and her six minor children, Frank, Maud,
Carley Barn, Daisy, Austin, and Lilas Potts; by Alexander Young
for himself and his four minor children, Theater, Allen, Andrew,
and Sammie Young; by Belle Here for herself and her six minor
children, Minnie, Roger, Lennie, Timmy, Roy, and Nattie Here; by
Willie Potts for herself and her six minor children, Vesta, Lennie

J. W. H.
C. v. W.

Emma, Ethel, Emma, Charlotte, and Jeffrey July Petts; and by James Young for himself, under the following provision of the act of Congress approved June 10, 1896, (29 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Sarah Cochran (or Cocheran), who is alleged to have been a full-blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

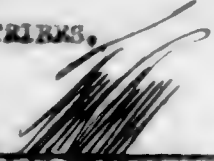

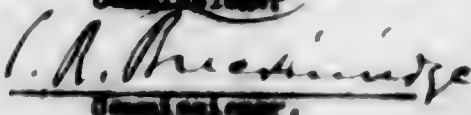
It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provision of the act of Congress approved June 10, 1896, (29 Stats., 521).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and of persons who heretofore were

claimants thereunder, that the said Sarah Cochran (or Cocheran) 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, 1849, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Young, Effie Young, Millie Potts, Frank Potts, Maud Potts, Corley Burn Potts, Daisy Potts, Austin Potts, Lilee Potts, Alexander Young, Theodor Young, Allen Young, Andrew Young, Sennie Young, Belle Nero, Minnie Nero, Roger Nero, Lennie Nero, Tinney Nero, Roy Nero, Sadie Nero, Willie Potts, Vesta Potts, Lessie Lane Potts, Ethel Potts, Lizzie Potts, Charlette Potts, Jeffrey July Potts, and James Young, as Choctaw Indians entitled 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

C. A. McAdams
Commissioner.

Muskogee, Indian Territory,

JUL 25 1902

Washington Indian Territory, January 23, 1907.

Polly Young,

Denison, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty first instant, inclosing the affidavits of W. C. Porter and J. S. Smith, which are offered for filing in support of the application for identification as Mississippi Choctaws of Polly Young, et al. The same have been filed with the record in this case.

Yours truly,

Acting Chairman.

MC 2428

Muskogee, Indian Territory, July 25, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Polly Young, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 25, 1902.

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

Polly Young, et al.,	M.C.R. 3625
Willie Potts, et al.,	" 4709
Alexander Young, et al.,	" 4708
Belle Hero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

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

Secretary—2

being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of
Indian Affairs.

1 enclosure.

COPY.

H.C.R. 3626.

Muskogee, Indian Territory, July 25, 1902.

Folly Young,

Danison, Texas.

Dear Madam:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Folly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Folly Young, et al.,	H.C.R. 3626
Willie Potts, et al.,	" 4708
Alexander Young, et al.,	" 4708
Belle Nero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

These applications were made under the provision of the act of Congress of June 25, 1896 (30 Stats. 495) which is as follows:

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

Said decision concludes as follows:

P Y 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Polly Young, Effie Young, Willie Potts, Frank Potts, Maud Potts, Curley Burn Potts, Daisy Potts, Austin Potts, Lilas Potts, Alexander Young, Theodor Young, Allen Young, Andrew Young, Semmie Young, Belle Nero, Winnie Nero, Roger Nero, Lennie Nero, Finney Nero, Roy Nero, Sadie Nero, Willie Potts, Vesta Potts, Lessie Lane Potts, Ethel Potts, Mamma Potts, Charlette Potts, Jeffrey July Potts, and James Young, as Choctaw Indians entitled 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)

[Signature]
Commissioner in Charge.

Registered.

COPY.

M.C.R. 3626.

Muskogee, Indian Territory, July 25, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 25th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Polly Young, et al., embracing the following applications for identification as Mississippi Choctaws:

Polly Young, et al.,	M.C.R. 3626
Willie Potts, et al.,	" 4709
Alexander Young, et al.,	" 4708
Belle Hero, et al.,	" 4710
Willie Potts, et al.,	" 4707
James Young,	" 4711

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 Pelly Young, Effie Young, Millie Potts, Frank Potts, Maud Potts, Carley Burn Potts, Daisy Potts, Austin Potts, Lilas Potts, Alexander Young, Theater Young, Allen Young, Andrew Young, Beattie Young, Belle Nero, Minnie Nero, Roger Nero, Lennie Nero, Finney Nero, Roy Nero, Sadie Nero, Willie Potts, Vesta Potts, Leasia Lane Potts, Ethel Potts, Humie Potts, Clariette Potts, Jeffrey July Potts, and James Young, as Cheotaw Indians entitled to rights in the Cheotaw lands, under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that 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. P. Hodges.

Commissioner in Charge.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Land 45,094-1902.

Washington, August 22, 1902.

The honorable

The Secretary of the Interior.

Sir.

There is enclosed, herewith, a report, dated July 25, 1902, from Thomas B. Needles, Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record relative to the consolidated case of Polly Young, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article 14 of the treaty of 1830.

Polly Young applies for the identification of herself and her minor child, Effie Young.

Millie Potts applies for the identification of herself and her six minor children, Frank, Maud, Curley Burn, Daisy, Austin and Lilas Potts.

Alexander Young applies for the identification of himself and his four minor children, Theator, Allen, Andrew and Semmie Young.

Belle Nero applies for the identification of herself and her

six minor children, Minnie, Roger, Lennie, Tinney, Roy and Sadie Nero.

Willie Potts applies for the identification of herself and her six minor children, Vesta, Lessie, Lane, Ethel, Hummie, Clariette and Jeffrey July Potts.

James Young applies for the identification of himself.

July 25, 1902, the commission held that the applicants above named were not entitled to identification.

The applicants to this consolidated case attempt to trace descent from Sarah Cochran or Cocheran, grandmother of the principal applicant, Polly Young.

W. C. Porter in his affidavit swears that Polly Young claimed to be the daughter of a Choctaw Indian by the name of Bachyatableo or Batchertabby "and that her mother's name being Sally Cochran".

It would therefore seem that Porter claims Bachyatableo or Batchertabby was the daughter of Sally Cochran and the mother of Polly Young, while Polly Young herself swears that her mother's name was Hanna George and that her father's name was William George.

The records of the office do not show that any one by the name of Sally Cochran, Bachatableo or Batchertabby complied or attempted to comply with the provisions of the 14th article of the

treaty of 1830 or that they applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, 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,

(G.A.W.)

A. C. Tonner,

P.

Acting Commissioner.

D. C. 14851-1902.

52687

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5360-1902.

September 3, 1902.

L. R. S.

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

Gentlemen:

July 25, 1902, you transmitted the record and your decision of that date, in matter of the applications for identification as Mississippi Choctaws, of Polly Young and her minor child, Effie Young; of Millie Potts and her minor children, Frank, Maud, Curley Burn, Daisy, Austin and Lilas Potts; of Alexander Young and his minor children, Theater, Allen, Andrew and Semmie Young; of Belle Nero and her minor children, Minnie, Roger, Lennie, Tinney, Roy and Sadie Nero; of Willie Potts and her minor children, Vesta, Lessie Lane, Ethel, Hummie, Clariette and Jeffrey July Potts; and of James Young.

The applicants attempt to trace their descent from one Sarah Cochran (or Cocheran), who is 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 Sarah Cochran 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 (5 Stat., 513). You refused the applications.

Forwarding the papers August 22, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has carefully reviewed the whole case, and affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.H.D.

1 inclosure.

>

M C R 3625

COPY.
Muskegee, Indian Territory, September 15, 1902.

Polly Young,
Denison, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Polly Young, et al., of which decision you were advised by registered mail on the 25th day of July, 1902.

Yours truly,

Signed
Acting Chairman.

COPY.

Muskogee, Indian Territory, September 15, 1902 .

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 3rd day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Polly Young, et al., of which decision you were advised by mail on the 25th day of July, 1902.

Yours truly,

(SIGNED)

Tame Dixby.

Acting Chairman.

Luskogee, Indian Territory, June 18, 1904.

Polly Young,

Dow, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 13th instant, in which you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that it appears from our records that on September 3, 1902, the Secretary of the Interior approved the decision of the Commission of July 28, 1902, refusing the application made by you for the identification of yourself and minor child, Effie Young, as Mississippi Choctaws, of which departmental action you were duly notified on September 15, 1902.

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

Respectfully,

Chairman.

msm

REFER IN REPLY TO THE FOLLOWING:

M C R 2625

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

Muskogee, Indian Territory, September 6, 1906.

Andrew Coleman,
Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 23, 1906, addressed to the Secretary of the Interior and by him referred to this office for consideration and appropriate action. Therein you request that immediate attention be given the Mississippi Choctaw claim of Violet Young.

In reply you are advised it does not appear from the records of this office that Violet Young is a Mississippi Choctaw applicant. The records do show, however, that her mother, Polly Young, on September 25, 1901, made application for the identification of herself and her minor child, Effie Young, as Mississippi Choctaws.

July 25, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing said application, and this decision was affirmed by the Secretary of the Interior September 3, 1902.

Inasmuch as it does not appear that there is now pending before the Department any motion for review or rehearing in this case, the action of the Department above referred to is considered final.

A C 2

Violet Young has no application on file in this office and there is now no authority of law for the consideration of her alleged right to identification as a Mississippi Choctaw.

Respectfully,

A handwritten signature in cursive script, reading "W. O. Beall". The initials "W. O." are written in a smaller, more compact style than the last name "Beall".

Acting Commissioner.

MCR 3626

Muskogee, Indian Territory, December 17, 1906.

Geo. Fitzpatrick,

Attorney at Law,

McAlester, Indian Territory.

Dear Sir :--

Receipt is hereby acknowledged of your letter of the 13th instant, in which you state that Violet Young, claiming to be a Choctaw Indian by blood, says that the names of her parents are Alfred Young and Polly Young, and you request to be advised if any such names appear on any of the Choctaw Rolls.

In reply you are informed that Polly Young, the wife of Alfred Young, a negro, and the mother of Violet Young, appears from the records of this office to be a rejected Mississippi Choctaw applicant, her claim having been refused both by the Commission to the Five Civilized Tribes and the Secretary of the Interior.

While it does not appear from the records of this office that Violet Young has ever made application for identification as a Mississippi Choctaw, you are informed that she has appeared before this office at different times and was advised fully on each occasion that her mother's claim had been denied and that there was no authority of law for the reception of an application for the identification of the said Violet Young as a Mississippi Choctaw.

Respectfully,

Commissioner.

REFER TO M. C. R. 3625

Polly Young et al

*Consolidated
Case*

Carah Cochran
Free blood

Hannah Williams 42
 or Bache Tabler or Batcher Tabler
 mar. negro slave
 George Williams
 negro slave

Polly Williams 52 1/2
 negro slave
 mar
 Alfred Young, died
 negro slave

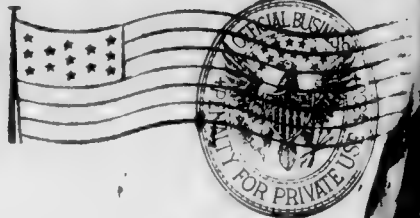
Violet Young ?	Frau R Patts 20
Millic Young 11 ?	Maud Patts 16
mar	Curley Patts 10
Josh Patts, negro	Daisy Patts 9
	Auntie Patts 8
	Rosal Patts 7
Samuel Young ?	
Alexander Young 38 ?	Theator Young 7
wife	Allie Young 4
Nature Young, died negro	Andrew Young 2
Janie Young	Semmie Young 1
Belle Young 30	Minnie Nero 11
mar	Roger Nero 10
Bob Nero, negro	Rennie Nero 7
	Sinney Nero 6
	Ray Nero 5
	Sadie Nero 3
Millic Young 76	Vesta Patts 12
mar	Lessie R Patts 9
Jeffrey Patts negro and	Echel Patts 8
	Annemie Patts 7
Charlott Young	Charlote Patts 3
	Jeffrey Patts 1
James Young 23	
Effie Young	

Oct 11-06

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Andrew Coleman,

Muskogee, Indian Territory.

No. 3625

For Identification as a Mississippi Choctaw.

Date SEP 25 1901

Name Polly Young

Age 52 - Blood 1/4

Post Office, Vernon, Texas

Father: George Williams, d ^{negro}

Mother: Hannah ^{1/2 neg} " ^{1/2 choctaw or Chick} d

Claims through mother
Husband
Alfred Young; (d) negro

Children:
Effie Young - 16

Claims for self &
Child -

Stenographer G. Rosenwinkel

Choctaw MCR 3626

Ed Fisher

MCR 3626

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

-----|-----

In the matter of the application of Ed Fisher, et al.,
for identification as Mississippi Choctaws, M C R 3626.

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 Ed Fisher, et al., for identification as Mississippi Choctaws.	1
Ex parte affidavit of Catherine Franklin.	6
Certificate of J. L. Rappee.	7
Copy of marriage record between Ed Fisher and Fannie Davis.	8
Copy of marriage record between Ed Fisher and Amanda Robertson.	9
Final decision of the Commission in the case of Ed Fisher, et al., applicants for identifi- cation as Mississippi Choctaws, denying said application.	10

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 25, 1901.

3626

In the matter of the application of Ed Fisher for identification of himself and his five minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Ed Fisher being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ed Fisher.
Q What is your age? A Forty years old.
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-five years.
Q Where did you live before you lived at Sherman Texas? A South of there.
Q South, where? A In Texas.
Q What was the name of the place? A I was small I don't remember what the name of the place was.
Q Where were you born? A In Missouri.
Q In what place in Missouri? A Johnson County.
Q How old were you when you left Missouri? A Five years old.
Q And went from there to Texas? A Yes sir.
Q What is your father's name? A Jake Fisher.
Q Is he living? A No sir.
Q What is the name of your mother? A Jane Fisher.
Q Is she living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-quarter.
Q How much did your father claim? A One-half.
Q What was the other half? A Negro I think.
Q Was he a slave before the War? A No sir he was not a slave.
Q What was your mother's blood? A She was a negro.
Q Was she a slave before the War? A No sir she was not, so she says.
Q Was your father 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 sir not that I know of, my father got killed when I was a little boy.
Q Are you married? A Yes sir.
Q What is your wife's name? A Amanda Fisher.
Q What is her blood? A My wife?
Q Yes? A Why she has no blood that I know of.
Q Negro? A Yes sir.
Q You don't claim for her then? A Yes, I reckon not though.
Q You claim for her as a Mississippi Choctaw? A No she was no Choctaw.
Q You don't make any claim then? A No I guess not.
Q You can't can you? A No.
Q You say she is negro? A Yes that is what she claims.
Q She would not make a very good Choctaw? A No.
Q Have you any children you want to make application for? A Yes sir.

#2

- Q Give me the name of the oldest? A The oldest one is of age.
Q I mean under age and unmarried? A Claude Fisher.
Q Is that a boy? A Yes sir.
Q How old is he? A Nineteen.
Q Now the next? A Laura, sixteen.
Q Next? A Will Fisher, fourteen.
Q Next? A Ben Fisher, ten.
Q Next? A Roy Fisher, eight years old.
Q That is all? A Yes.
Q Is Amanda Fisher the mother of all these children? A No only one.
Q Which one? A She is the mother of Roy Fisher.
Q Amanda is your second wife? A Yes sir.
Q Are these other children, Claude, Laura, Will and Ben Fisher, the children of your first wife? A Yes sir.
Q What was her name? A Fannie Fisher.
Q When and where were you married to Fannie Fisher? A Grayson County, Texas.
Q What year? A It has been twenty-one years ago.
Q You say you are forty-years? A Yes sir.
Q That would make you pretty young? A Yes sir.
Q Were you married when you were fourteen years old? A No.
Q How old were you? A Seventeen or eighteen.
Q Have you your marriage license and certificate of your marriage to your first wife Fannie? A Not with me.
Q When and where were you married to your second wife Amanda? A In Sherman.
Q When? A Two years ago.
Q You remember the date? A No.
Q Have you your marriage license and certificate of this marriage? A No not here.

A reasonable time will be allowed this applicant in which to file the marriage license and certificate of certified copies of the same of his marriage to his first wife Fannie and also to his second wife Amanda.

- 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 None as I know of.
Q Did you ever make application to the Choctaw tribal authorities in Indian Territory to have yourself or your children enrolled as members of that tribe? A No sir.
Q Did you ever make application for yourself and your children to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10th 1896? A No sir.
Q Have you 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 time for yourself or your children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Do you now come before the Commission claiming the right to be identified and making the same claim for your children under article fourteen of the treaty of eighteen hundred and thirty? A Yes sir.
Q Do you understand that article of the treaty? A No sir.

Article fourteen of the treaty of 1830 is a part of that treaty or subdivision and was put in that treaty for the purpose of protecting the rights of those Choctaws who when that treaty was being ratified refused to go from Mississippi and Alabama where the Choctaw Indians were then living to the Choctaw Nation Indian Territory. This treaty which is some times called the treaty of Dancing Rabbit Creek was made between the United States government and the Choctaw Indians for the purpose of having them removed from those two states to the Choctaw Nation Indian Territory. The treaty would not have been ratified if this fourteenth article had not been ~~added~~ inserted for the protection of those Indians who remained in Mississippi and Alabama. 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 boundedly 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 that article? A Yes sir.
 Q You understand that do you? A I think I do.
 Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this article of the treaty of 1830?
 A Well my mother says my grandfather did.
 Q What did your grandfather do? A I don't know what he done.
 Q Do you claim through your grandfather? A Yes.
 Q Your mother's father? A No sir I don't claim from my mother's father.
 Q You claim through your father's father? A Yes that is right.
 Q What was his name? A Joseph Fisher.
 Q How much Choctaw blood did he have? A Full blood.
 Q Did you ever see him? A No sir.
 Q Who told you that he was a full blood? A My mother.
 Q Did he speak the Choctaw language? A No sir.
 Q Did he have any Choctaw Indian name? A No more than Joseph Fisher. That is all that I know.
 Q Did he live in Mississippi in 1830? A That's what they told me.
 Q Did he have a family at that time? A Yes sir he had eight children at that time.
 Q You know what his father or mother's name was? A No sir.
 Q Now what was his name did you say? A Joseph Fisher.
 Q Now if Joseph Fisher lived in Mississippi in 1830 and was the head of a family at that time, do you know whether he was a recognized member of the Choctaw tribe of Indians at that time or not? A I could not tell you.
 Q Now, did he or did any of your Choctaw ancestors ever own any improvements on land in Mississippi at that time or before that? Not as I know of.

- Q Did he or did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between 1833 and 1838? A Not as I know of.
- Q Did your grandfather Joseph Fisher or any of your Choctaw ancestors within six months after that treaty was ratified go to the United States Indian Agent and tell him that they wanted to stay in Mississippi and take land there? A No sir not that I know of.
- Q Did Joseph Fisher or any of your Choctaw ancestors ever receive any land in Mississippi under article fourteen of the treaty of eighteen hundred and thirty? A I have heard that they did.
- Q Through whom did you hear that? A I heard an old lady say about 80 or 90 years old, she knowed my father.
- Q Where does she live? A Here in the Territory.
- Q What is her name? A Cassie Franklin.
- Q And she told you that your grandfather Joseph Fisher owned land in Mississippi? A Yes sir.
- Q Did she tell you where that land was located? A No.
- Q Did she tell you that he got that land from the government as a Choctaw Indian, that is because he was a Choctaw Indian? A I don't remember how he did get that land.
- Q Why don't you get that old lady here before the Commission to testify in your case? A I would if I taught it was necessary.
- Q It is for you to say whether it is necessary. If this old lady knows anything about your grandfather owning this land it may be material to your case to get her testimony.
- Q Did any of your Choctaw ancestors ever claim or receive any land under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A No sir.

In accordance with the provisions of article fourteen of the treaty of 1830 Colonel Ward who was the United States Indian Agent, living in Mississippi at that time was instructed by the government to make a list of all Choctaw Indian claimants who claimed any benefits under the fourteenth article of the treaty of 1830, and place their names upon his register. That was called Ward's register. The Indian Agent Col. Ward failed to make a complete list of all claimants who appeared before him and the result was that many Choctaws who actually did make such declarations under article fourteen failed to have their names recorded and some of them living upon land in Mississippi at that time had their land taken away from them by the government at its public land sales. This caused a great deal of distress among the Indians and a great many complaints so that in 1837 a Commission was appointed by act of Congress approved March 3, 1837 which Commission went to the State of Mississippi and heard a great many claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed for a similar purpose and made lists of claimants under article fourteen of the treaty of 1830.

- Q Now did any of your ancestors or did Joseph Fisher your father's father appear before either of these two Commission and claim benefits under article fourteen of the treaty of eighteen hundred and thirty? A Not as I know of. I could not say.

The act of Congress approved August 23rd, 1842 provided that in case it should be apparent that any claimant who came before that Commission had rights under article fourteen of the treaty of 1830 and that his land had been taken from him, he should be entitled to receive land from the government, either in Mississippi, Alabama, Louisiana or Arkansas, and that a certificate should be

#6

issued to him to that effect. These certificates were called scrip.

- Q Did your grandfather Joseph Fisher or any of your ancestors receive any such scrip from the government? A Not that I know of.
- Q Have you any documentary evidence of any kind that you want to introduce now in support of your application? A No sir nothing more than I have.

A reasonable time will be allowed this applicant in which to produce documentary evidence in support of his application, also proof of his marriage to his first and second wife.

- Q Do you speak the Choctaw language? A No.
- Q Is there anything else that you want to say now in support of your application? A No sir.

This applicant has the appearance and physical characteristics of a full blood negro and does not understand the Choctaw language. We has no knowledge of 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 September 25th 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 September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 23rd day of November 1901.

Charles Mitchell Wood

Notary Public.

J.R.B.
C.W.

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

In the matter of the application of Ed Fisher, et al.,
for identification as Mississippi Choctaws, N O N 5424.

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

It appears from the record herein that an application
for identification as Mississippi Choctaws was made to this Com-
mission by Ed Fisher for himself and his five minor children, Claude,
Laura, Will, Ben and Roy Fisher, under the following provision of
the act of Congress approved June 20, 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

documents of one Joseph Fisher, who is alleged to have been a full blood Choctaw, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the record 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., 521).

It is found that the name of one Joseph Fisher appears upon pages 111 and 117 of Volume 7, American State Papers, Public Lands, in lists of names of Choctaw Indians, heads of families, who, at the date of the ratification of the treaty of "Dancing Rabbit Creek", resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and had land in cultivation there, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen 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 provision of article fourteen of said treaty.

It does not appear from the testimony and evidence offered

in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joseph Fisher, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chectaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ed Fisher, Claude Fisher, Laura Fisher, Will Fisher, Ben Fisher and Roy Fisher 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 application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

RECEIVED

Tamoc Dixey.

Acting Chairman.

I. D. Woodlee.

Commissioner.

RECEIVED

C. R. Brockinnage.

Commissioner.

Mustagee, Indian Territory,

NOV 1 1907

Muskogee, Indian Territory, October 30, 1901.

M. G. Gillett,

Box 106, Wynnewood, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 28, inclosing certificate of J. L. Rappolee, affidavit of Catherine Franklin, and copies of marriage licenses and certificates between Ed Fisher and Fannie Davis and Ed Fisher and Amanda Robertson, which you offer for filing in support of the application for identification as Mississippi Choctaws of Ed Fisher and his minor children. The same have been filed with the record in this case and will receive consideration in determining the rights of these applicants to identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

WC 3636

COF

McIntosh, Indian Territory, November 1, 1908.

Ed Fisher,

Sherman, Texas.

Dear Sir:

You are hereby advised that on the 1st day of November, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Ed Fisher, 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 Ed Fisher, Claude Fisher, Laura Fisher, Will Fisher, Ben Fisher and Roy Fisher as Choctaw Indians entitled 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

172

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

Respectfully,

Acting Chairman.

Registered.

Muskogee, Indian Territory, November 1, 1902.

Mansfield, Mel Murray & 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 Ed Fisher, et al., applicants to the Commission for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496) which is as follows:

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

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ed Fisher, Claude Fisher, Laura Fisher, Will Fisher, Ben Fisher and Roy Fisher as Choctaw Indians entitled 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

K M & C 2

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

Respectfully,

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 Ed Fisher, 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 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 3686

Land,
69860-1902

(COPY)
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, Feb. 13, 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 Ed. Fisher for himself and his five minor children, Claude, Laura, Will, Ben and Roy Fisher, 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 of identification under this application on their descent from Joseph Fisher, who it is alleged was a Choctaw Indian and a resident of the Choctaw Nation in Mississippi, at the time of the making of the Choctaw treaty of 1830, through Jake Fisher, his son.

The Commission rejected the applicants November 1, 1902, because the name of their ancestor did not appear among the names of those who complied or attempted to comply with the provisions of the 14th Article of the treaty of 1830, and for the additional reasons that the applicants had never been enrolled as citizens of the Choctaw Nation; that "It is found that the name of one Joseph Fisher appears upon pages 111 and 137, of volume 7, American State Papers, Public Lands, in lists of names of Choctaw

Indians, heads of families who, at the date of the ratification of the treaty of "Dancing Rabbit Creek", resided in Greenwood Seneca's District in the Territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, and had land in cultivation there, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of Article nineteen of said treaty?

An examination of the records of this office discloses the fact that the name of Joseph Fisher does not appear among those who complied or attempted compliance with the provisions of Article 14 of the treaty of 1830; but that one Joseph Fisher received land under Article 13 of said treaty.

In this case, the applicants are not entitled to share in the distribution of land under the 14th Article of said treaty and it is therefore recommended that the decision of the Commission respecting the parties hereto, be approved.

Very respectfully,

Commissioner

C.F.C.

J.

COPY.

DEPARTMENT OF THE INTERIOR.

D.C.-6993, 1903.

WASHINGTON.

BAF

ITD. 1702-1903.
LRS.

March 10, 1903.

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

Gentlemen:

November 17, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Ed Fisher and his minor children, Claude, Laura, Will, Ben and Rey Fisher, including your decision of November 1, 1902, refusing the application.

The applicants claim to be the descendants of one Joseph Fisher, who is alleged to have been a full blood Choctaw Indian residing in Mississippi in 1830.

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

The Acting Commissioner of Indian Affairs reporting February 13, 1903, recommends your decision be approved; a copy of his letter is enclosed.

-2-

The Department has thoroughly examined the record, and, finding no reason to modify your decision, hereby affirms the same.

Respectfully,

(Signed) F. L. Campbell

Acting Secretary.

1 inclosure.

M. C. R. 3626

Muskogee, Indian Territory, March 21, 1903.

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

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Ed. Fisher, et al., of which decision you were advised by mail on the 1st day of November, 1902.

Respectfully,

James T. Fisher
Chairman.

COPY.

M. C. P. 3626

Muskogee, Indian Territory, March 21, 1903.

Ed. Fisher,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903 the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Ed. Fisher, et al., of which decision you were advised by registered mail on the 1st day of November, 1903.

Respectfully,

(SIGNED)

Tame Dixby
Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 25 1901

Name Ed. Fisher

Age 40 Blood 1/4

Post Office, Sherman, Texas

Father: Jane Fisher, d
^{1/2 neg 1/2 Choctaw}

Mother: Jane " negro. l

Claims through father
wife, Amanda Fisher, negro.

No claim for wife.

Fannie (d) mother of first 4

- Children:
- Claude Fisher (boy) 19
 - Laura " 16
 - Will " 14
 - Ben " 10
 - Roy " 8

Claims for self & children -

Stenographer G. Rosenwinke

Choctaw MCR 3627

Annie Fleming . . .

See MCR 85

MCR 3627

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 25, 1901.

3627

In the matter of the application of Annie Fleming for identification as a Mississippi Choctaw.

L.D.Horton, Attorney for applicant.

Annie Fleming being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Annie Fleming; F-l-e-m-i-n-g.
Q What is your age? A Twenty eight.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived at Durant? A Off and on for eight year.
Q Where did you live before you went to Durant? A In Texas.
Q Where were you born? A In Mississippi.
Q Where in Mississippi were you born- in what part of Mississippi- what town or County? A De Soto County.
Q You don't remember the name of the place in the County? A No sir.
Q How long did you live in Mississippi before you went to Texas?
A Two years I believe.
Q You were two years old when you went to Texas? A Yes sir.
Q Where did you go to in Texas then? A We was in the Northern part of Texas.
Q What place? A Collin County.
Q You have lived in Texas ever since, have you? A Yes sir.
Q What is your father's name? A Frank Miller.
Q Is he living? A Yes sir.
Q Has he made application for identification as a Mississippi Choctaw? A Yes sir.
Q Where, here? A Yes sir.
Q Do you remember when? A No, it was at Colbert.
Q Do you remember when at Colbert; what year and what month?
A It was last year, I believe; wasn't it? (Appealing to Attorney.)
Q What is your mother's name? A Margaret Miller.
Q Is she living? A Yes sir.
Q Through which one of these parents do you claim Choctaw blood?
A My father.
Q How much do you claim? A One sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Robert Fleming.
Q What is he; white man or Indian? A White man.
Q You don't make any claim for him? A No sir.
Q Have you any children for whom you wish to make application at this time? A No sir.
Q Just claiming for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Did you ever make application for enrollment as a citizen of the Choctaw Nation to the Dawes Commission under the Act of Congress of June 10, 1896? A No sir.

Q Were you ever admitted as a citizen of 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 Did you ever make application before this time for membership in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Do you come before the Commission at this time for the purpose of claiming lands in the Choctaw Nation, Indian Territory, as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A No sir.

The treaty of 1830 was entered into between the Choctaw Indians who lived in Mississippi and part of Alabama in the year 1830 and the United States Government; the object of the treaty was the removal of the Choctaw Indians from the old Choctaw Nation, partly in Mississippi and partly in Alabama, to the Choctaw Nation in Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians would not go to the Indian Territory, and the treaty would have failed of signature had not some provision been made for those Choctaw Indians who remained back in the States of Mississippi and Alabama. To protect the interests of such Indians article fourteen was put into the treaty; article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q Do you think you understand that now sufficiently to claim under it? A Yes sir.

Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with any of the provisions of article fourteen of the treaty of 1830? A No sir, I don't know.

Q What was the name of your ancestor who was living in Mississippi or Alabama in 1830 and who was the head of a family at that time?

A William Edwards.

Q Have any members of your family made application except your father, Frank Miller? A Yes sir, all the family I suppose.

Q What are the names of others besides him? A My family or kin people? A My sisters.

Q What is her name? A Mary Jane Ashlock-

Q Any others of your family? A Yes sir, a sister named Jodie Weaver.

Q Any others? A Nettie Savage.

Q Any others? A (Att'y Horton says he wants the name of John Miller, her uncle, the principal applicant, to appear.)

Q When did John Miller appear before the Commission, do you know?

A At Colbert.

Q Did others appear at Colbert? A Yes sir.

Q Do you want the testimony given by these people who are kin to you considered as a part of your application in order that your case may have the benefit of the testimony given by them? A Yes sir.

Q All these claim through a common ancestor, William Edwards? A Yes sir.

Q Was William Edwards living in Mississippi in 1830 and head of a family at that time? A Yes sir.

Q What evidence have you that he was living in Mississippi and head of a family in 1830? A Just what I have been told.

Q In the family? A Yes sir.

Q Did he own any improvements on lands in Mississippi at that time? A Not that I know of.

Q Did any of your ancestors or William Edwards, or any other of your ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A Not that I know of.

Q Did William Edwards or any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent who lived in Mississippi at that time that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your ancestors or did William Edwards claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.

Q Did William Edwards or any other of your ancestors claim any benefits under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A I can't tell you.

Q You claim through your father, do you, Frank Miller? A Yes sir.

Q And he claims through which parent, father or mother? A His mother.

Q What was her name? A Polly Edwards, or Polly Miller; her maiden name was Edwards.

Q And her father's name was--? A William Edwards.

Q That's the Choctaw ancestor you claim lived in Mississippi and was the head of a family in 1830? A Yes.

Q Do you know how much Choctaw blood he had? A One fourth.

Q Do you know his father's or mother's name? A No sir.

Q You are not able to go back further than William Edwards? A No sir.

In accordance with the provisions of article fourteen of Dancing Rabbit Creek Treaty the United States Indian Agent who lived in Mississippi in 1830 was directed by the Government to make a list of all Choctaw claimants who came before him within six months after the ratification of the treaty of 1830 and claimed benefits under article fourteen of the treaty. This Indian Agent failed to record the names of a great many Indians who did appear before him within the time stated in that treaty; and as a result of his neglect a great many Indians who had land in Mississippi had the land taken from them and sold by the Government at its Public Land Sale and they lost both the land and improvements upon the land. This caused a great many complaints among the Choctaws and as a result of these complaints in 1837 a Commission was appointed which went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of their names. In 1842 another Commission was appointed for the same purpose and a list was made of their names.

Q Do you know whether any of your ancestors, if Choctaw Indians, went before either of these Commissions and claimed rights and benefits under article fourteen of the treaty of 1830? A No sir; I don't know.

The Act of Congress approved March August 23, 1842, provided

that if a Choctaw claimant appeared before that Commission and proved his claim under article fourteen, that, in the event his land had been taken from him, he should receive land either in Mississippi, Alabama, Louisiana or Arkansas and that certificates should be issued to him to that effect.

Q Do you know whether any of your ancestors received any such certificates, which were called scrip, under that Act of Congress of 1830? A No sir, I don't.

Q Have you any documentary evidence that you would like to introduce now? A No sir.

Q Can you speak Choctaw? A No sir.

By L.D.Horton:

Q You came here the same time your father did, didn't you? A Yes sir.

By the Commission:

Q Is there anything further you want to offer in support of your claim? A No sir.

This applicant has the appearance and all the physical characteristics of a white person; she does not speak the Choctaw language, and has no knowledge of compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 25, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 26 day of September, 1901.

W. W. Shelby
Notary Public.

Muskogee, Indian Territory, October 5, 1901.

Annie Fleming,

Durant,

Indian Territory.

Dear Madame:-

In the matter of the application for identification as Mississippi Choctaws of Della Peaks et Als, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded to the Department for approval, with instructions that opportunity be granted for the introduction of additional testimony of applicant or witnesses in person in support of such application.

Our records show that you appeared before this Commission at Atoka, Indian Territory, on September 25, 1901, and applied for the identification of yourself as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with such instructions you are hereby notified that at the Office of the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, on Monday, November 11, 1901, at eleven o'clock A.M., there will be heard the testimony of such witnesses as you may desire to present in person in support of your

A. T., #2.

application.

Yours truly,

M.C. 5027

COPY.

Muskogee, Indian Territory June 10, 1902.

Annie Fleming,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John L. Miller, et al., embracing the following applications for identification as Mississippi Choctaws:

John L. Miller,	M.C.R.	85
Benjamin P. Miller, et al.,	M.C.R.	86
Joseph Lavina Weaver, et al.,	M.C.R.	87
James L. Miller, et al.,	M.C.R.	227
Mary Lee Herten, et al.,	M.C.R.	228
Jess S. Miller,	M.C.R.	230
Della Peak, et al.,	M.C.R.	293
Mary Jane Ashlock, et al.,	M.C.R.	610
Daniel R. Miller, et al.,	M.C.R.	931
David J. Edwards, et al.,	M.C.R.	1698
Cora N. Savage, et al.,	M.C.R.	3108
Annie Fleming,	M.C.R.	3627
William A. Edwards, et al.,	M.C.R.	3817
Benjamin A. Edwards,	M.C.R.	3818
Jesse J. Edington, et al.,	M.C.R.	3836
Albert Caswell Edwards, et al.,	M.C.R.	4068

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

A. F. #2

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John L. Miller, Benjamin F. Miller, Eddie Miller, Tommie Miller, Elijah Miller, Mattie Miller, Sannie Miller, Charlie Miller, Johnnie Miller, William Miller, Joseph Lavina Weaver, Benjamin Wesley Weaver, Cora May Weaver, James L. Miller, Richard Floyd Miller, Mary Lee Horton, Luther Dudley Horton, Jess S. Miller, Della Peek, Lula C. Peek, Robert A. Peek, Edna Peek, Dewey E. Peek, Mary Jane Ashlock, Tully O. Ashlock, Minerva J. Ashlock, James Oliver Ashlock, Daniel R. Miller, James Miller, William Miller, Elijah Miller, Mary Miller, Annie Miller, Auba Phillips, Ora Phillips, Annie Belle Phillips, Robert Barbee, David J. Edwards, George H. Edwards, David C. Edwards, Leslie Edwards, Lessie Edwards, Cora N. Savage, Longden J. Savage, Annie Fleming, William A. Edwards, Fletcher Edwards, Clarence Edwards, Lou Mitchell Edwards, Benjamin A. Edwards, Jesse J. Edington, Winnie Edington, Rubie Edington, Mary Edington, Lewis Edington, Albert Caswell Edwards, Merida Roshel Edwards and Worthy Anderson Edwards as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

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

Yours truly,

(SIGNED)

[Handwritten Signature]

Registered.

Commissioner in Charge.

M. C. R. 3627.

Muskogee, Indian Territory, October 14, 1902.

Annie Fleming,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 3rd day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John L. Miller, et al., of which decision you were advised by registered mail on the 10th day of June, 1902.

Respectfully,

T. F. Jackson.

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

MCR-3627.

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

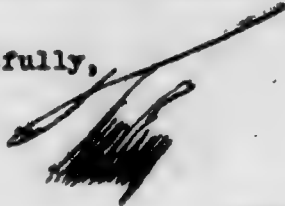
Muskogee, Indian Territory, January 15, 1907.

Annie Fleming,
Durant, Indian Territory.

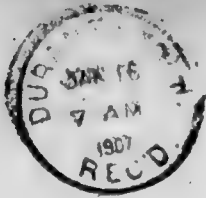
Dear Madam:-

You are hereby notified that on January 5, 1907, the Secretary of the Interior denied a motion, filed June 20, 1906, by L. D. Horton, for a reopening of the consolidated Mississippi Choctaw case of John L. Miller et al., of which the application for the identification of yourself is a part.

Respectfully,



Commissioner.



Commissioner

FEB 18 1907

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

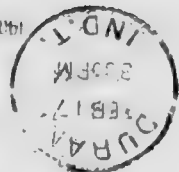
Commissioner

A faint, circular postmark stamp, likely from the same location as the first one, but the text is illegible due to fading.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



Annie Fleming
RETURN TO
WRITER
Durant Indian Territory.

No. _____
For Identification as a Mississippi Choctaw.

Date SEP 25 1901

Name Annie Fleming -

Age 28 - Blood 1/16

Post Office, Durant, I. T.

Father; Frank Miller, - l

Mother: Margaret " l

Claims through father

~~husband~~ Robert Fleming - w

No claim for husband.

~~Notes~~

Claims for self
alone -

Stenographer H. G. Harris

Choctaw MCR 3628

John T. Quaid

See MCR 3540

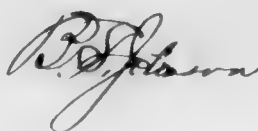
MCR 3628

RECEIVED from the Commission to the Five Civilized Tribes

a copy of the testimony in the following cases:

Silas Sharpe, et al.,	M. C. R. 3540
Emily Quaid,	" 3585
Benjamin W. Quaid,	" 3435
John T. Quaid, et al.,	" 3628
Susan Lodeska Wells, et al.,	" 3438
Simerruda Ellen Tice, et al.,	" 3479
Elihu Quaid,	" 3541
William Amburse Quaid,	" 3543
America J. Bennett, et al.,	" 3512
Emma Elisabeth Smith,	" 3514
Earnest W. Long, et al.,	" 4864
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily G. Inman, et al.,	" 3580
Thomas Quaid, et al.,	" 3445
Lee Harrington Quaid,	" 3439
Minnie Nugent, et al.,	" 3444
Simpson M. Moore, et al.,	" 3630
Felix P. Moore, et al.,	" 3707
John R. Moore,	" 3994
Walter D. Moore,	" 3640
Remy Moore,	" 3493
Booty Moore,	" 4560
Benson W. Moore, et al.,	" 3579
Thomas L. Moore,	" 3581
Oscar Moore, et al.,	" 3583
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

Muskogee, Indian Territory,
July 23, 1903.



Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 25th 1901.

3628 - Applicant represented by A. S. Johnson, attorney-

In the matter of the application of John T. Quaid for the identification of himself and his four minor children as Mississippi Choctaws.

JOHN T. QUAID being first sworn, testified as follows:

EXAMINATION BY THE COMMISSIONER

- Q What is your name? A John T. Quaid.
Q What is your age? A My age is 37, going on 38; I will be 38 in October.
Q What is your post office address? A Durant, Indian Territory.
Q How long have you lived there? A Three years.
Q Where did you live before that? A Texas.
Q What part of Texas? A Cook County.
Q How long did you live there? A 38 years.
Q Were you born in Texas? A Yes, sir.
Q What place? A Russ County.
Q What is your father's name? A B. W. Quaid.
Q Is he living? A Yes, sir.
Q Has he made application here? A Yes, sir.
Q When did he come before the Commission? A Three weeks ago.
Q What is your mother's name? A Martha E.
Q Is she living? A Yes, sir.
Q Through which one of your parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A About one sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory? A No sir. There was an old man named Fulson who told him that if he would come and make a claim that he would get his rights, but he never did it.
Q He never did it? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Martha L.
Q Is she an Indian or a white woman? A White woman.
Q Do you make any claim 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 Four.
Q What is the name of the oldest one? A Fred R.
Q Boy? A Yes sir.
Q How old? A 13 years.
Q The next? A Frank B.
Q How old? A About eight.
Q The next? A William J.
Q Boy? A Yes.
Q How old? A I guess he is about six.
Q The next? A Vernon R.
Q How old? A About four years old.
Q Is Martha L. Quaid the mother of these children? A Yes.
Q You the father? A Yes.
Q Do they live with you at your home? A Yes.
Q Were you married to Martha L. Quaid by a license and by a minister of the Gospel? A Yes sir.
Q Where? A In Texas.
Q When? A August 23d, 1884.
Q Have you your marriage license and certificate with you? A I haven't

Reasonable time will be allowed you to either to present a marriage license or a certified copy of same, of your own name, to your wife Martin L. Quaid.

Q Is your name on the names of your children on any of the rolls in the Indian Registry? A No, sir, never.

Q Have you ever made application for yourself or children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.

Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under an act of Congress approved, June 10, 1896? A Yes, sir.

Q Where did you make application then? A We made it at a District.

Q Did the matter go before the Commission? A I don't know, sir.

Q Did you ever hear whether you were admitted or rejected? A I heard that we was rejected.

Q Did you get a notice from the Commission to that effect? A No I never got any notice. We had an attorney to do it for us.

The records of applications for citizenship in the Choctaw Nation, up to the time for it for 1896 will be examined and a return will be attached hereto and filed in the Commission

Q Were you ever admitted to citizenship with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Indian Commissioner, sir.

Q With the exception of the application made five years ago by your attorney who was acting for you, you have never made any application for citizenship in the Choctaw Nation? A No, sir.

Q You now come before the Commission for the purpose of having yourself and children identified as Mississippi Choctaws under the provisions of the fourteenth article of the treaty of 1830? A Yes, sir.

Q Do you understand the fourteenth article of that treaty? A No, sir I don't.

In that year, on the 37th day of September, 1830, a treaty was made between the Choctaw Indians and the United States Government; the object of that treaty was the removal of the Choctaw Indians then living in portions of Mississippi and Alabama to the Indian Territory in the Indian Territory. Before the treaty was signed it became evident that a great many Choctaws wouldn't go to the Indian Territory and in order to protect their rights and interests the fourteenth article was put into the treaty. Now article fourteen in that treaty: "Every Choctaw head of a family who desires to remain in the United States shall be permitted to do so by signing his intention to the agent with him in writing that the provisions of this treaty shall be on him and thereupon he is 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 who is living, and if over ten years of age, and a quarter section of land to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the land of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q You understand that do you? A Yes, sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply

- with any of the provisions of the fourteenth article of the treaty of 1830? A I have been told that Nancy Moore made an affidavit for land in Mississippi.
- Q Before whom, do you know? A No.
- Q How claim through your father? A Yes, sir.
- Q He claim through whom? A Silas Moore.
- Q And Silas Moore claim through whom? A Nancy Moore.
- Q Silas Moore, was he married and the head of a family in 1830 and in 1850, your father? A That is my grand father.
- Q Your father is who? A Ben Quid.
- Q How does he claim through? A His mother.
- Q What is her name? A Emily Quid, the daughter of John and Nancy Moore.
- Q Through whom did Nancy Moore claim? A She was a full blood Choctaw Indian and Silas was a half blood.
- Q How was Silas Moore? A Son of Nancy Moore.
- Q Do you claim that Nancy Moore lived in Mississippi in 1830 and was married and the head of a family? A Yes sir.
- Q Nancy was a full blood? A Yes, sir.
- Q Silas was a half blood? A Yes, sir.
- Q Nancy's husband then was white? A Yes, sir.
- Q What was his name? A John.
- Q Give me your father's age? A He is 66.
- Q How he claim through? A Emily Quid.
- Q His mother? A Yes, sir.
- Q Was living? A Yes, sir.
- Q What is her age? A I can't tell.
- Q About how old? A Must be 75.
- Q That she was living at the time of the making of the treaty at Dancing Rabbit Creek? A Yes, sir.
- Q She was a little girl about four years old at that time? A Yes, sir.
- Q Was her father and mother living at that time? A Her father was.
- Q She claimed through her father? A Yes sir.
- Q According to your testimony Silas Moore was living at that time and was the head of a family then? A Yes, sir.
- Q Were there any other children older than this girl? A Yes, sir I think she was.
- Q What was your grandf. ther's name, the one that Silas claimed under? A John and Nancy Moore.
- Q Which one had Choctaw blood? A Nancy.
- Q Was she living in Mississippi at that time? A Yes, sir I have been told that she was.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I have been told so.
- Q So you know where that land was located? A No, sir.
- Q Never heard? A No, sir.
- Q Do you know what those improvements consisted of at that time? A No sir.
- Q Where did you hear that they had improvements on land in Mississippi? A From my father.
- Q Did any of your Choctaw ancestors go from Mississippi to the Indian Territory with the other Choctaw Indians between 1835 and 1838? A My grand father went to Texas.
- Q Never came to the Indian Territory? A No, sir.
- Q Did any of your Choctaw ancestors go to the Indian agent there in Mississippi, within six months from the ratification of the treaty of Dancing Rabbit Creek, and tell him that they wanted to stay? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land under the provisions of article fourteen of the treaty of 1830? A I think they owned land there, I don't know how they got it. I wrote to the

Q Now you don't know whether or not they bought it or not, do you? A No, sir.

Q Did any of your father's ancestors claim or receive any benefits under any other article of the treaty of 1830 except the fourteenth article — the one that says "to buy land"? A No, I don't know.

In accordance with the provisions of the Constitution and the treaty of 1830, the United States government purchased the land on which the Indians lived in 1830, and gave a list of the names of the Indians who were before him and indicated their intention to sell in their own and their land time. The Indian agent in regard to these instructions and neglected to take any action in regard to the Indians who applied to him. This was a gross neglect of duty on the part of the Indian agent, as their land and the improvements on it which they had desired to have purchased for them under the provisions of the treaty of 1830 was sold by the government at its public sale in 1837, and the Indians lost both their land and their improvements. As a result of this neglect on the part of the Indian agent, Messrs. A. J. and J. H. Commissioners of the State of Missouri, in a report to the Commission appointed, going to the State of Missouri in 1837, in regard to the claims of those Choctaws who claimed rights under article 14 of the Treaty of Dancing Rabbit Creek. In 1837 a list of names was sent down for the use of the Commission and a list of a large number of Choctaw Indians who thus claimed their land.

Q Now you know of any of your ancestors among those 115 of them who were appointed in 1837 and 1842 and claim under the provisions of article 14 of the Treaty of 1830? A Yes, sir, I have been told that they did; persons who have told us that they did make application.

Q In what year? A Between 1837 and 1842.

Q This contention was admitted in 1837 and they have a claim under the Treaty of 1830 and '8? A I don't know and I don't want to tell you that.

Q Do you know whether any of them went before the second Commission in 1842? A I don't know.

Q Now testimony can you offer? Can you offer the oral testimony of witnesses or can you prove by documentary evidence that any of your ancestors went before either of these Commissions? A Yes, sir, I can prove it by living witnesses.

Q You haven't got these witnesses here now? A No, sir.

Q Do you want time to get this evidence? A Yes, sir.

Q Have you any documentary evidence that you want to introduce? No, sir.

It is probable this will be the last of this kind of testimony to introduce documentary evidence in regard to the case; and we will give time in this regard to the witnesses who are here to testify in support of the claim.

ALLEGED BENEVOLENT PAPERS TO COMMISSION:

Q You want this filed to you? A Yes, sir.

The statement of John T. Quaid, the plaintiff, is presented by me, filed, marked exhibit "A" and made a part of the record in this case.

The Act of Congress of August 23, 1848 provides that in case a Choctaw claims under the fourteenth article of the treaty of 1830,

and presented his claim before that Commission and it was shown that he had complied or attempted to comply with the provisions of that article, and that his land had been taken from him and sold, that he would be entitled to take land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from the vacant government land, and that a certificate should be given him to that effect. This certificate was called script.

Q Did any of your ancestors ever receive any of this script from the United States Government? A I don't know.

Q Is there anything further that you want to say about your claim? A No sir.

Q Have you any kin people who have previously made application before this Commission for identification as Mississippi Indians, claiming under Silas Moore? A Yes sir my father B. W. Quaid, Susan E. Mills, Y. H. Quaid, Sam F. Quaid; I don't remember any others.

Q Now these people who have been before the Commission claim through Silas Moore, the same ancestor through whom you claim? A Yes sir.

Q Do you want to have their testimony considered and made a part of your own when your case is examined? A I guess so.

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

This applicant has the appearance and general characteristics of a person descended in great part from white ancestry, but he seems to have a strain of foreign blood, which he says is Choctaw. It is the opinion of the Commission that he has some Choctaw blood. He does not speak the Choctaw language and does not know of any compliance on the part of his ancestors with the provisions of the 8th article of the treaty of 1830.

=====

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes as reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

Subscribed and sworn to before me this 27 day of September, 1891.

Wm Shelby
Notary Public

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

In the application of John T. Quail for Choctaw citizenship;
being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A John T. Quail.

Q ~~Was this man your~~ You made application to the Daves Commission
in 1867? A Yes sir.

Q Did your father make application too? A Yes sir, in the
case of J. W. Quail.

Com'r McKennon You were not admitted upon this list of those
admitted by the commission, and are therefore rejected.

Department of the Interior,

Commission to the Five Civilized Tribes

I hereby certify, upon my official oath as
stenographer to above named Commission, that the
transcript is a true, full and correct translation of
my stenographic notes.

M. D. [Signature]

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

In the application of John S. Quade for enrollment as a Choctaw;
being sworn and examined by Com'r McKennon he testifies:

- Q What is your name? A John S. Quade.
Q How old are you? A Thirty-one.
Q Have you ever been on the Choctaw rolls? A No sir.
Q Have your father and mother ever been on the Choctaw rolls?
A No sir.
Q Were you born and raised in Texas? A Yes sir.
Q When did you come to the Territory? A In 1855.
Q Did you make application to the Texas Commission in 1855?
A Yes sir.
Q And were refused? A I don't know.
Q Did it you get a notice of that fact, that you were refused?
A No sir.
Q Who was your attorney? A Our attorney was Ellis then.
Q Where was he? A At Fish Springs I think.
Q Our roll of those that were admitted does not have your name
upon it, and you were therefore rejected at that time, and the
judgment will be final against all of the Quade family that were
in the application; were all the Quades in the application?
A They were in the Moore head-right.
Q Who were in the applications? A Emily Quade, E. H. Quade,
E. W. Quade.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify that the stenographer to the Commission and this
transcript is a true, full and correct translation of
my stenographic notes.

M. D. Green

Muskogee, Indian Territory, July 29, 1901.

Mr. G. W. Goodwin,

Attorney at Law,

Starrett, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you state that some two years ago at Caddo, Indian Territory, Y. H. Quaid and other members of the same family appeared before this Commission and made application for their identification as Mississippi Choctaw Indians. You desire to be informed if their statement made at that time is sufficient to enable the Commission to make a report of their cases to the Secretary of the Interior.

You are informed that it does not appear from our records that any person by the name of Y. H. Quaid has ever made application to this Commission for identification as a Mississippi Choctaw. It does appear, however, that at Caddo, Indian Territory, in August, 1899, Thomas Quaid, of Tishomingo, I. T., made application to this Commission for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that it appeared from our records that he was an applicant for citizenship under the Act of Congress of June 10, 1890; that such application was denied by the Commission, and that no appeal had

G. W. C.--2.

been taken thereon in the time prescribed by law.

It further appears from our records that at Durant, Indian Territory, in August, 1899, John T. Quaid made application for enrollment as a citizen by blood of the Choctaw Nation, and his enrollment was at that time refused for the reason that he was rejected by the Commission in 1896, from which no appeal was taken.

At Atoka, Indian Territory, in August, 1899, Emily Quaid, eighty-one years of age; John S. Quaid, thirty-one years of age; Eli H. Quaid, fifty-nine years of age; and William A. Quaid, twenty-four years of age, were applicants before this Commission for enrollment as citizens by blood of the Choctaw Nation. The enrollment of all of these persons was at that time refused for the reasons that they were applicants for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896, and such application was rejected by the Commission, and there is no record of any appeal having been taken in the time prescribed by law.

All these persons were applicants for citizenship before the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896, in the case of Emily Quaid et al. vs. the Choctaw Nation.

As previously stated, there is no record of any application ever having been made by any of these persons for identification as Mississippi Choctaws; and if they now desire to present such a

S. W. C.--S.

claim, it will be necessary for them to appear in person at the office of the Commission at Ateka, Indian Territory.

Yours truly,

Acting Chairman.

7-R 240
7-R 241
7-R 242
7-R 243
7-R 244
7-R 245

COPY.

Muskogee, Indian Territory, September 3, 1902.

John T. Quaid,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharps, et al., embracing the following applications for identification as Mississippi Choctaws:

Silas Sharps, et al.,	M.C.R. 3540
Emily Quaid,	" 3585
Benjamin W. Quaid,	" 3431
John T. Quaid, et al.,	" 3628
Susan Lodaska Wells, et al.,	" 3438
Bimerruda Ellen Tice, et al.,	" 3479
Elihu Quaid,	" 3541
William Amburse Quaid,	" 3543
America J. Bennett, et al.,	" 3512
Rena Elizabeth Smith,	" 3514
Earnest V. Long, et al.,	" 4364
Young Harrington Quaid, et al.,	" 3437
Maggie Bell Strother,	" 3513
Emily C. Inman, et al.,	" 3580
Thomas Quaid, et al.,	" 3445
Lee Harrington Quaid,	" 3459
Minnie Nugent, et al.,	" 3444
Simpson M. Moore, et al.,	" 3630
Felix P. Moore, et al.,	" 3707
John R. Moore,	" 3994
Walter D. Moore,	" 3840
Remy Moore,	" 3493
Booty Moore,	" 4560
Benson W. Moore, et al.,	" 3578
Thomas L. Moore,	" 3581
Oscar Moore, et al.,	" 3583

Willie Moore,	N.C.R. 3584
Rosa Moore, et al.,	" 3682
Mollie E. Pirtle, et al.,	" 3629

These applications were made under the provision of the act of Congress of June 16, 1892 (30 Stats., 485), which

follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and 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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Rola Sharpe, Billy Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Masie Lodeska Wells, Simerruda Ellen Tice, Julia May Tice, Elihu Quaid, William A. Quaid, America J. Bennett, Luther W. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Betty Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Masie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson V. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix B. Moore (2), Walter L. Moore, Rosa V. Moore, Mary E. Moore, Letta B. Moore, Janice H. Moore, John R. Moore, Walter D. Moore, Remy Moore, Booty Moore, Benson W. Moore, Eddie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willie Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Mommie Pirtle, Consouela Pirtle and Roselle Pirtle 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."

John T. Quaid-5

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 Siroby
Acting Chairman.

Registered.

Muskogee, Indian Territory, July 14, 1903.

John T. Quaid,

Durant, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said article 14 of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

J.T.Q---2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

J.T.Q.---3

as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 2828

COPY.

Muskogee, Indian Territory, July 23, 1904.

John T. Quaid,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3d day of September, 1902.

Respectfully,

SIGNED

I. B. Needles
Commissioner in Charge.

Muskagee, Indian Territory, July 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Silas Sharpe, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of September 3, 1902, adverse to the applicants, was, on the same date, forwarded the Department.

May 22, 1903 (I T D 7590-1902, 262, 4440-1903), the Department returned the record in the above consolidated case to the Commission to the Five Civilized Tribes, in order that the applicants might have an opportunity to introduce further evidence in support of their claim.

Additional testimony was taken in this case on August 7, 1903, at the office of the Commission to the Five Civilized Tribes at Muskagee, Indian Territory, and the same forwarded to the Department October 1, 1903, together with the original record.

July 13, 1904 (I T D 5400-1904), the Department affirmed the decision of said Commission of September 3, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Silas Sharpe, et al.

(2)

June 25, 1906, this office received from W. Chenault, attorney, Muskogee, Indian Territory, two petitions for rehearing of the applications of certain persons named therein, applicants in the consolidated Mississippi Chestaw case above mentioned. The petitions are herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

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DEPARTMENT OF THE INTERIOR,
WASHINGTON.

November 8, 1906.

I.T.D. 20664-1906.
49178 IRS

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

Sir:

July 13, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in the consolidated Mississippi Choctaw case of Silas Sharpe, et al, adverse to the applicants.

July 17, 1906, you submitted two motions for rehearing of the applications of John T. Quaid et al, and J. L. Sharpe et al, applicants in said case.

The motions answer in no particular the requirements of the Department relative to such motions. They are not even supported by affidavits, and are but the conclusions of the attorney filing them that evidence alleged in a general way to have been newly discovered, can be produced to show compliance by an alleged ancestor of applicants with the fourteenth article of the treaty of 1830. It should be evident to the party filing the motions that they could not be granted. The motions are dismissed and you will so advise the party filing them.

(2)

A copy of Indian Office letter of October 12, 1906
(Land 62157), submitting your report, is inclosed. The motions
and other papers in the matter have been sent to the Indian
Office for its files.

Respectfully,

E. A. Hitchcock,

Secretary.

Through the Commissioner
of Indian Affairs.

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

October 12, 1906.

Land.
46984--1904.
62157--1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of July 13, 1904,
(I.T.D. 5500-1904), I have the honor to transmit herewith two
petitions for a rehearing of the applications of certain persons
named in the consolidated Mississippi Choctaw case of Silas
Sharpe, et al. There is also enclosed the record in the case.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KPM-KEN.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3628.

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

Muskogee, Indian Territory, November 15, 1906.

John T. Quaid,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,



Commissioner.

COPY

JWG

7730-1906.
I.T.D. 1317,
1361-1907.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

JCH

February 2, 1907.

L. R. S.

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

Sir:

January 28, 1907, the Department received a motion for rehearing in the Consolidated Mississippi Choctaw case of Silas Sharpe, et al., on behalf of the principal applicant, accompanied by a certified copy of patent issued to John Moore for certain lands in Mississippi, he being the ancestor through whom the applicants claim.

On July 13, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes in said case adverse to the applicants. On November 8, 1906, the Department also denied motions for rehearing filed on behalf of John T. Quid, et al., and J. W. Sharpe, et al. (I.T.D. 20664-1906), applicants in said case.

Viewed in any light, the present motion has not been filed within the time allowed by the Act of Congress approved April 26, 1906 (34 Stat., 137), and is therefore denied.

(2)

The motion and certified copy of patent have been sent to the Indian Office for its files. That Office will notify the parties in interest of this action.

Respectfully,

(Signed) Thos. Ryan,

2 inc. to Ind. Of.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

M C R 354.

Muskogee, Indian Territory, March 1, 1907.

W. E. Jarnagin,

R. F. D. No. 1.

Mayfield, Oklahoma.

Dear Sir:

Your letter to the Secretary of the Interior, dated February 3, 1907, requesting to be informed as to the status of the applications of yourself and family, consisting of your wife, Uler May, and infant children, Ellar Bell and Francis Leeny, as Mississippi Choctaws has been referred to this office.

In reply thereto, you are advised that the said Uler May Jarnagin, under the name of Uler M. Quaid, was an applicant in the consolidated Mississippi Choctaw case of Silas Sharp et al M C R 3540, in which the decision of the Commission to the Five Civilized Tribes adverse to the applicants was affirmed by the Secretary of the Interior July 13, 1904, and who has also subsequently denied motions for rehearing of same on November 8, 1906 and February 2, 1907.

It thus appears at this time neither you nor any of the said members of your family are enrolled as Mississippi Choctaws or have applications for enrollment pending.

Respectfully,

Commissioner.

Subject:
Report on petition
of Silas Sharpe, et al.
for reinstatement upon
rolls.

Muskegee, Oklahoma, April 7, 1909.

The Honorable,

The Secretary of the Interior.

Sir:

March 25, 1909 (File 5-51, Cherokee, Creek, Choctaw) the Department transmitted to this office for report and recommendation, fourteen letters from various persons relating to certain Indian citizenship cases.

It is stated by the Department that in these cases it is to be determined whether any action should be taken pursuant to the opinion of the Supreme Court of November 30, 1908, in the case of John E. Goldsby. Request is made for separate report in each case.

Reporting on the letter, in the form of a petition, from Silas Sharpe, by J. O. Pool of McAlester, Oklahoma, as attorney, I have the honor to advise that on September 3, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., M.C.R. 3540, for the reason that the evidence submitted was insufficient to establish the fact that applicants were the descendants of a Choctaw ancestor who complied with the provisions of the 14th article of the treaty of September 27, 1830. In said decision the Commission stated as follows:

"It appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of the applicants herein has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe of Indians, 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.

It further appears from an examination of the records of the Commission to the Five Civilized Tribes, of the applications for citizenship in the Choctaw Nation, submitted under the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321), that applications were made by Emily (Emily Ann) Quaid; by Benjamin W. Quaid, (Benjamin Quaid); by Elihu Quaid (Hugh Quaid); by America J. Bennett, (America Quaid now Bennett); by Young Harrington Quaid, (Young H. Quaid); by Emily G. Inman (Jemimah Quaid now Inman), and by Thomas Quaid, (1896 Choctaw citizenship case number 67); by Benson W. Moore for himself and his grandchildren, Lizzie Hearst, (Lizzie Hurst) and Bruce Hearst (Brud Hurst), and his children, Booty Moore (Adile Moore now Boots) (presumably the same person), Walter D. Moore (Silas Walter Moore), Thomas L. Moore, (Thomas Lee Moore), Oscar Moore (Oscar Wright Moore), Willis Moore, (Willis Hayden Moore), and Rosa Moore (Rosa Isabella Moore), (1896 Choctaw citizenship case number 351). These applicants were denied citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and no appeal taken from such decision within the time prescribed by the provisions of said act."

September 3, 1902, the Commission to the Five Civilized Tribes transmitted to the Department the record and decision in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., and reported that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations had been advised by letter of the action of the Commission.

(3)

May 22, 1903 (I.T.D. 7590-1902, 262, 4440-1903), the Department returned the record in the above consolidated case to the Commission to the Five Civilized Tribes, in order that the applicants might have an opportunity to introduce further evidence in support of their claim.

Additional testimony was taken in this case on August 7, 1903, at the office of the Commission at Muskegee, Indian Territory, and the same forwarded to the Department October 1, 1903, together with the original record.

July 13, 1904 (I.T.D. 5500-1904), the Department affirmed the decision of the Commission of September 3, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Silas Sharpe, et al.

On June 25, 1906, this office received from W. Chenault, attorney, two petitions for rehearing of the applications of certain applicants in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., and said petitions were forwarded to the Department on July 17, 1906.

September 10, 1906, the Choctaw and Chickasaw Land Offices were notified by this office that there was pending before the Department a petition for rehearing in the Mississippi Choctaw case of Silas Sharpe, et al., and instructions were given the land offices to allow Mr. Sharpe to designate, in person or by petition, for himself and family, the lands upon which they were the actual owners

(4)

of improvements, and which they anticipated selecting as their allotable interest of the lands of the Choctaws and Chickasaws, in the event they were finally identified as Mississippi Choctaws. The land offices were on October 1, 1906, furnished a list of the names of applicants in the consolidated case of Elias Sharpe, et al., and directed that any or all of the persons in said case be permitted to designate prospective allotments under instructions theretofore furnished said offices.

These instructions to the land offices were given under Departmental letter of August 18, 1906 (I.T.D. 10019, 7905-1906), which letter is as follows:

"On June 29, 1906, there was filed with the Department, as I. T. D. No. 7905-06, a letter dated June 24, 1906, from J. M. McCarty, requesting that you be advised to protect the interest of his wife Louisa McCarty, in lands claimed by her until her Mississippi Choctaw case is decided.

Mr. McCarty's letter was forwarded to you July 2, 1906, 'for action.'

The Department is now in receipt of a letter dated August 10, 1906, from attorney William V. Wright, of this city, inclosing your letter of July 26, 1906, to J. M. McCarty. In said letter you acknowledged receipt, by reference of the Secretary of the Interior, of McCarty's letter of June 24, 1906, apparently the same as referred to above as I.T.D. 7905-06, and in reply you advised him that your office has no authority to reserve from allotment any lands for Mississippi Choctaws pending disposition of motions for rehearing; further that said reservations are only made under the direction of the Secretary of the Interior. When this matter was referred to you 'for action' you should have followed the course indicated in departmental letter of June 4, 1904 (I.T.D. 4074-04) relative to the improved lands claimed by William C. Thompson. Concerning the same, the Department wrote the Commission to the Five Civilized Tribes on that date as follows:

'You are directed to take proper steps to protect whatever rights Mr. Thompson, or the parties whom he represents, may have to the land in question, so that no deed may be issued to any adverse claimant, pending decision upon the citizenship question.'

(5)

You are further advised that the McCarty case comes clearly within the rule laid down in the Thompson case. This being true special instructions from the Department were unnecessary.

You will therefore in such cases make the rule in the Thompson case uniform in order that all may be treated alike and that the Department may not be required to issue duplicate instructions."

The motions for rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., transmitted by this office to the Department July 17, 1906, were dismissed by the Department on November 8, 1906 (I.T.D. 80664-1906).

February 2, 1907 (I.T.D. 1317, 1361-1907), the Department denied a further motion for rehearing in the Mississippi Choctaw case of Silas Sharpe, et al.

After these motions for rehearing were denied by the Department and this office so notified, the notations theretofore placed upon the plats in the possession of the land offices relative to the claims of these persons to certain land, were erased.

The applicants in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., M.C.R. 3840, were not placed upon any schedule or roll by this office and were not allotted any land. The instructions of the Department were not construed as authorizing the reception of applications for allotment by undetermined applicants for enrollment, but simply an informal designation of the lands upon which they were the actual owners of improvements, for the purpose of protecting whatever rights, if any, they might have

(6)

to the land upon which the improvements were located, pending final decision upon the citizenship question involved.

The consolidated Mississippi Choctaw case of Silas Sharpe, et al., does not appear to be in any manner like that of John B. Goldsby, in whose case a decision was recently rendered by the Supreme Court.

The petition filed with the Department by J. O. Pool, as attorney for Silas Sharpe, is returned herewith.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs:

MoM 7/1

Land
27276-1909
J E D

DEPARTMENT OF THE INTERIOR,

Enrollment case of Office of Indian Affairs, G.R.
Silas Sharpe et al

Washington, Jun 4 1909

The Commissioner to the
Five Civilized Tribes,
Muskogee, Oklahoma.

Sir:

Referring to the report of the Acting Commissioner to the Five Civilized Tribes dated April 7, 1909, relative to the consolidated Mississippi Choctaw case of Silas Sharpe et al. you are advised that on May 28, 1909, the Department held that the case mentioned is not analogous to that of John E. Goldsby and does not come within the principles announced by the Supreme Court of the United States in its decision of November 30, 1908, in that case (211 U S 249). The Department declined to take any action looking to the enrollment of any of the applicants in the case of Silas Sharpe et al.

A copy of approved Office letter of May 6, 1909, is inclosed for your further information.

You are requested to notify the proper parties of this action.

Very respectfully,

C. F. Hauke

Chief Clerk.

MMT-1
1763

Land
27276-1909.
J E D

Enrollment case
of Silas Sharpe
et al.

May 6, 1909

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 25, 1909 (File 5-51), there is transmitted herewith a report dated April 7, 1909, from the Acting Commissioner to the Five Civilized Tribes, relative to the enrollment case of Silas Sharpe, et al.

The record shows that on September 3, 1902, the Commission to the Five Civilized Tribes rendered a decision refusing to identify as Mississippi Choctaws Silas Sharpe and other applicants in the consolidated Mississippi Choctaw case of Silas Sharpe et al. On May 22, 1903, the Department returned the record to the Commission in order that the applicants might have opportunity to introduce further evidence. It appears that additional evidence was taken, and on October 1, 1903, the record was forwarded again to the Department. On July 13, 1904, the Department affirmed the decision of the Commission, refusing to identify the applicants, and on November 8, 1906, and February 2, 1907, dismissed motions for rehearing in the case.

The Acting Commissioner to the Five Civilized Tribes reports that the applicants in this case were not placed upon any

schedule or roll by his office, and were not allotted any land. The Office is of the opinion that the case is not analogous to that of John E. Goldsby, and that it does not come within the principles announced by the Supreme Court of the United States in that case (211 U. S. 249).

It is therefore recommended that the Department take no action looking to the enrollment of any of the applicants included in the consolidated Mississippi Choctaw case of Silas Sharpe et al.

The record in the case is enclosed for your further information.

Very respectfully,

(Signed) R. G. Valentine,

Acting Commissioner.

ME-4
610

WGP JWH

May 28, 1909.

APPROVED:

(Signed) Frank Pierce,
First Assistant Secretary.
FWC

Muskogee, Oklahoma, June 12, 1909.

Silas Sharpe,
Ravia, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John H. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

M C R 3540

Muskogee, Oklahoma, June 12, 1909.

J. O. Pool,

McAlester, Oklahoma,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe, et al., is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Refer in reply to the following:

MB M.C R 3628

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

W.P.
Muskogee, Oklahoma, June 12, 1909.

Mr. John T. Quaid,
Durant, Oklahoma,

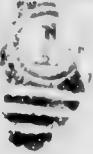
Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Elias Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Thomas G. ...
Acting Commissioner.

AB



DEC 17 1890

[Handwritten signature]

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

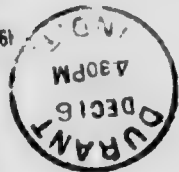
MUSKOCOE, IND. TER.



3628

John T. Quaid,

Durant, Indian Territory.



For Identification as a Mississippi Choctaw.

Date SEP 2, 1901

Name John T. Duaid

Age 38 Blood 1/16

Post Office, Oklawaha, Fla.

Father: B. W. Duaid, l

Mother: Martha E. " l

Claims through father
wife, Martha L. Duaid, w
No claim for wife

Children:

Fred R. Duaid	12
Frank B. "	8
William J. "	6
Vernon R. "	4

to claim for self
and children,

Stenographer C von Weise

Choctaw MCR 3629

Mollie E. Pirtle

See MCR 3540

MCR 3629

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 23th 1901.

5629

-Applicant represented by A. S. Johnson, attorney-

In the matter of the application of Mollie E. Pirtle for the identification of herself and her four minor children as ~~disassociated Choctaws~~

MOLLIE E. PIRTLE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Mollie E. Pirtle.
Q Your age is what? A Is 36.
Q What is your post office address? A Troupe, Texas.
Q Where were you born? A Russ County, Texas.
Q How long did you live there? A I was born and raised there.
Q Live there now? A No, in Smith County.
Q Just lived in those two Counties? A Yes.
Q What is your father's name? A Simpson Moore.
Q Is he living? A No, sir.
Q What is your mother's name? A Martha Moore.
Q Is she living? A Yes, sir.
Q Through which one of these parents do you claim Choctaw blood? A Through my father.
Q How much do you claim? A One eighth.
Q Has your father ever be recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No.
Q Are you married? A Yes, sir.
Q What is your husband's name? A George W. Pirtle.
Q What is his blood? A White.
Q You don't make any claim for him do you? A No, sir.
Q Have you any children under twenty one years of age and unmarried that you want to make application for? A Yes sir.
Q How many? A Four.
Q What is the name of the oldest one? A Roscoe
Q How old? A 13.
Q Next? Monnie.
Q How old? A 13.
Q Next? A Consuela. (Spelled by applicant)
Q How old? A She is Six.
Q The next? A Roselle. (Spelled by applicant)
Q Girls? A Yes.
Q How old? A Four years.
Q That all? A Yes.
Q Is George W. Pirtle the father of these children? A Yes, sir.
Q And you the mother? A Yes, sir.
Q Are they living with you at your home? A Yes, sir.
Q When and where were you married to him? A In Troupe, Texas.
Q When? A Sixteen years ago, I don't remember the year.
Q What day of the month? A Second day of Nov mber.
Q Were you married by a Minister and under a license? A Yes, sir.
Q You claim for all these children of yours? A Yes, sir.
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, sir.

Q Have you ever made application for yourself and children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No, sir.

Q Did you ever make application for citizenship in the Choctaw Nation to the Dawes Commission in 1886 under act of Congress approved June 10, 1896? A No.

Q Did any one ever make that application for you? A No.

Q Were you ever admitted to citizenship with your children 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 Did you ever make application for citizenship in the Choctaw Nation for yourself or your children before either the Choctaw tribal authorities or the United States authorities? A No, sir.

Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws, with your children, under the provisions of the fourteenth article of the treaty of 1830? A Yes, sir.

Q Do you understand that article? A No.

Q Never read it or heard it read? A No, sir.

The treaty of 1830 was entered into between the Choctaw Indians and the United States Government. It was made September 27th 1830 at a place in Mississippi called Dancing Rabbit Creek; the object of that treaty was to remove all of the Choctaw Indians who were then living in that portion of Mississippi and Alabama then known as the Choctaw Nation. It was supposed that they would have more rights and greater privileges in the Choctaw Nation in the Indian Territory than if they remained in Mississippi where they were being annoyed by the whites; but before the treaty was signed it became evident that a great many Choctaws wouldn't go to the Choctaw Nation in the Indian Territory, and article fourteen was put into the treaty for the benefit of those Choctaws who didn't want to come, and that article 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 who is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

Q This is the fourteenth article of the treaty of Dancing Rabbit Creek, or 1830; do you think you understand it now? A Yes, sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of the fourteenth article of the treaty of 1830? A I don't know.

Q You claim through your father, Silas Moore? A Yes I claim through him but he was my father's father.

Q Was he a Choctaw Indian? A His mother Nancy Moore was a full blood and he was a half breed.

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

Q Was he the head of a family? A Yes, sir.

Q Is your father living? A No, sir.

Q How long has he been dead? A Sixteen years.

Q How old was he when he died? A Sixty.

Q He would be 76 now? A Yes sir.

Q He lived in Mississippi in 1830? A Yes sir.

Q In your father's name was your father Silas Moore was a recognized

Q Do you know whether your ancestor Silas Moore was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 or not?

A I don't know.

Q What was his father's name? A John Moore.

Q He was a white man? A Yes.

Q What was his mother's name? A Nancy.

Q She was an Indian? A Yes, sir.

Q Best evidence have you that Silas Moore was a half blood Choctaw Indian and lived in Mississippi in 1830 and was the head of a family?

A I heard it - remember of hearing his speak of it.

Q You say Silas Moore was a half blood Indian? A Yes sir.

Q How did he look? A His head was white, in his beard was white.

Q How was his complexion? A I don't know, I wasn't old enough to remember.

Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I heard my father speak of it, that they did.

Q Did any of your Choctaw ancestors come from Mississippi or Alabama to the Indian Territory with the other Choctaw Indians between 1830 and 1836? A I don't know.

Q Did any of your Choctaw ancestors within 30 months after the ratification of the treaty of 1830 go to the Indian agent, Col. Ward, and tell him what they wanted to stay there and take land? A I don't know.

Q Did any of your Choctaw ancestors ever claim or receive any benefits under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Did they ever claim or receive any benefits under any other article except article fourteen? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Government directed Col. Ward who was the Indian agent in Mississippi in 1830 to register the names of those Choctaws who might desire to remain and take land in Mississippi. Col. Ward did not do as directed except in a very few cases, and a great many Choctaw claimants who did come before him and declare their intention of remaining and taking land were not registered by him; this caused a great deal of complaint as in many instances the land on which the Indians had improvements and which they desired reserved for them under article fourteen was sold by the Government at its public land sales and the Choctaws were deprived of both their land and improvements. On March 3rd, 1837 Congress appointed a Commission to go to Mississippi and hear the claims of those Choctaws who claimed under the provisions of the fourteenth article of the treaty of 1830. These Commissioners heard a great many of these cases. In 1842 another Commission was appointed and held them for the same purpose.

Q Do you know if any of your Choctaw ancestors went before either of these Commissions in 1837 or 1842 and claimed as beneficiaries under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress of August 25th, 1842 provides that in case a Choctaw Indian has established his right under article fourteen of the treaty of 1830, and where it was shown that his land had been taken from him and sold by the Government, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from the present government land, and that a certificate should be given him to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any such scrip? A No sir, that is not that I know of.

Q Have you any documentary evidence now that you would like to produce? A Yes

Sworn statement of Hollie E. Pirtle, this applicant, presented by her, filed, marked exhibit "A" and made a part of the record in this case.

Reasonable time is allowed this applicant to offer documentary evidence in support of her application; and also reasonable time for the presentation of witnesses giving oral testimony, if she desires to do so.

Q You don't speak the Choctaw language? A I do not know anything about it; I was learned to count in Indian.

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

Q Have you any relatives who have been before this Commission and made application? A John T. Quaid.

Q What relation is he to you? A Second cousin.

Q Did you ever hear of Ben W. Quaid? A Yes sir.

Q What relation is he to you? A Own cousin.

Q Of Y. R. Quaid? A Yes sir.

Q What relation is he to you? A Own cousin.

Q S. R. Quaid? A Yes sir.

Q Related to him? A Yes sir.

Q Cousin? A Yes sir.

Q These people have appeared before the Commission for the purpose of being identified as Mississippi Choctaws claiming under the common ancestor that you do, Silas Moore, do you want to have their testimony made a part of your case and considered with your application? A Yes sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, with the exception of her dark complexion, which would seem to be an indication of a strain of Choctaw blood, as she claims. She does not speak or understand the Choctaw language, has no knowledge of a compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Chas. von Weise, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas von Weise

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

Wm. L. Kelly
Notary Public

Muskogee, Indian Territory, September 18, 1902.

W. R. Mitchell,
Post Master,
Troup, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you state that you have at your office unclaimed, registered letter No. 1145, from the Commission to the Five Civilized Tribes addressed to Mollie E. Pirtle. You ask what disposition to make of the same.

In reply you are informed that if after diligent effort you are unable to make delivery, you may return the same to this office.

Yours truly,

Acting Chairman.

M.O.R. 3689

Muskogee, Indian Territory, July 14, 1903.

Mollie E. Pirtle,
Troupe, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Bilas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

M.R.P.-----2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

M.E.P.-----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Commissioner in Charge.

R & R Dep.

Registered.

COPY.

M.C.R. 3629

Muskogee, Indian Territory, September 3, 1902.

Mollie E. Pirtle,

Troupe, Texas.

Dear Madam:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

Silas Sharpe, et al.,	M.C.R.	3540
Emily Quaid,	"	3585
Benjamin W. Quaid,	"	3435
John T. Quaid, et al.,	"	3628
Susan Lodock Valls, et al.,	"	3438
Sigerruda Ellen Tice, et al.,	"	3479
Klima Quaid,	"	3541
William Ambrose Quaid,	"	3542
America J. Bennett, et al.,	"	3612
Hannah Elizabeth Smith,	"	3514
Harnest W. Long, et al.,	"	4064
Young Harrington Quaid, et al.,	"	3437
Maggie Ball Strother,	"	3523
Hally G. Inman, et al.,	"	3500
Thomas Quaid, et al.,	"	3445
Lee Harrington Quaid,	"	3439
Ninnie Nugent, et al.,	"	3444
Stephen M. Moore, et al.,	"	3630
Polix J. Moore, et al.,	"	3707
John R. Moore,	"	3904
Walter D. Moore,	"	3440
Roxy Moore,	"	3493
Betsy Moore,	"	4500
Benjamin W. Moore, et al.,	"	3879
Thomas L. Moore,	"	3561

Mollie E. Pirtle-2

Oscar Moore, et al.,	M.C.R. 3583
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3529

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred A. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Ledeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Maudie Ledeska Wells, Simerruda Ellen Tice, Julia May Tice, Eliza Quaid, William Amburse Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Ingers, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Eugent, Themie May Eugent, Simpson M. Moore, Felix F. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minnie Moore, Felix F. Moore, (2), Walter L. Moore, Nona V. Moore, Mary E. Moore, Leta E. Moore, Janice M. Moore, John E. Moore, Walter D. Moore, Bessy Moore, Beety Moore, Benson W. Moore, Linnie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Rebecca Pirtle, Mennie Pirtle, Consuelva Pirtle and Roselle Pirtle 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."

~~James B. Dixby~~

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 3629

Muskogee, Indian Territory, September 17, 1903.

James A. Butler, P. M.,
Troup, Texas.

Dear Sir:

Receipt is hereby acknowledged of your notice, dated September 9, 1903, stating that a registered letter from this office addressed to Mollie E. Pirtle, Troup, Texas, remains unclaimed, and you ask what disposition to make of the same.

In reply you are informed that you may return said letter to this office.

Respectfully,

Chairman.

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

M.C.R. 3629

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 14, 1903.

Mollie E. Pirtle,
Troupe, Texas.

Dear Madam:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

M.E.P.-----2

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

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate associates,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

M.E.P.-----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully



Commissioner in Charge.

R & R Dep.

Registered.

101000

COMMISSIONERS:
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BRALL,
Secretary.

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

<p>REFER IN REPLY TO THE FOLLOWING:</p> <p>N.C.R. 3629</p>

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

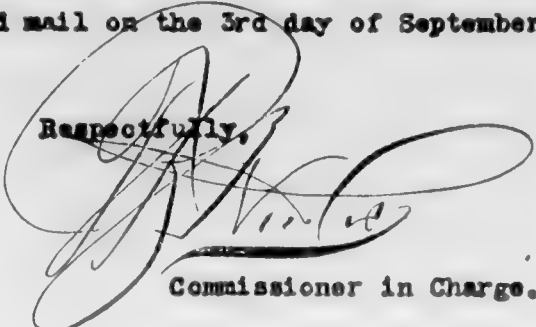
Muskogee, Indian Territory, July 23, 1904.

Mollie E. Pirtle,
Troupe, Texas,

Dear Madam:

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,



Commissioner in Charge.

NCR-3629

Muskogee, Indian Territory, October 25, 1906.

Mollie Pirtle,
C/o R. T. Wilkinson,
Ravia, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant in which you request to have land set aside for yourself and children pending final disposition of your application for identification as Mississippi Choctaws.

It appears from the records of this office that you and your children are parties applicant in the consolidated Mississippi Choctaw case of Silas Sharpe et al., in which case the Choctaw and Chickasaw Land Offices have heretofore been instructed to permit any or all of said applicants to designate in person or by petition the lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws. You may now indicate to the land office the improved holdings of yourself and children in order that if the same are filed on by any duly enrolled citizen you may be so advised in order that you may institute contest proceedings therefor.

M P - - - - (2)

The designation of a prospective allotment by an undetermined Mississippi Choctaw applicant does not prevent a duly enrolled citizen from filing on the same. It is merely a notice to him that the undetermined applicant has a claim to the land.

Respectfully,

Commissioner.

M.C.R. 3629.

COPY

Muskogee, Indian Territory, November 15, 1906.

Mollie E. Pirtle,

Care of R. T. Wilkinson,

Ravia, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

Tams Bixby.
Commissioner.

MCR 3629

Muskogee, Indian Territory, December 17, 1906.

Mollie H. Pirtle,

Durant, Indian Territory.

Dear Madam :--

Receipt is hereby acknowledged of your letter of the 12th instant, requesting to be advised how you may make application for the identification of your two minor children, who were born August 23, 1902, and August 1, 1905.

In reply, you are advised that there is now no authority of law for the reception or consideration of such applications. The time within which applications could be received for the enrollment of new born children under the Act of Congress approved April 26, 1906, (34 Stat., 137), expired July 25, 1906.

The records of this office show that you are a rejected Mississippi Choctaw claimant, being one of the applicants in the consolidated case of Silas Sharpe, et al. This case has been denied both by the Commission to the Five Civilized Tribes and the Secretary of the Interior. The motion filed with this office June 25, 1906, by W. Chenault, Sulphur, Indian Territory, for rehearing in said consolidated case was denied by the Secretary of the Interior November 8, 1906.

Respectfully,

Commissioner.

MCR-3629

MCR-3840

Muskogee, Indian Territory, February 2, 1907.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of January 19, 1907, requesting to be advised if Mollie Pirtle of Durant, Indian Territory, has an application pending for enrollment, and if she should be allowed to have notations of lands claimed by her made and institute contest therefor should any of the lands so designated by her be filed upon by other citizens.

The records of this office show that Mollie Pirtle is one of the applicants in the consolidated Mississippi Choctaw case of Silas Sharpe et al. Your attention is invited to General Office letter of October 1, 1906, furnishing a list of the applicants in this consolidated case; also letter of November 15, 1906, notifying you that the Secretary of the Interior, on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe et al.

Chickasaw L. O. - - - (2)

It does not appear that there are any proceedings now pending in this case, and Mollie Firtle would therefore not be entitled to designate her prospective allotment at this time nor to institute contest.

Respectfully,

Commissioner.

100-10000

Muskogee, Oklahoma, June 13, 1909.

Mrs. Mollie E. Pirtle,
Durant, Oklahoma,

Madam:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Chestaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

Department of the Interior,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, IND. TER., November 4, 1901.

The following rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws have, on this date, been adopted by the Commission, and are promulgated for the information and guidance of all concerned.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
TAMS BIXBY,
Acting Chairman.

RULES AND REGULATIONS
GOVERNING THE PROCEDURE IN THE TAKING AND SUBMISSION
OF DEPOSITIONS
IN
SUPPORT OF APPLICATIONS FOR IDENTIFICATION AS
MISSISSIPPI CHOCTAWS.

- Rule 1.** Testimony may be taken by deposition in the following cases :
- (a) Where the witness is unable, from age, infirmity or sickness, to personally appear before the Commission to the Five Civilized Tribes.

- (b) Where the witness is a non-resident of the Indian Territory, or of the state of Mississippi.
 - (c) Where from any sufficient cause it is apprehended that the witness may be unable to be present in person, in which case the deposition will be used only in the event that the personal attendance of the witness cannot be obtained.
- Rule 2.** The party desiring to take a deposition under Rule 1, must comply with the following regulations:
- (a) He must have made a personal application to the Commission to the Five Civilized Tribes for identification as a Mississippi Choctaw.
 - (b) He must file with said Commission his affidavit setting forth one or more of the above named causes for taking such deposition; that the testimony of the witness is material to his claim, and specify the evidence sought to be adduced in the taking of such deposition.
 - (c) He must file with said Commission the interrogatories to be propounded to the witness.
 - (d) He must state the full name and residence of the witness.
 - (e) He must serve a copy of the interrogatories on the opposing party, or on his attorney of record.
- Rule 3.** The opposing party will be allowed fifteen days, after the filing of the interrogatories, in which to file cross-interrogatories.
- Rule 4.** If cross-interrogatories are not filed by the opposing party within the fifteen days allowed by Rule 3, the Commission to the Five Civilized Tribes will file cross-interrogatories in the cause, and the said Commission may, in any event, file such additional interrogatories or cross-interrogatories as may seem proper.
- Rule 5.** After the expiration of the fifteen days allowed for filing cross-interrogatories, a commission to take the deposition shall be issued by the Commission to the Five Civilized

Tribes, which commission shall be accompanied by a copy of all the interrogatories filed.

- Rule 6.** The Commission to the Five Civilized Tribes, may designate any officer, authorized to administer oaths within the county or district wherein the witness resides, to take such deposition.
- Rule 7.** It is the duty of the officer before whom the deposition is taken, to cause the interrogatories appended to the commission to be written out and the answers thereto to be inserted immediately underneath the respective questions, and the whole, when completed, is to be read over to the witness, and must be by him subscribed and sworn to in the usual manner, before the witness is discharged.
- Rule 8.** The officer must attach his certificate to the deposition, stating that the same was subscribed and sworn to by the deponent at the time and place therein mentioned.
- Rule 9.** The deposition and certificate, together with the commission and interrogatories must then be sealed up, the title of the cause endorsed on the envelope, and the whole returned by registered mail or express to the Commission to the Five Civilized Tribes, Muskogee, Indian Territory.
- Rule 10.** Upon receipt of the deposition at the office of the Commission to the Five Civilized Tribes, the date when the same is opened must be endorsed on the envelope and body of the deposition by said Commission.
- Rule 11.** If the officer designated to take the deposition has no official seal, a proper certificate of his official character, under seal, must accompany his return.
- Rule 12.** Service on the Choctaw and Chickasaw Nations shall be had by serving the attorneys for said nations.
- Rule 13.** Proof of personal service shall be made, where service is required, by the written acknowledgment of the party served, or by the affidavit of the party making such service.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

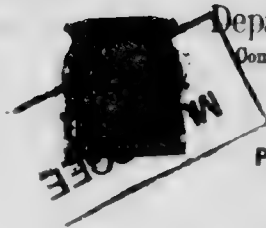
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Department of the Interior

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

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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Mollie W. Pirtle,
Grouse, Texas.



49

*Muskogee,
Ind. Ter.*



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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
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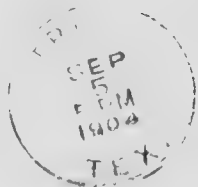
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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCOE, IND. TER.

3629



UNCLAIMED

Mollie E. Pirtle,
Troupe, Texas.



RETURN TO WRITER



For Identification as a Mississippi Choctaw.

Date SEP 25 1901
 Name Mollie E. Pirte
 Age 36 Blood 48
 Post Office, Troupe, Texas.
 Father: Simpson Moore, d
 Mother: Martha " l
 Claims through father
 husband George W. Pirte, w
 No claim for husband.

Children: Roseoe Pirte, 14
 Monnie " 12
 Concordia " 6
 Roselle " 4

Claims for self
 & children

Stenographer O. von Neie.

Choctaw MCR 3630

Simpson M. Moore

See MCR 3540

MCR 3630

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 25, 1901.

5805

-Applicant represented by A. S. Johnson, attorney-

3630

In the matter of the application of Simpson M. Moore for the identification of himself and his six minor children as Mississippi Choctaws.

SIMPSON M. MOORE, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION

- Q What is your name? A Simpson M. Moore.
Q What is your age? A 40.
Q What is your post office address? A Yantis,
Q How do you spell it? A Y-A-N-T-I-S
Q Texas? A Yes, sir.
Q How long have you lived there? A About ten years.
Q Where did you live before that? A Russ County.
Q Texas? A Yes.
Q How long did you live there? A Near all my life, I was born and raised there.
Q Did you move from there to Yantis? A Yes sir.
Q What is your father's name? A Seaton Moore.
Q Is he living? A No, sir.
Q What is your mother's name? A Lavina Moore.
Q LA or LE? A LA.
Q Is she living? A No, sir.
Q Through which one of these parents do you claim your Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A 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 either the Choctaw tribal authorities of the United States Authorities in the Indian Territory?
A He has been; no sir, he has never got any benefits as I know of.
Q He never was a recognized member of the Choctaw tribe? A I don't know, he come from Mississippi.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie.
Q What is her blood? A She is white.
Q Do you claim for her? A No sir.
Q Don't make any claim for her? A No sir.
Q Give me the names of your children under age and unmarried for whom you make application? A The oldest boy is seventeen.
Q What is his name? A Felix P.
Q The next? A Lillie.
Q How old? A She is about ten years.
Q The next? A Next is Andrew H.
Q How old? A, He is about seven.
Q The next? A Mollie.
Q How old? A She is about four.
Q The next? A Is Lem, a twin of Mollie.
Q His name is Lemuel isn't it? A Yes, sir.
Q This one is a boy isn't it? A Yes.
Q How old is he? A About four years old; Mollie and he are twins.
Q Next one? A Minion.
Q How old? A Nearly three.
Q Girl? A Yes, sir.
Q Is Minnie Moore 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 your wife Ninnie? A In Run's County, Texas.
Q What day of the month? A 30th of November, I don't exactly remember the year.
Q Were you married by a minister and under a license? A Yes sir.
Q Have you that license and certificate with you? A No sir.

A reasonable time will be allowed you in which to offer this marriage license and certificate of your marriage to your wife Ninnie Moore, in support of the application which you make for these children.

- Q Is your name or the names of those children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A Yes, sir but I don't know if it ever went before the Council.
Q Was that application made to the Choctaw tribal authorities or to the Dawes Commission? A Well, it was five years ago.
Q It was before the Dawes Commission wasn't it? A Yes, sir.
Q What was ever done with that application? A I don't know, I didn't never hear; I think the lawyer skipped out, I heard he did.

Record of applications for citizenship in the Choctaw Nation made to the Commission in 1896 will be examined and a memorandum attached hereto and included in this application.

- Q Were you ever admitted to citizenship with your children by either the Choctaw tribal authorities, the Dawes Commission, or the United States Court in the Indian Territory? A No, sir.
Q Do you now come before the Commission for the purpose of being identified as Mississippi Choctaws, with your children, under the provisions of Article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article? A I think I do.
Q Do you want it explained further? A I heard you explain it just now to those others.
Q You think that is enough, so that you understand it? A Yes sir
Q I can read it again if you want me to? A Well, go ahead.

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

- Q You think you understand that do you? A Yes, sir.
Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.

- Q You claim through your father? A Yes, sir.
- Q He claims through which parent, his father or mother? A Through his father I reckon.
- Q What was his father's name? A Silas.
- Q Was Silas Moore the Choctaw ancestor who lived in Mississippi in 1830 and was the head of a family? A Yes sir.
- Q Did he own any improvements on land in Mississippi? A I don't know.
- Q What was his father's name? John.
- Q Was he a Choctaw Indian? A No sir.
- Q What was his mother's name? A Nancy.
- Q Was she a Choctaw Indian? A Yes, sir, a full blood.
- Q Was she living in Mississippi in 1830? A Yes sir.
- Q Wasn't dead at that time? A No, sir.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the Indian agent there in Mississippi, Col. Ward, and tell him that they wanted to stay there and take land? A I can't say.
- Q Did any of your Choctaw ancestors come west with the other Choctaw Indians to the present Choctaw Nation between the years 1833 and 1838? A I can't say, I know grand father came to Texas.
- Q You don't know if he came to the Indian Territory? A No sir.
- Q When did he go to Texas? A Long before I was born, before my father was grown.
- Q Did any of your Choctaw ancestors receive or claim any land as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any land or other benefits under the provisions of any other article of the treaty of 1830 besides the fourteenth article, or under the supplement to that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of 1830, the United States Government directed Col. Ward who was then the Indian agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and take land. Col. Ward did not do as directed except in a very few cases. On this account & in a great many instances the land on which the Indians had improvements and which they desired reserved for them under article fourteen was sold by the Government at its public land sales and the Choctaws were deprived of their land. This action of the Government caused many complaints to be made by the Choctaws and on March 3rd, 1837 Commissioners were appointed who went to Mississippi to hear the claims of those who claimed under the provisions of the fourteenth article of the treaty of 1830. These Commissioners heard a great many such claims. In 1842 another Commission was appointed for the same purpose, and they also made a list of those who claimed under the provisions of article fourteen.

- Q Did any of your ancestors, Silas Moore, or his mother or any of your ancestors appear before either of these Commission appointed in 1837 and 1842 and claim as beneficiaries under the provisions of article fourteen of the treaty of 1830? A I don't know.

The act of Congress of August 23, 1842 provides that in case it should be finally determined that a Choctaw had complied with all the provisions of 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 the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from the vacant Government land, and that a certificate should be given them to that effect. These certificates were called scrip.

Q Did Elias Moore or his mother or any of your Choctaw ancestors ever receive any such scrip from the Government? A I don't know.
Q Have you any documentary evidence that you want to offer at this time? A Yes.

Sworn statement of Simpson M. Moore, the applicant, presented by him, filed, marked exhibit "A" and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to offer documentary evidence, also reasonable time will be allowed in which to offer such evidence, or witnesses as he desires to produce before the Commission in support of this claim.

Q What relation is John T. Quaid to you? A Second cousin.

Q Benjamin? A First cousin.

Q Y. H. Quaid? A Own cousin.

Q Jim R. Moore? A Half brother.

Q These persons have made application, also Hobbie W. Pirtle, and claim through the same common ancestor as you, Elias Moore? A Yes.

Q Do you desire to have their evidence considered in your case and made a part of it when it is taken up for final consideration? A Yes, sir

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

This applicant has the appearance and physical characteristics of being descended from white parentage, except that his features, hair and eyes are dark, showing a strain of foreign blood which he claims is Choctaw. He has no knowledge of the compliance on the part of his ancestors with the provisions of the treaty of 1830

Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

Chas von Weise

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

Attest
Notary Public.

Muskogee, Indian Territory, September 3, 1902.

Simpson M. Moore,
Yantis, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Choctaws:

Silas Sharpe, et al.,	M. C. R.	3540
Emily Quaid,	"	3585
Benjamin W. Quaid,	"	3435
John T. Quaid, et al.,	"	3628
Susan Lodeska Wells, et al.,	"	3438
Simarruda Elion Tice, et al.,	"	3479
Eliza Quaid,	"	3541
William Ambrose Quaid,	"	3543
America J. Bennett, et al.,	"	3512
Rena Elizabeth Smith,	"	3514
Earnest W. Long, et al.,	"	4864
Young Harrington Quaid, et al.,	"	3437
Maggie Bell Strother,	"	3513
Emily G. Inman, et al.,	"	3580
Thomas Quaid, et al.,	"	3445
Lee Harrington Quaid,	"	3439
Minnie Nugent, et al.,	"	3444
Simpson M. Moore, et al.,	"	3630
Felix F. Moore, et al.,	"	3707
John R. Moore,	"	3994
Walter D. Moore,	"	3640
Rexy Moore,	"	3493
Bobby Moore,	"	4560
Bansen V. Moore, et al.,	"	3579
Thomas L. Moore,	"	3581

Simpson M. Moore-2

Oscar Moore, et al.,	M.C.R.	3883
Willis Moore,	"	3884
Rosa Moore, et al.,	"	3882
Mollie E. Pirtle, et al.,	"	3829

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Nola Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred R. Quaid, Frank B. Quaid, William J. Quaid, Vernon R. Quaid, Susan Lodaska Wells, Martha Elizabeth Wells, John Nicholson Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Annie Lodaska Wells, Simerrusa Ellen Tice, Julia May Tice, Eliza Quaid, William Lawrence Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Lorraine Bennett, Emma Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Warrington Quaid, John L. Quaid, William Quaid, Lillie M. Quaid, Charles P. Quaid, Rebecca Emily Quaid, Lizzie Bell Strother, Emily G. Tuman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thonie May Nugent, Simpson M. Moore, Felix P. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix P. Moore (2), Walter L. Moore, Nona V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Betsy Moore, Benson W. Moore, Lissie Hearst, Bruce Hearst, Thomas L. Moore, Garar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Fannie Pirtle, Consuela Pirtle and Roselle Pirtle 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."

Elroy M. Moore

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 3448-3818-
3840-3885-
3830-4004.

Mustagee, Indian Territory, February 20, 1903.

Otto Marshall,
Cumberland, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you ask if the names of Elias Sharp, Emily Quid, America J. Bennett, Thomas Quid and Simpson H. Moore are enrolled or registered. You state that you have not yet put in your application and ask if you can make such application at Tishomingo, Indian Territory.

In reply you are advised that the persons above named made application to this Commission for the identification of themselves and families as Mississippi Choctaws. The Commission, on September 3, 1902, rendered its decision refusing their applications and on the same date they were notified by registered mail of the action of the Commission and of the forwarding of the record to the Secretary of the Interior. The Commission has not up to the present time been advised of any departmental action thereon. As soon as the Commission is informed of the decision of the Secretary of the Interior, the several applicants will be duly notified.

You are further advised that the authority vested in this Commission to determine the identity of so-called Mississippi Cho-

laws is contained in a provision of the twenty-first section of the act of Congress of June 23, 1830, which is as follows:

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

The fourteenth article of the treaty of 1830, above referred to, is as follows:

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

The Commission, in determining the right of persons to be identified as Mississippi Choctaws, required that applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subse-

quently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of Congress of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age or who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

O X 4

The act of Congress approved July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations September 25, 1902, provides:

"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."

You are advised that under the above legislation the Commission will, at its office at Muskogee, Indian Territory, hear applications for identification as Mississippi Choctaws until March 25, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, July 14, 1903.

Simpson M. Moore,
Yantis, Texas.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior in his letter states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

S.H. Moore---2

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

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

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

S.M.V.----3

of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1903, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 3630.

COPY.

Muskogee, Indian Territory, July 23, 1904.

Simpson M. Moore,
Yantis, Texas,

Dear Sir:-

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 3630.

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

Muskogee, Indian Territory, November 15, 1906.

Simpson M. Moore,
Yantis, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,



Commissioner.

M C R 5630

Muskogee, Oklahoma, June 12, 1909.

Mr. Simpson M. Moore,
Yantis, Texas,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Silas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

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Department of the Interior.

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

3630

RECEIVED
DEC 10 1898

Simpson M. Moore,
~~Yantis, Texas.~~

~~Paris Tex~~ 218-1

PARIS TEX.
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1898



For Identification as a Mississippi Choctaw.

Date SEP 25 1901

Name Simpson M. Moore

Age 40 Blood 1/8

Post Office, Yantis, Texas.

Father: Beaton Moore, d

Mother: Lavina " d

Claims through father
wife, Ninnie Moore, W.
No claim for wife.

Children: Felix F. Moore 17

Lillie " 10

Andrew H. " 7

leaves } Mollie " 4

leaves } ~~Marion~~ " 4

leaves } LEMUEL 4

(File)
Minion 3

Claims for self
and children

Stenographer C. von Weise.

Choctaw MCR 3631

Dave To-ma-ha-tubbee

MCR 3631

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

-----oOo-----

In the matter of the application of Dave To-ma-ha-tubbee
for identification as a Mississippi Choctaw,

M C R 3631.

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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 Dave To-ma-ha-tubbee
for identification as a Mississippi Choctaw,
M C R 3631.

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-----: I N D E X :-----

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	Page
Original application of Dave To-ma-ha-tubbee for identification as a Mississippi Choctaw,-----	1
Decision of the Commission identifying the above applicant,-----	9

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 24th, 1901.

In the matter of the application of Dave To-ma-ha-tubbee for the identification of himself as a Mississippi Choctaw.

Said Dave To-ma-ha-tubbee, being first duly sworn through Isham Johnston, sworn Choctaw interpreter, testified as follows:-

Examination by the Commission.

- Q What is your name? A Dave To-ma-ha-tubbee.
Q How old are you? A Seventy-five.
Q Where do you live? A Decatur, Mississippi. I live with a man named Henry Wall.
Q Is he a white man? A Yes, a white man.
Q How long have you lived in that neighborhood? A I lived there last year and this year.
Q How long have you lived in Newton County? A I was born there.
Q Always lived there? A Yes.
Q Have you ever been out of the State of Mississippi? A No.
Q Lived there all your life in Newton County, Mississippi? A Yes.
Q What is your father's name? A Cun-ne-tan-tubbee.
Q Is your father living? A Dead; died in Mobile.
Q What is your mother's name? A Ok-la-he-mah.
Q Is your mother living? A No.
Q Did your mother and father always live here in Mississippi? A Yes.
Q Neither of them ever went to the Indian Territory when the Indians moved out there? A No.
Q Both of them full blood Choctaws? A Yes.
Q You are a full blood, are you? A Yes, I was a bad Indian.
Q Are you married? A Yes.
Q Is your wife living? A No, I quit her.
Q You have no wife living with you? A No.
Q Have you got any children? A No.
Q You live all by yourself? A I don't stay with Choctaw Indians. I stay with white folks about twenty years, more too.
Q Have you ever been enrolled by the Choctaw Nation in Indian Territory as a citizen of the Choctaw Tribe? A Don't know.
Q Did you ever go to the Indian Territory or did you ever make an application to the Choctaw council in Indian Territory to be enrolled with the Tribe there? A No.
Q Five years ago, in 1896, this Commission was authorized by an Act of Congress approved June 10, 1896, to hear and determine original applications for citizenship in the Choctaw Nation. Did you or did anyone for you make an application at that time? A No.
Q Have you ever been admitted to citizenship in the Choctaw Nation in Indian Territory by the Choctaw Tribe or by the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A No.
Q Have you ever made any application to either the Choctaw Tribal authorities or to the authorities of the United States for citizenship or enrollment as a Choctaw prior to this time? A Two years ago
Q Where? A Decatur.
Q Did you make application yourself? A Yes.
Q Were you there in person? A No, a white man by name of John Butts.

Dave To-ma-ha-tubbee--2

- Q You did not go yourself then? A No.
Q A man by the name of Butts went for you? A Yes.

This applicant is the identical Dave To-ma-ha-tubbee for whom an application for identification as a Mississippi Choctaw was made before the Commission at Decatur, Mississippi on February 7th, 1899, by J. E. Butts and the following is a copy of the testimony of the said Butts at the time of this application:

"J. E. Butts, after being duly sworn, states: I am 47 years old, and live in Newton County, Miss. I want to give in for Dave Tom-ah-at-ubbee, a full blood Choctaw, about 70 years old, who has no family, and who is not able to be present before the Commission."

The name of this applicant Dave To-ma-ha-tubbee appears upon the records of the Commission on Mississippi Choctaw card Field No.413 and on the schedule annexed to the Commission's report of March 10, 1899, to the Secretary of the Interior, as to the identification of Mississippi Choctaws, page 91, roll number 1477.

- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the provisions of the 14th article of the treaty between the United States and the Choctaw Indians concluded September 27th, 1830?
A Yes.

The treaty of Dancing Rabbit Creek, the treaty between the Choctaws and the United States, was entered into 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 occupied a portion 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 the Choctaws from the territory occupied by them in Mississippi and Alabama to the new country west of the Mississippi River, part of which is now occupied by the main portion of the Choctaw Nation. At the time the treaty was made some of the Choctaws were unwilling to move to the new country and preferred to remain here in what constituted the old Choctaw Nation. For the benefit of this class of Indians the 14th article was incorporated 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 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

Dave To-ma-ha-tubbee--3

treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you think you understand this 14th article? A Yes.
- Q Did any of your ancestors, either your father or mother, or their father or mother, ever comply or attempt to comply with the provisions of this 14th article of the treaty of 1830? A Yes, Pa and ma and sister.
- Q Did they receive land here from the Government? A I don't know.
- Q Were your father and mother and their people recognized as members of the Choctaw Tribe here in Mississippi in 1830, about the time you were born? A I don't know.
- Q They lived here didn't they? A Yes.
- Q Did you have any brothers and sisters older than you are? A No I was the oldest.
- Q About how old a woman was your mother when you were born? A Don't know.
- Q Was she a young woman when you were born? A I don't know.
- Q Do you remember your mother? A Yes.
- Q How big a boy were you when she died? A About fifteen years old.
- Q About how old a woman was she when she died? A I cant tell nothing about it.
- Q Was she a young or a middle aged woman? A Right old.
- Q Do you remember your father? A Yes.
- Q How long has he been dead? A I cant tell. He died in Mobile when I was a little boy. Choctaw Indian don't know how old he is.
- Q Do you remember when the Choctaw Indians moved from Mississippi and went Westto Indian Territory? A No, never ~~xxx~~ knowed.
- Q You don't remember of them moving out there? A No.
- Q Do you know anything about your father's and mother's father and mother-their parents? A No, don't know.
- Q Your father and mother lived and died here in Mississippi-did they? A No, my pa died in Mobile.

In accordance with the provisions of the 14th article of the treaty of 1830 the Government directed the Agent of the Choctaws in Mississippi to register the names of all those Choctaws who desired to remain and have their allotments here. The records of the Government show that the Agent failed to do this in a number of instances and that the land belonging to the Choctaws was sold by the Government at its public land sales. On this account a great deal of complaint was made to the Government and on March 3, 1837, legislation was approved providing for the appointment of a Commission to go to Mississippi and hear evidence in cases where Choctaws claimed they had complied with the provisions of the 14th article of the treaty of 1830. Under the Act of Congress of August 23, 1842, a second Commission was appointed to hear the claims of those Choctaws whose land had been sold in Mississippi and who claimed rights under article 14 of the treaty of 1830.

Dave To-ma-ha-tubbee---4

Q Do you know whether any of your people, yo r ancestors, your father or mother or their parents ever appeared before either of these Commissions in Mississippi and claimed rights to land under that article of the treaty? A Don't know about that.

The applicant states the name of his father to be Cun-ne-tan-tubbee and it appears from the records of the Government in the possession of the Commission, on page 640 of Volume one of the records in the case of the Choctaw Nation of Indians vs the United States, Court of Claims No.12742 in an abstract, being a list containing the names of 26 applicants ~~who claim~~ whose claims were recommended to the favorable consideration of Congress by Messrs. Murray and Vroom, the following entry:

Comr's: No.	Names of Claimants:	Names of Children		Place of Residence		
		Over 10 years: of age	Under 10 years: of age	Part of Sec	Sec	T : R
126	Tik-ba-pa-lubbee	Cun-ne-tan-tub- bee, Ba-cha	Sa-lan, Muk- in-tubbee, La- pa-nubbee (dead) Harriss	.....	7	131E

Decision, Remarks, &c.

The affidavits of Moon-tubbee, before Murray, Vroom and Barton, on 14 and 27th Feb'y. 1838, show that claimant at date of treaty had a house & field, on which he lived with his family. About two years after the treaty claimant moved about twenty miles, near to affiant, who does not know why he moved, but thinks it was because the white people settled so thickly about him, and has continued there ever since. Comms. state that intention to remain five years is proved to have been signified, but the aff't only says claimant was one of Turnbull's company (evidence in other cases indicate that said company authorized their names to be registered). They say claim "not allowed for want of proof of continued residence, but recommended to the favorable consideration of Congress." Genl. deposition of Moon-tubbee, No.17, shows the signification to remain & take land & become a citizen. Rejected Sept.30, '54.-R.M.C."

It will be noted that the applicant Tik-ba-pa-lubbee had a child over ten years of age at the date of the treaty. The applicant in this case, Dave To-ma-ha-tubbee, is uncertain as to his age but it would appear that this Cun-ne-tan-tubbee is his father, as he is the only person by this name concerning whom the Commission has any information. The general deposition of Moon-tubbee as to this Tik-ba-pa-lubbee claim under the 14th article of the treaty of 1830 is as follows and is to be found on page 905 of Volume 2 of the record of the Choctaw Nation of Indians vs the United States, Court of Claims No.12742: "No.126.

Tik-bah-pa-lubbee states that within six months from 24th of Feb., 1831, he, as the Choctaw head of a family, signi-

Dave To-ma-ha-tubbee--5

fied to Col. Ward, agent of the United States, his intention to remain and become a citizen of the State, and take lands under the 14th article of the treaty. Ward, the agent, registered his name, which registration is now not to be found. He then belonged to Capt. Turnbull's company, and lived on lands now embraced in section 25, township 22, range 3 E., where he had an improvement, and continued to live thereon for four years, when he was driven off by a white man. He then had three unmarried children over ten years of age, names Cunne-tan-tubbee, Ho-bah-cha, Sollem, and three under ten, named Mah-kin-tubbee, Il-hoh-poh-nubbee, and Harris.

A. A. Halsey,
Att'y for Clam't.

Moon-tubbee.

No.126.--Tik-ba-pa-lubbee, a full blood Choctaw, aged 48 years, being interrogated, says his name is Tik-ba-pa-lubbee; that at the time of the treaty he had a wife and six children; his wife's name is Canne-la-ha-ma; the oldest child is named Cunne-tan-tubbee (points him out); he is now 26 years old; he married a year after the treaty for the first time. Anch-atooa, since dead; he lived with him at the time of the treaty. 2. Habacha (points her out; 13 years old at the time of the treaty; has married since, and separated from her husband, who is since dead. She lived with claimant at the time of the treaty. 3. Sollem (points him out); he was ten years old at the time of the treaty; he was born just after corn gathering time, at the commencement of the cold weather; has never been married, and lived with him at the date of the treaty. 4. Muk-kin-tubbee (points him out); 7 years old at the time of the treaty, and lived with him at that time. 5. La-pa-nubbee, a male, died the 2d fall after the treaty, was three years old at that date, and lived with him at the time of the treaty. 6. Harriss, a male, born the spring before the treaty, when the corn was eight inches high. These children all lived with him at the time of the treaty on Puttuck-a-cowa Creek, which runs into the Yello Busha, about 4 miles from the mouth of the Creek; Abner Hasley is his counsel.

Moon-tubbee, a full blood Choctaw, a witness for claimant, being sworn, deposes as follows: That he is acquainted with the claimant Tik-ba-pa-lubbee (points him out); he is a real Choctaw; knows his family; was acquainted with them at the time of the treaty. They lived on Puttuckacona Creek; it runs into Yallo Busha. They lived about four miles from the mouth of the Creek, about 6 miles from him. At the time of the treaty claimant had a wife; does not know her name; she is present (points her out). He always calls her such a child's mother. The oldest child's name is Cunnetantubbee, a male, about 20 years old at the time of the treaty; he was then unmarried, but has since married, and is now married; he lived with his father at the time of the treaty. 2d. Bacha (points her out); she was about 15 years old at the time of the treaty, and

Dave To-ma-ha-tubbee---6

unmarried. Has been married since to a Chickasaw from whom she parted, and he is now dead; she lived with her father at the time of the treaty. 3. Salam, a male, about 10 years old at the time of the treaty; does not know at what season of the year he was born; was living with his father at the time of the treaty. 4. Mukin-tub-
bee (points him out), about 7 years old at the time of the treaty, lived and with his father at that date. 5. La-pan-
ubbee, male, died two or three years after the treaty he thinks, and lived with his father at the time of the treaty; was then about 3 years old. 6. Harriss (points him out), small, not a year old at the time of the treaty, and lived with his father. Claimant at the time of the treaty belonged to Anthony Turnbull's company.

MOONTUBBEE, his x mark.

Taken and sworn to at Leflore's this 14th Feby., 1838, before-

I MURRAY
P.D.VROOM.

Moon-tubbee, the witness, being recalled, deposes as follows: That at the time of the treaty claimant had an improvement, a house and field of tolerable size for a red man, which he made himself and of which he was the sole occupant. No person but his own family lived with him. He lived there about two years after the treaty, and settled near witness, about 20 miles from his place, & he does not know why he moved. Thinks it was because the white people settled so thickly about him; has know knowledge that he was off. He has continued to live near him to the present time.

MOON-TUBBEE, his X mark.

Taken and sworn to at Ben Leflore's this 27th Feby, 1838 before--

I. MURRAY
P.D.VROOM
ROGER BARTON."

The name of the applicant's mother is given as Ok-la-he-mah and the name of such an Indian is found in an abstract contained in the records in the case of the Choctaw Nation of Indians vs the United States, Court of Claims No. 12742, in Volume one, page 572, of which the following is an entry

Com'r's No.	Names of heads of Families	Names of Children		Resident Tracts			
		Over ten years of age.	Under ten years of age	Part	Sec	T	R
824	Ab be chif fah (dec'd)	.....	.....	.....	22	4	11E
		: Ah che ubbee,	.....	.....	.....	.....	.....
		: Ok la he mah,	.....	.....	.....	.....	.....
		: Te bul le, Me-	.....	.....	.....	.....	.....
		: haw	.....	.....	.....	.....	.....

Dave To-ma-ha-tubbee---7

D e c i s i o n & R e m a r k s .

signification of intention to remain same as in preceding cases. Continued residence for five years proven. Land in part disposed of by govt. Com'rs allow the claim and award scrip.

Annexed to this abstract is the following certificate:

"The Secretary of War concurs in the within decisions and reports of the Commissioners appointed under the law of the 23rd August, 1842, with this modification, that all claims shall be rejected where the reservee did not continue in possession of the improvement, or a part of it, for 5 years after the ratification of the treaty, unless "it shall be made to appear that such improvement was, before the twenty-fourth day of February, eighteen hundred and thirty six, disposed of by the United States, and that the reservee was dispossessed by means of such disposition."

The Commissioner of Indian Affairs will prepare lists of the claims and decisions on this principle, for my approval and signature, and will in the meantime have the necessary scrip printed and filled up for my final action and signature, & for delivery according to the several acts of Congress on the subject.

31 May, 1845.

W.L. Marcy."

- Q Have you any children living? A No.
Q Have you not any brothers or sisters living? A I got a brother living.
Q What is his name? A Fe-le-ma-tubbee.
Q Has he another name? A I don't know any other name.
Q Is your brother living or dead? A He is living.
Q What is his name? A Fe-le-ma-tubbee.
Q Do you know of any witnesses, any people that could testify about your father and mother? A No.
Q Have you any papers, any writing, copies of deeds or patents, or any papers, that would show anything about your people being Choctaws? A No.
Q Do you know whether your father or mother ever got any land here in Mississippi? A Don't know.
Q Do you own a farm here in Mississippi? Do you own any land here? A No.

The applicant in this case has all the appearance and characteristics of a full blood Choctaw Indian. He is unable to speak the English language, the examination having been conducted through a sworn Choctaw interpreter. He states that his age is seventy-five and it is impossible with any degree of accuracy to make a statement as to his age. He states that his father's name was Cun-netan-tubbee and his mother's name Ok-la-he-mah and it appears from the records of the Commission that Choctaw Indians of those two names had land allotted to them as beneficiaries under the provisions of the 14th article of the treaty of 1830.

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

Dave To-ma-ha-tubbee---8

pher to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 24th, 1901, and that the foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 26th day of September, 1901, at Meridian, Mississippi.



Notary Public.

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

-----oOo-----

Case

In the matter of the application of Dave To-ma-ha-tubbee for identification as a Mississippi Choctaw, M C R 3631.

-----: 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 September 24, 1901, by Dave To-ma-ha-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.

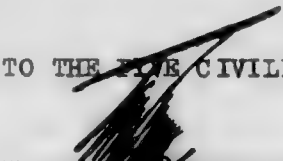
Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

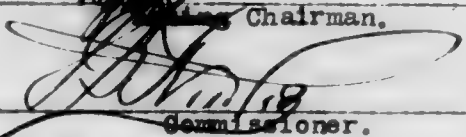
"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all

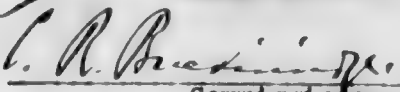
full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw 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 Dave To-ma-ha-tubbee should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.


Commissioner.


Commissioner.

Muskogee, Indian Territory,

APR 27 1891

H.C.R.3631.

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 Dave To-ma-ha-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 Dave To-ma-ha-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,

(10)

James Dixey,

Chairman.

Registered.
Enc.: 3631.

COPY.

Muskogee, Indian Territory, May 6, 1903.

Dave To-wa-ha-tubbes,
Nocatur, Mississippi.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered April 27, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 3, 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,

Register.

Enc 3631

(SIGNATURE)

Tame Dixby.

Chairman.

#14-12

No. 3631

For Identification as a Mississippi Choctaw.

Date

SEP 24 1901

Name Dave To-ma-ha-tubbee

Age

75

Blood

full.

Post Office, Decatur, Miss.

Father Cun-ne-taw-tubbee dead

Mother Ok-la-he-mah dead

Claims through both parents.

Children:

See ... 3

Claims for self alone.

Stenographer

Mrs. S. Niles.

Dave. Thomas Jr. Texas

Choctaw MCR 3632

Jesse P. Ussery

See MCR 3635, 3636, 3633
3634, 3705, 3638, 3637

MCR 3632

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

XXXXXXXXXXXXXXXXXXXX

In the matter of the application of Jesse P. Ussery, et al., for identification as Mississippi Choctaws, consolidating the applications of

Jesse P. Ussery, et al.,	M C R 3632
Walter T. Ussery, et al.,	M C R 3636
John M. Ussery, et al.,	M C R 3636
Emma Teaff, et al.,	M C R 3633
Ella Perry,	M C R 3634
Lula L. Perry, et al.,	M C R 3705
Claude Ussery,	M C R 3638
Charley Ussery, et al.,	M C R 3637

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 Jesse P. Ussery, et al., for identification as Mississippi Choctaws.	1
Original application of Walter T. Ussery, et al., for identification as Mississippi Choctaws.	7
Original application of John M. Ussery, et al., for identification as Mississippi Choctaws.	21
Original application of Emma Teaff, et al., for identification as Mississippi Choctaws.	15
Original application of Ella Perry for identification as a Mississippi Choctaw.	19
Original application of Lula L. Perry, et al., for identification as Mississippi Choctaws.	23
Original application of Claude Ussery for identification as a Mississippi Choctaw.	26
Original application of Charley Ussery, et al., for identification as Mississippi Choctaws.	28

Final decision of the Commission in the consolidated case of Jesse P. Ussery, et al. applicants for identification as Mississippi Choctaws, copying said application

POOR ORIGINAL -
BEST AVAILABLE COPY

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 26, 1903.

Q. Is not represented by Attorney?
A. Yes sir, a daughter of George P. Henry, Corbett, Missouri.
I have a son and a daughter and a son-in-law and a daughter-in-law.

Q. How long have you lived in Atoka?
A. Since 1901.

Q. How long have you lived in Atoka?
A. Since 1901.

Q. How long have you lived in Atoka?
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A. Since 1901.

Q. How long have you lived in Atoka?
A. Since 1901.

Q When? A '72.

Q Have you a marriage license and certificate? A No sir there was no such thing as a marriage license then.

Q Wasn't there any record made of the marriage? A I suppose there was

It will be necessary for you to prove this marriage in support of this claim which you make for these children.

Q You can do that can't you? A Yes, by lots of witnesses.

Reasonable time will be given you to prove your marriage by witnesses or by any other way you can, in support of the application which you make for your children.

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

Q Have you ever made application for yourself and children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir

Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in 1896 under act of Congress approved June 10, 1896? A Yes sir.

Q Where? A At Vinita.

Q Do you remember the date? A Yes, in 1896

Q Were you under oath there? A No sir.

Q How did you apply there? A By attorney.

Q Do you know what became of that application? A No sir.

Q Never hear what became of it? A No sir, well yes I talked with Major McKennon and he said that he denied it on general principles.

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 the Indian Territory? A No sir.

Q Is this the first application that you have ever made for yourself or children, either to the Choctaw tribal authorities or the authorities of the United States except the one that you made at Vinita in 1896? A I made that one for Cherokee citizenship, I am Choctaw and Cherokee mixed.

Q You made application that time as a Cherokee? A Yes sir.

Q Then you never have before this time made application as a Choctaw?

A No sir, as a Cherokee.

Q You now come before this Commission and make application for yourself and children, for identification as Mississippi Choctaws claiming under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of the treaty? A Not thoroughly.

The treaty of 1830 was entered into between the United States Government and the Choctaw Indians on the 27th day of September 1830, at a place in Mississippi called Dancing Rabbit creek, and the object of that treaty was the removal of the Choctaw Indians who had lived in a part of the State of Mississippi and a part of the State of Alabama, in what was then the old Choctaw Nation, to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became apparent that a great many of the Choctaw Indians wouldn't remove to the Indian Territory, and to protect these Choctaws in their rights the fourteenth article was put into the treaty, and it 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 his treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to each child as may be under ten years of age, to adjoin the location of the parent.

If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity. *

Q Do you understand that? A Yes, sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I think so.

Q In what way? A By living in Mississippi and making their home there.

Q That is not complying with the provisions of the fourteenth article. They must not only have lived in Mississippi and made their home there but they must have gone to the ~~MAN~~ United States Indian agent there within six months after the ratification of the treaty of 1830 and told him that they wanted to remain there and take land; did they do that? A I know they took land there.

Q Who was your ancestor who lived in Mississippi in 1830 and who was the head of a family at that time? A Conkey Ushah. (Spelled by applicant) That is an Indian name and being interpreted it is spelled Ussery.

Q How did he speak the Choctaw language? A Partially.

Q What do you mean by partially? A Spoke both Indian and English.

Q How do you know he did? A From my grand father, he told me so.

Q You say Ushah is the Indian name? A Yes sir.

Q What is Conkey? A I don't know.

Q Is that an Indian name? A I think so.

Q You claim through your father? A Yes sir.

Q Your father's name was Annual Ussery? A Yes sir.

Q When did he die? A I can't tell you the time he died, but during the Civil war.

Q How old was he when he died? A I don't know.

Q Was he an old man or a middle age man when he died? A Middle age man.

Q About how old do you think he was? A About 40 or 45, I don't know exactly.

Q Then he would have been living in 1830 according to your statement?

A I suppose so.

Q The Civil war commenced in 1861 and ended about '66, or 36 years ago, and if your father was about 40 or 45 years old when he died, and he died during the war, that would make him living in 1830? A Yes.

Q What was his father's name? A Peter Ussery.

Q And what was his father's name? A His father's name was Conkey.

Q You claim through Peter Ussery? A Yes sir, he was my grandfather he was west before the treaty was made.

Q Peter is your grandfather who lived in Mississippi in 1830? A No he lived there before 1830.

Q Well who was it that lived there in 1830? A My great grand father Conkey Ushah.

Q Your grand father had left Mississippi before 1830? A Yes sir.

Q Where did he go? A To Missouri.

Q And it was his father, Conkey, who was living in Mississippi in 1830? A Yes sir.

Q And that was your great grand father? A Yes sir.

Q Was he a full blood Choctaw Indian? A I think he was.

Q Do you know? A No sir I don't exactly know.

Q You spoke a while ago of having some Cherokee blood, does that come through this line? A Yes sir.

Q Through your father? A Yes sir.

Q Was he a Cherokee? A Yes sir.

Q Was he Cherokee and Choctaw both? A Yes sir.

Q Did he have any white blood? A Yes sir.

Q How did you acquire the Choctaw blood that you claim? A My grand father claimed to be a half blood.

Q Choctaw? A Yes sir.

Q And how much Cherokee? A He claimed to be one quarter Cherokee and one half Choctaw.

Q That was Peter? A Yes sir.

Q How much Choctaw blood did your grand father Conkey have? A He was a full blood, so they say.

Q Full blood Choctaw? A Yes sir.

Q Then your grand father Peter got his Cherokee and white blood through his mother? A Yes sir.

Q Now what proof have you of all this? A I think I can get all the proof that I need.

Q What proof have you now? Where did you get your knowledge? A From different Indians.

Q You know that what you state now is hearsay and that you will have to get your proof in proper shape in order to establish your claim?

A Yes sir.

Q Have you any documents here that you want to offer? A No sir.

Reasonable time will be given you in which to produce documentary evidence, also for the introduction of witnesses to give oral testimony in support of this claim.

great

Q It was your grand father, you claim, whose name was Conkey, who lived in Mississippi in 1830 and was the head of a family, and you claim through him and not through Peter Ussery, because Peter was living in Missouri and not in Mississippi in 1830? A Yes sir.

Q Do you know whether Conkey was a recognized Choctaw Indian at that time? A I think so.

Q What I mean by that is, not if the People thought he was a Choctaw Indian, but if he was a recognized member of the Choctaw tribe and voted with them, sat in their councils and enjoyed the benefits of Choctaw citizenship? A I know it from the roll of 1830

Q Did you ever see that roll? A I saw a copy.

Q What roll was that? A. Roll of 1830.

Q I don't know of any such roll as that? A '30 or '32, I forget which

Q His name does not appear on Ward's Register; and his name is not on on that; that was made in 1830 and 1831. Neither does it appear on any list made out in 1837 or 1843.

Q Do you think you can produce a copy of that list or roll upon which you claim his name appeared? A Yes sir.

Q You may have some knowledge unknown to the Commission and as you are making this application it is quite necessary that you produce that evidence in proper form before the Commission? A Yes sir.

Q Have you a lawyer? A No sir.

Q Do you know if Conkey, your great grand father, or any of your ancestors owned any improvements on lands in Mississippi in 1830? A I think so.

Q Do you know it? A Not positive, I never was there.

Q There may be certain facts that are material in your case which date back a hundred years ago and that would not prevent you from proving it. Of course you were not there then, but you can know of it from family history. A Yes sir from family talk I could.

Q Now what improvements did he own there on land in Mississippi? A I suppose he has land cultivated.

Q You suppose-- you must not suppose anything. You are now making a claim for land and you can't establish that claim by supposing this and that, you must either know it or not know it. When I ask you a direct question you must either answer it yes or no.

Q Did he have a house on this land? A Yes sir.

Q Did he have outhouses and a farm upon this land? A Yes sir.

POOR ORIGINAL -
BEST AVAILABLE COPY

Q Do you know in what part of Mississippi that land was? A Not exactly
Q How far is it from there to that country that he owned? A I don't
know. I don't know where that was.
Q How far is it from that land to the Gulf of Mexico?
A I don't know. I don't know.

Q How far is it from that land to the Gulf of Mexico?
A I don't know. I don't know.
Q How far is it from that land to the Gulf of Mexico?
A I don't know. I don't know.

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Q How far is it from that land to the Gulf of Mexico?
A I don't know. I don't know.

POOR ORIGINAL -
BEST AVAILABLE COPY

James P. Mackey et al -4

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

This applicant has the appearance and general characteristics of being descended from white parents, except that his hair and eyes are black. He does not understand the Choctaw language and does not have any knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Chas. J. Selig, being first duly sworn states that as stenographer he was present at the Five Civilized Tribes he reported in Exhibit the proceedings in the above case and that the foregoing is a full true and correct transcript of his stenographic notes therein.

Chas. J. Selig

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

W. W. Selby
Notary Public

J (X) 13
C. W.

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

-----:-----

In the matter of the application of Jesse P. Ussery, et al., for identification as Mississippi Choctaws, consolidating the applications of

Jesse P. Ussery, et al.,	M C R 3632
Walter T. Ussery, et al.,	M C R 3635
John M. Ussery, et al.,	M C R 3636
Emma Teaff, et al.,	M C R 3633
Ella Perry,	M C R 3634
Lula L. Perry, et al.,	M C R 3705
Claude Ussery,	M C R 3638
Charley Ussery, et al.,	M C R 3637

--: DECISION :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Jesse P. Ussery for himself and his five minor children, Jesse Van P., Charles L., Matilda, Randall S. and Harvey C. Ussery; by Walter T. Ussery for himself and his four minor children, Roy, Jesse, Dewey and Belle L. Ussery; by John M. Ussery for himself and his minor child, Harry M. Ussery; by Emma Teaff for herself and her two minor children, Walter L. Teaff and Minnie L. Hix; by Ella Perry for herself; by Lula L. Perry for herself and her two minor children, James M. and Clarence S. Perry; by Claude Ussery for himself; and by Charley Ussery for himself and his two minor

brothers, Edward H. and Albert Ussery, under the following provision of the act of Congress approved June 23, 1892, (25 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 Conkey Ushah (or Ussery), who is alleged to have been a full blood Choctaw, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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, 1892, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted

to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Conkey Ussah (or Ussery), 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., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Deway Ussery, Nolle L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Muskogee, Indian Territory.

OCT 11 1902


Commissioner

Muskogee, Indian Territory, October 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Jesse P. Ussery, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 11, 1902.

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

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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

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being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of
Indian Affairs.

1 enclosure.

Muskogee, Indian Territory, October 11, 1902.

Jesse P. Ussery,
Elm View, Texas.

Dear Sir:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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

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

J.P.U.---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 Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Della L. Ussery, John M. Ussery, Harry H. Ussery, Tom Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

Registered.

Muskegee, Indian Territory, October 11, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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

M.M. & C.----2

evidence herein is insufficient to determine the identity of Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Dollie L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

C O P Y.

Department of the Interior,

Land.
61859-1902.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

November 22, 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 October 11, 1902.

Jesse P. Ussery for himself and his five children, Jesse Van D., Charles L., Matilda, Randall B. and Harvey C. Ussery; Walter T. Ussery for himself and his four children, Roy, Jesse, Dewey and Della L. Ussery; John M. Ussery for himself and child, Harry H. Ussery; Emma Teaff for herself and her two children, Walter L. Teaff and Minnie L. Hix; Ella Perry for herself; Luha L. Perry for herself and her two children, James W. and Clarence C. Perry; Claude Ussery for himself; Charles Ussery for himself and two brothers Edward M. and Albert Ussery.

The testimony in this case shows that the applicants herein base their claims to identification as Mississippi Choctaws on their descent from one, Conkey Ushah, this according to their testimony, being the Indian name, which, being interpreted is Ussery, who is alleged to have been a full-blood Choctaw Indian.

residing in Mississippi in 1830 and a member of the Choctaw tribe of Indians.

The Commission bases its decision rejecting these parties on the ground that its records fail to show the name of Conkey ~~Ushah~~ or Ussery as one of those Choctaw Indians who 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 Conkey ~~Ushah~~ or Ussery, does not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw Treaty of 1830. This being the case, it is evident that the decision of the Commission rejecting the parties was correct, and I recommend that that decision be approved.

Very respectfully,

Your obedient servant,

W.A. Jones,
Commissioner.

E.B.H. H'r.

J.W.H.

D.C. 24201

C O P Y.

CMR.

DEPARTMENT OF THE INTERIOR.

ITD. 7258-1902. WASHINGTON. December 8, 1902.

LRS.

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

Gentlemen:

The Department has considered the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Jesse P. Ussery for himself and his five minor children, Jesse Van D., Charles L., Matilda, Randall S., and Harvey C. Ussery; of Walter T. Ussery for himself and his four minor children, Roy, Jesse, Dewey and Delle L. Ussery; of John M. Ussery for himself and his minor child, Harry H. Ussery; of Emma Teaff for herself and her two minor children, Walter L. Teaff and Minnie L. Hix; of Ella Perry for herself; of Lula L. Perry for herself and her two minor children, James W. and Clarence C. Perry; of Claude Ussery for himself; and of Charles Ussery for himself and his two minor brothers, Edward M. and Albert Ussery. You rendered your decision October 11, 1902, denying to the applicants the right to be enrolled.

It appears that the applicants herein endeavor to trace their descent from one Conkey Ushah (or Ussery), who, it is alleged, was a full-blood Choctaw Indian, residing in Mississippi in 1830.

-2-

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, Conkey ~~Wahab~~ 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 22, 1902, and he 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.

Respectfully,

Thos. Ryan,

Acting Secretary

1 inclosure.

Muskogee, Indian Territory, December 23, 1902.

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 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 Jesse P. Ussery, et al., of which decision you were advised by mail on the 11th day of October, 1902.

Respectfully,

Tamm
Acting Chairman.

N.C.R. 3632

COPY

Muskogee, Indian Territory, December 23, 1902.

Jesse P. Ussery,
Elm View, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Ussery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Jame Dixie
Acting Chairman.

MCR-3632

Muskogee, Indian Territory, October 22, 1906.

J. P. Ussery,

Paucaunla, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 21, 1906, by reference from the Secretary of the Interior. Therein you desire to be advised relative to your rights to citizenship in the Choctaw Nation.

In reply to your letter you are informed it appears from the records of this office that on December 8, 1902, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of October 11, 1902, refusing to identify as Mississippi Choctaws the several persons included in the consolidated case of Jesse P. Ussery et al. Any rights that the applicants in this case might have as citizens by blood of the Choctaw Nation were also adjudicated in the Commission's decision above mentioned.

Inasmuch as it does not appear that there is any motion for review or reconsideration of the consolidated Mississippi Choctaw case of Jesse P. Ussery et al. now pending the Department's decision of December 8, 1902, is considered final.

Respectfully,

Commissioner.

Consolidated Case
of
Jesse P. Ussery et al.

REFER TO M. C. R. 3652.

^{more}
3632
Jesse Van D. Ussery 19
" Charles L. " 16
" Matilda " 15
" Randall S. " 8
" Harvey C. " 5

^{more}
3635
Walter J. Ussery 25-1/2
wife
Dora L. Ussery

^{more}
3635
Roy Ussery 7
" Jesse " 5
" Dewey " 3
" Dollie L. " 2

^{more}
3632
Jesse P. Ussery 45-1/8
wife
Ellen F. Ussery

Annal Ussery 1/2
^{dead}
(Cher. + W.)

^{more}
3636
John M. Ussery 23-1/2
wife
Edith E. Ussery

^{more}
3636
Henry H. Ussery 8 mo.

(Ussery) Peter Ussery 1/2
wife
Levina E. Ussery
(4 Cher. + W.)
For Roy Ushah (fb?)

^{more}
3633
Walter L. Teaff 15
Minnie L. Hix 9

Calvin Ussery ^{more} 3633
^{dead}
wife
Elizabeth Ussery ^{dead}
Emma Ussery ^{more} 45-1/2
mar

^{more}
3634
Ella Teaff 20-1/2
mar
Rece D. Perry

(1) Jesse L. Teaff ^{dead}
(2) Mathaniel Hix

^{more}
3705
Lula L. Teaff 23-1/2
mar
James Perry

James W. Perry 3

Clarence P. " 14 mo.

(or Ussery)
Donkey Ussery (ft?)

Samuel Ussery

Jeremiah S. Ussery

dead

married

Mattie Pierson
(or Pearson)
dead

more
3638

Claude Ussery 31/16

more
3639

Charley Ussery 27-1/16

wife

Nettie Ussery

Edward M. Ussery 20

Albert " 17

No. ~~2000~~

3632

For Identification as a Mississippi Choctaw.

Date SEP 26 1901

Name Jesse P. Ussery

Age 45 Blood 1/8

Post Office, Elm View, Texas

Father: Anual Ussery, d

Mother: Levina E " l

Claims through father
wife - E. F. Ussery - W.
No claim for wife.

Children:

Jesse Van H. Ussery	19
Charles L "	16
Matilda "	15
Randall S "	8
Harvey C "	5

Claims for self & children.

Stenographer C. von Meier.

Choctaw MCR 3633

Emma Feaff

See MCR 3632

MCR 3633

Department of the Interior,
Commission to the Five Civilized Tribes,
Atoka, I. T. September, 26th 1901.

3633

-Applicant not represented by attorney-

In the matter of the application of Emma Teaff for the identification of herself and her two minor children as Missions of Choctaws.

EMMA TEAFF, being first duly sworn, testified as follows:

Examination by the Commission.

- Q What is your name? A Emma Teaff.
Q What is your age? A 45 the 13th of March.
Q What is your post office address? A Elm View, Grayson County, Texas
Q How long have you lived there? A Three years.
Q Where did you live before you lived there? A In Palo Pinto County, Texas? A Yes, sir.
Q Where did you live before that? A Hill County Texas.
Q Where did you live before that? A Arkansas.
Q Were you born in Arkansas? A No, sir in Tennessee.
Q From Tennessee where did you go? A To Arkansas.
Q How old were you when you went to Arkansas? A About seven years.
Q How long did you stay in Arkansas? A Six or eight years.
Q Where did you go from Arkansas? A Texas.
Q What is your father's name? A Calvin Haggerty.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth Haggerty.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood, father or mother?
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 either the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A No, sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Jesse L. Teaff, he is dead.
Q Was he a white man or an Indian? A White man.
Q Have you any children by him, under twenty one years of age and unmarried? A Yes sir.
Q What is the name of the oldest? A Walter L.
Q How old is he? A About 18, yes 18 the 11th of October.
Q What is the name of the next child? A Minnie L. Hix (spelled by applicant)
Q How old is Minnie? A Nine years old.
Q How do you happen to have the name of Emma Teaff, when your youngest child is named Hix? A I sued him for divorce and I went back to my first husband's name.
Q Jesse L. Teaff was your first husband and by him you had Walter L. Teaff, this son? A Yes sir.
Q After that you married whom? A Nathaniel Hix.
Q Is he a white man? A Yes sir.
Q You say you and he are divorced? A Yes sir.
Q And Nathaniel Hix was the father of Minnie L.? A Yes sir.
Q These children are both living with you at your home? A Yes sir.
Q When and where were you married to your first husband, Jesse L. Teaff?
A Texas.
Q What place or County? A I was stolen.
Q Where were you married by a minister and under a license? A Yes, sir
Q How long has he been dead? A Twelve years.

- Q When and where were you married to your second husband, Nathaniel Hix?
A In Palo Pinto County, Texas.
Q When? A 1890.
Q Do you remember the day of the month? A Yes sir, the 27th of October.
Q And when and where were you divorced from him? A In Palo Pinto County Court House.
Q When? A One year and nine months after we were married.
Q You were married to him under a license and by a minister? A Yes sir.
Q You make this application for yourself and these two children? A Yes sir.
Q Is your name or the names of any of your children on any of the rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application for yourself and children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation in 1898 under Act of Congress approved June 10, 1898? A No, sir.
Q Did any one make application for you to the Dawes Commission then? A No sir.
Q Are you related to Jesse Usery, who just applied? A Yes sir, he is my cousin.
Q He made application five years ago to the Commission at Vinita as a Cherokee, did you? A No sir.
Q Have you or your minor 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 to any authority, to the Choctaw tribal authorities or to the United States authorities, for membership in the Choctaw Nation for yourself or children? A No sir.
Q Do you come before the Commission now that you and your children may be identified as Mississippi Choctaws under the provisions of article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that treaty, or article fourteen of it? A No.
Q Never had it explained to you? A No, sir.
Q Do you know what a treaty is? A I don't.
Q Do you know what an agreement or contract is? A Yes sir.
Q Do you know that they are some times in writing? A Yes sir.
Q Well, a treaty is about the same thing, it is an agreement in writing between two or more Nations. A Yes sir.

Now in 1830 the United States Government and the Choctaw Nation in Mississippi made a treaty called the Treaty of Dancing Rabbit Creek. It was in writing and was signed by representatives of the United States Government and representatives of the Choctaw Nation. It was called the treaty of Dancing Rabbit Creek because that was the place in Mississippi where it was made. And the object of that treaty was the removal of the Choctaw Indians in Mississippi and Alabama to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became evident that a great many Choctaws wouldn't go west, and in order to protect their interests, article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family, being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section of land to such child as may be over 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 in-

provement 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 now? A Yes, sir, I think I do.
- Q Did any of your Choctaw ancestors, either Conkey or Peter Henry, ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor, through whom you claim, who was living in Mississippi in 1830 and was the head of a family? A Conkey Ushah.
- Q Is that an Indian or English name? A Indian name.
- Q Did that name Ushah afterwards become changed to Henry? A Yes sir, in English.
- Q What was his son's name? A Peter.
- Q And what was his son's name? A Jesse P.
- Q He made application here today didn't he? A Yes, sir.
- Q What relation is he to you? A Cousin.
- Q Do you want his evidence considered and made a part of this case? A Yes sir.
- Q Now you claim through your father Calvin? A Yes sir.
- Q What relation is Calvin to Jesse? A An uncle.
- Q Now your father, Calvin, claims his Choctaw blood through who, his father or mother? A His father.
- Q What was his father's name? A Conkey.
- Q Wasn't your father living in Mississippi in 1830? A No sir.
- Q Where was he? A In Missouri.
- Q And his father's name was Conkey? A Yes sir.
- Q You don't claim through your father then, because he was living in Missouri in 1830? A Yes, sir.
- Q And you do claim through Conkey because he was living in Mississippi in 1830? A Yes sir.
- Q And was the head of a family then? A Yes sir.
- Q Was Conkey Ushah a recognized Choctaw Indian, and a member of the Choctaw tribe of Indians in Mississippi in 1830? A I don't know.
- Q Do you know whether he owned any improvements on land in Mississippi in 1830? A I don't know.
- Q Did he, or any of your Choctaw ancestors, go to the Indian agent of the United States there in Mississippi, within six months after the ratification of the treaty of 1830 and tell him that they were going to stay there and take land? A I don't know.
- Q Did he or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation in the Indian Territory between 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors receive or claim any land or other benefits there in Mississippi from the United States Government under article fourteen of the treaty of 1830? A I don't know.
- Q Do you know whether they ever got any land or other benefits under any other article of that treaty or the Supplement thereof? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of 1830, the Government required the Indian agent who was living in Mississippi at that time to make a list of all the Choctaw Indians who claimed land under article fourteen; the Indian agent failed to take the names of a very large number of the Choctaws who had been before him and claimed benefits under article fourteen within six months after the ratification of the treaty, and as a result of this neglect on the part of the Indian agent, Choctaws who held land there had it taken from them and sold by the Government. In 1838 a Commission was appointed and sent to Mississippi to hear the claims of those

Cherokees who were claimants for land under article fourteen of the treaty of 1830 and make a list of their names. In 1843 another Commission was appointed under act of Congress approved August 33rd 1843; this Commission also heard claims under article fourteen and made a list of the names of these claimants.

Q Did any of your ancestors appear before either of these Commissions, the one of 1837 and the one of 1843, and claim rights under article fourteen of the Treaty of 1830? A I dont know.

The act of Congress approved August 33rd 1843, provides that id any Cherokee Indian appeared before the Commission and proved that he had complied or attempted to comply with the provisions of article fourteen, and had had land taken from him there in Mississippi, he should be entitled to select land in Mississippi, Alabama, Louisiana or Arkansas, to be taken from the vacant Government land, and that a certificate should be given him to that effect, and this certificate was called scrip.

Q Did any of your Cherokee ancestors ever receive any of this scrip? A I don't know.

Q Have you any documentary evidence now to offer? A No sir.

Reasonable time will be allowed you in which to offer documentary evidence; also for the introduction of oral testimony of witnesses if you so desire to do.

Q I suppose you talk Cherokee? A No, sir.

Q Is there anything further that you want to say in support of your claim? A No sir.

Q Your eyes are blue are they not? A Yes.

This applicant has the features and personal characteristics of a person descended from white parentage, except for her dary hair and complexion, though she has blue eyes. She does not understand the Cherokee language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

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Chas. von Weise, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full and correct transcript of his stenographic notes therein.

Chas von Weise

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

Wm Shelby
Notary Public.

Muskogee, Indian Territory, October 11, 1902.

Emma Teaff,

Elm View, Texas.

Dear Madam:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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

E. T. ---2

evidence herein is insufficient to determine the identity of Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Della L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery 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.

Respectfully,

Commissioner in Charge.

Registered.

M.O.R. 3633

Muskogee, Indian Territory, December 23, 1902.

Emma Teaff,

Elm View, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Ussery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Acting Chairman.

No. 3633

For Identification as a Mississippi Choctaw.

Date SEP 26 1901

Name Emma Teaff -

Age 45 Blood 1/8

Post Office, Elm View, Texas

Father; Calvin Ussery, d

Mother: Elizabeth " d

Claims through father

husband Jesse L. Teaff. (d) w.

2nd Husband Nathaniel Hix, w - divorced

Children:

Walter L. Teaff, 18

Minnie L. Hix, 9

Nathaniel Hix, father of

Minnie L. Hix -

Claims for self &
& children

Stenographer C. von Meier

Choctaw MCR 3634

Ella Perry

See MCR 3632

MCR 3634

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. September 26, 1901.

3634

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

Applicant not represented by attorney.

Ella Perry being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Ella Perry.
Q What is your age? A Twenty.
Q You are not married? A Yes sir.
Q What is your post-office address? A Elm View, Texas. Grayson County.
Q How long have you lived at Elm View? A About three years.
Q Where did you live before that? A Palpinto County.
Q How long did you live in that place? A About ten years.
Q Where did you live before that? A Hill County. Texas.
Q How long? A nine years.
Q You are not positive as to the number of years you lived in these places? A No.
Q What is your father's name? A Jesse L. Teaff.
Q How do you spell that, last name? A T-e-a-f-f.
Q Is he living? A No sir.
Q What is your mother's name? A Emma Teaff.
Q Is your mother living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any 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 sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Reese D. Perry.
Q How do you spell Reese? A R-e-e-s-e.
Q Is he a white man or red man? A He is a white man---Irish.
Q You make any claim for him? A No sir.
Q Have you any children for whom you wish to make application? A A No sir.
Q You claim for yourself alone? A Yes sir.
Q Is Emma Teaff who made application on this date before the Commission for identification as a Mississippi Choctaw your mother? A Yes sir.
Q What relation is Jesse P. Ussery to you? A Cousin.
Q You and your mother and your cousin claim through the same ancestor, Conkey-Ushah? A Yes.
Q You wish to have their testimony referred to and made a part of the record in your case when your case is considered? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No.

- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you ever 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 Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the authorities of the United States or the United States Court in Indian Territory? A No.
- Q This is the first application of any kind that you have ever made for citizenship in the Choctaw Nation? A No.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under the fourteenth article of the treaty of 1830? A Yes sir.
- Q You understand that article of the treaty? A Yes sir.
- Q Did you ever have it read to you? A No sir.
- Q Well you don't understand it well? A Yessir.
- Q You just understand a little of it from what you have heard her? A Yes sir.

The treaty of 1830 was made between the Choctaw Indians and the United States government on the 27th day of September 1830 at a place in Mississippi called Dancing Rabbit Creek, and some times it is called the treaty of Dancing Rabbit Creek. The object of the treaty was to secure the removal of the Choctaw Indians from the country then occupied by them in Mississippi and Alabama to the Choctaw Nation Indian territory. Before the treaty was signed it became apparent that a great many Choctaws would not move to the Choctaw Nation Indian territory and for the protection of these Indians article fourteen was made a part of the treaty. Article fourteen reads 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 ever ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; Said reservation shall include the present improvement of the head of the family or a portion of it Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that alright? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A I don't know.
- Q You claim through your mother? A Yes sir.
- Q She made application to day? A Yes sir.
- Q And she claimed through which parent, father or mother? A father.
- Q What was his name? A Calvin Ussery.
- Q He claimed through which parent, father or mother? A father.
- Q What was his name? A Conkey Ushah.
- Q Was he the ancestor who lived in Mississippi in 1830 and who was the head of a family at that time? A Yes sir.

- Q He is your great great grandfather? A Yes sir.
- Q Did his son your great grandfather live in Mississippi at that time? A No.
- Q He lived where? A In Missouri.
- Q What evidence have you that Conkey Ushah lived in Mississippi in 1830 and was the head of a family at that time? A What I have here in the whole family is all I have.
- Q You have no documentary evidence? A No.
- Q Did Conkey Ushah or any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Colonel Ward that they wanted to stay in Mississippi and take land there? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory between the years 1833 and 1838? A Not that I know of.
- Q Did Conkey Ushah or any of your ancestor's claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did they claim any rights or privileges under any other article than article fourteen or under the supplement of the treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government required the United States Indian Agent Colonel Ward who lived in Mississippi at that time to make a list of all the names of Choctaw Indians who came before him to claim rights under article fourteen of the treaty of 1830, provided they did that within six months from the ratification of that treaty. This Indian Agent Col. Ward recorded the names of only a few of those who really did appear before him and on account of this neglect many Indians who had land in Mississippi had their land taken away from them. This caused much complaint among the Choctaws which resulted in that Congress in 1837 appointed a Commission which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these Commission appointed under acts of Congress of March 3rd 1837 or the Commission appointed under act of Congress of August 23, 1842 and claim benefits under article fourteen of the treaty? A I don't know.

The act of Congress approved August 23, 1842 provided that in case it was finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken from him, he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands, and that certificates should be issued to him to that effect. These certificates were called scrip.

- Q Do you know whether any of your Choctaw ancestors ever received any of this scrip from the government as Choctaw Indians? A No sir.
- Q Have you any documentary evidence that you want to produce now? A No.
- Q Would you like time in which to get some? A Yes sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of her application, also time for the introduction of oral testimony if she wishes to produce such.

This applicant has the appearance and physical characteristics of a person descended from white parentage, complexion brown, light hair, and blue eyes. She has no knowledge of 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 September 26th 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 September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 23rd day of November 1901.

Com. Notary Public
Notary Public.

COPY

M.C.R. 3634

Muskogee, Indian Territory, October 11, 1902.

Mila Perry,

Elm View, Texas.

Dear Madam:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Wm. Teaff, et al.,	M.C.R. 3638
Mila Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3708
Claude Ussery,	M.C.R. 3635
Charley Ussery, et al.,	M.C.R. 3637

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 49f) which is as follows:

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

K. P. ---2

Jesse W. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Montilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Dolle L. Ussery, John K. Ussery, Harry E. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James V. Perry, Clarence C. Perry, Claude Ussery, Charles Ussery, Edward W. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

Register.

M.C.R. 3634

Muskogee, Indian Territory, December 23, 1902.

Ella Perry,

Elm View, Texas.

Dear Madam:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Usary, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Thomas H. Bailey
Acting Chairman.

No. 3634

For Identification as a Mississippi Choctaw.

SEP 26 1901

Date

Name Ella Perry

Age 20

Blood 1/16

Post Office, Elm View Texas

Father: Jesse L. Teaff d

Mother: Emma " l

Claims through Mother

Husband, Recc D. Perry, w.

No claim for husband.

~~None~~

claims for self
alone

Stenographer C. Rosenwinkel.

Choctaw MCR 3635

Walter T. Ussery

See MCR 3632

MCR 3635

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I. T. September 26, 1901.

3635

In the matter of the application of Walter T. Ussery for identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Walter T. Ussery being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Walter T. Ussery.
Q What is your age? A Twenty-five.
Q What is your post-office address? A Drop, Texas.
Q How do you spell it? A D-r-o-p.
Q How long have you lived at Drép? A Hardly a year I guess.
Q Where did you live before that? A Pilot Point, Texas.
Q How long did you live at Pilot Point? A Three years.
Q Where were you born? A In Camden County, Missouri.
Q How long did you live in Missouri? A I was born there and lived there until I was thirteen years old.
Q From there you went where? A Cherokee Nation.
Q How long did you live there? A Four years.
Q And from there you went to Texas? A Yes.
Q What place? A I came to Sherman first.
Q Sherman Texas? A Yes.
Q And from there where? A To Elm View and lived there two years and then to Drép.
Q What is your father's name? A Jesse P. Ussery.
Q Is he living? A Yes sir.
Q What is your mother's name? A Ellen F. Ussery.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I don't know, not ever one-sixteenth I suppose.
Q You claim one-sixteenth? A Yes that what I claim my father claims 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 sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Dora L. Ussery.
Q What is her blood? A She is white.
Q You make any claim for her? A No sir.
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 sir.
Q What is the name of the eldest? A Roy Ussery.
Q How old is Roy? A Seven years old.
Q What is the next? A Jesse.
Q A boy? A Yes sir.
Q How old is Jesse? A He is five.
Q The next? A Dewey Ussery he is three years old.

- Q The next? A Della L.
 Q How do you spell that? A D-e-l-l-e.
 Q How old? A She is hardly two years old.
 Q You claim for these children? A Yes sir.
 Q Is Dora L. the mother of these children? A Yes sir.
 Q And you are the father? A Yes sir.
 Q Are these children all living with you at your home? A Yes sir.
 Q When and where were you married to your wife? A I was married at Lebanon, Laclede County, Missouri.
 Q When? A In 1893, July 18th.
 Q Were you married by a minister and under a license? A No sir by a Justice of the Peace.
 Q Under a license? A Yes sir.
 Q Have you your marriage license and certificate and do wish to offer them in evidence? A I have it at home.

A reasonable time will be allowed this applicant in which to submit evidence of his marriage to his wife Dora L. Ussery.

- Q Is your name or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian territory? A No sir.
 Q Did you or did any one for you or your children ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you or did any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A Could not tell you I don't know.
 Q Have you or any of your minor children 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.
 Q Have you ever made application before this time for yourself or your minor children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
 Q Do you now come before the Commission for the purpose of having yourself and these minor children identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Yes.

The treaty of Dancing Rabbit Creek was entered into between the Choctaw Indian and the United States government on the 27th day of September 1830 at a place called Dancing Rabbit Creek in Mississippi and the object of that treaty was to secure the removal of all the Choctaws from the Country then occupied by them in Mississippi and Alabama to a new Country west of the Mississippi River. Before the treaty was signed it became evident that a great many Choctaws did not want to go to the New Choctaw Nation Indian territory and in order that the interests of these Indians might be protected article fourteen was inserted in the treaty. Article fourteen reads as follows:

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

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

- Q You think you understand that do, you? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor who lived in Mississippi in 1830 who was a recognized member of the Choctaw tribe at that time and who was the head of a family? A Conkey Ushah.
- Q What kin was he to you? A He would be my father's great grand father.
- Q Are you sure, your father's great grandfather or your father's grandfather? A No answer.
- Q You claim through your father? A Yes sir.
- Q His name is Jesse Ussery? A Yes sir.
- Q He claims through which parent? A His father.
- Q What was his father's name? A Annal Ussery.
- Q His father's name was what? A Peter Ussery.
- Q And his father's name was? A Conkey Ushah.
- Q Then this Conkey Ushah is the ancestor, then Peter, -- Annal, and then yourself? A Yes sir.
- Q That is the ~~next~~ relationship? A Yes sir.
- Q You have always understood then that Conkey Ushah lived in Mississippi there in 1830? A Yes sir.
- Q And was a full blood Indian? A Yes sir.
- Q Have you any other kind of proof except what was told you by the members of the family? A No sir.
- Q You have no other? A No sir.
- Q What relation is Ella Perry to you? A I don't know.
- Q She claims through Conkey Ushah? A I don't know.
- Q You don't know what relation she is to you? A No.
- Q You know her mother Emma Teaff? A No sir.
- Q What relation is Jesse P. Ussery to you? A He is my father.
- Q These people who I have names claim through the same common ancestor that you do, Conkey Ushah and have made application here for identification as Mississippi Choctaws. Do you want their testimony made a part of your case and considered with yours? A I reckon so.
- Q Do you know whether Conkey Ushah could speak the Choctaw language or not? A No sir.
- Q Was Conkey Ushah his Indian name? A Yes sir.
- Q What is Ussery, the American contraction of it? A Yes sir that is what I have always been told.
- Q Do you know whether Conkey Ushah was a recognized member of the Choctaw tribe of Indians or not? A No sir, I only heard that he was Indian.
- Q Did any of your Choctaw ancestors Conkey Ushah or any other own any improvements on land in Mississippi or Alabama in 1830 do you know? A I don't know.
- Q Did any of your Choctaw ancestors go to the Choctaw Nation Indian Territory from Mississippi or Alabama between the years 1833 and 1838? A Not that I know of.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Col. Ward and tell him that they wanted to stay there and take land in Mississippi? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land under article fourteen of the treaty of 1830? A I don't know.

- Q Did any of your Choctaw ancestors claim or receive any land under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A I don't know.

According to the provisions of article fourteen of the treaty of 1830 the government directed Colonel Ward the Indian Agent to make a list of all the Choctaws who came before him within six months and signified their intention to of remaining there and taking land under the provisions of this article. Colonel Ward failed to record the names of a great many Indians who did come before him and make such declarations within the time limited in article fourteen and as the result of this neglect many Indians who lived in Mississippi had land there had their land taken from them and lost both the land they owned and the improvements upon it. This action on the part of the government caused many complaints among the Choctaws and Congress in 1837 appointed a Commission to go to Mississippi, which Commission went to this State and heard claimants under article fourteen and made lists of those whose claims were allowed. In 1842 another Commission was appointed for a similar purpose.

- Q Did any of your ancestors appear before either of these Commissions and claim any benefits under article fourteen of the treaty of 1830? A Not that I know of.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and if it further appeared that his land had been taken from him he should be entitled to select land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama and that a certificate should be issued to him to that effect. These certificates were called scrip and said land selected to be taken from any of the vacant government lands.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A No sir.
Q Have you any documentary evidence that you want to introduce now? A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this claim also his marriage license and certificate or a certified copy of the same

- Q Is there anything further that you want to say? A No.
Q Do you speak Choctaw? A No.

This applicant has the appearance and physical characteristics of a person descended from white parentage. His eyes are blue, hair dark brown. He does not understand 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 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 26, 1901, and that the above and foregoing is full, true and correct transcript of his stenographic notes in said cause on said date of September 1901.

Subscribed and sworn to before me this 23rd day of November 1901.

J. J. Rosenwinkel
Notary Public.

COPY.

Muskegee, Indian Territory, October 11, 1902.

Walter T. Ussery,
Drop, Texas.

Dear Sir:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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

.V.T.U.---2

evidence herein is insufficient to determine the identity of Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Dolle L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Nix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 3635

Muskogee, Indian Territory, December 24, 1902.

Walter T. Ussery,

Drop, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Ussery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Acting Chairman.

No. 3035

For Identification as a Mississippi Choctaw.

Date SEP 26 1901

Name Watter T. Usery

Age 25- Blood 1/16

Post Office, Drop, Texas.

Father: Jesse P. Usery, l

Mother: Ellen F. " l

Claims through father
wife - Dora L. Usery, W.
No claim for wife -

Children:

Roy Usery	-	7
Jesse "		5-
Henry "		3
Walle, L. "		2

Claims for self
& children -

Stenographer, L. Rasmussen

Choctaw MCR 3636

• John M. Ussery

See MCR 3632

• •

MCR 3636

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 26, 1901.

3636

In the matter of the application of John M. Ussery for identification of himself and his minor son Harry H. Ussery, as Mississippi Choctaws.

Applicant not represented by attorney.

John M. Ussery being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A John M. Ussery.
Q What is your age? A Twenty-three.
Q What is your post-office address? A Pilot Point, Denton County, Texas.
Q Where were you born? A Camden County, Missouri.
Q And lived there how long? A Until I was fourteen.
Q And then went to where? A Cherokee Nation.
Q And lived there how long? A Fourt years.
Q And then went? A To Sherman Texas.
Q And lived there? A I first went to Elm View and stopped there one year.
Q And then where? A From there to New Mexico.
Q How long did you stop there? A Two years.
Q And came back to Texas? A Yes sir.
Q And have lived there since? A Yes sir.
Q What is your father's name? A Jesse P. Ussery.
Q He made application before the Commission to-day for identification as a Mississippi Choctaw? A Yes sir.
Q What is your mother's name? A Ellen F. Ussery.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-eighth---one-sixteenth.
Q Your father who appeared before the Commission to-day claimed one-eighth, do you think you claim one-sixteenth? A Yes I guess so one-sixteenth.
Q You claim one-half of what your father has don't you? A Yes sir
Q You think one-sixteenth is right? A Yes sir.
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 sir.
Q Are you married? A No sir.
Q What is your wife's name? A Edith E. Ussery.
Q What is her blood? A She is a white woman.
Q You make any claim for her? A No sir.
Q Have you any children for whom you wish to make application? A Yes one child.
Q What is the name of that child? A Harry H. Ussery.
Q How old is Harry? A He is eight months old.
Q Is Edith E. the mother of this child? A Yes sir.
Q You are the father? A Yes sir.
Q When and where were you married to your wife? A Denton, Texas.
Q When? A 11th of February 1900.
Q Have you your marriage license and certificate with you? A No sir.

A reasonable time will be allowed this applicant in which to file this marriage license and certificate or a certified copy of the same.

- Q You claim for yourself and son? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Did you make application to the Dawes Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Were you ever 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 Did you make application for citizenship in the Choctaw Nation at any time prior to this for either yourself or child to the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Do you now come before the Commission for the purpose of being identified, yourself and your child as Mississippi Choctaws under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand that article of the treaty? A No sir I don't understand it.

In 1830 a treaty was made between the Choctaw Indians and the United States government. The Choctaws were living at that time in Mississippi and Alabama. The object of that treaty was to secure the removal of all the Choctaw Indians who lived in those two States in what was called the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that a great many Choctaws would not go to the Choctaw Nation Indian Territory and in order that their interests might be protected this fourteenth article was put into the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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? A Yes sir.
- Q Did any of your ancestors comply or attempt to comply with the provisions of this article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your Choctaw blood who lived in Mississippi in 1830 and was the head of a family at that time? A Cenkey Ushah.

- Q Was that the Indian name? A I could not tell you I don't know about that.
- Q Was he a Choctaw Indian? A Yes that is what we have always heard talked in the family.
- Q Did he speak the Choctaw language? A I don't know.
- Q Can you speak the Choctaw language? A No.
- Q Is the name Ussery, which is your name, a contraction of the name Ushah? A That is what we have been told.
- Q Have you any documentary evidence to prove that you are a descendant of Conkey Ushah and that he was a Choctaw Indian? A No sir.
- Q You claim through your father whose name is Ussery? A Yes.
- Q He made application to day? A Yes sir.
- Q He claimed through which parent father or mother? A He claimed through his father? A
- Q What was his father's name? A Annal Ussery.
- Q He claimed through his father? A Yes sir.
- Q His father's name was what? A Peter Ussery.
- Q And he claimed through his father? A Yes sir.
- Q And his name was? A Conkey Ushah.
- Q Did Peter and his son Annal live in Mississippi or were they living in Mississippi in 1830? A I don't know.
- Q Do you claim through Conkey Ushah because you claim he lived in Mississippi in 1830 and was the head of a family at that time? A Yes sir.
- Q Jesse P. Ussery, Emma Teaff, her daughter Ella Perry and Walter T. Ussery have all made application for identification on this date, September the 26th 1901, and claim through the same ancestor that you do, Conkey Ushah? A Yes sir.
- Q Are these all relatives of yours? A Yes sir.
- Q Do you want to have their testimony considered with yours and made a part of it when your claim is considered? A Yes sir.
- Q Do you know whether this ancestor through whom you claim was a recognized member of the Choctaw tribe of Indians in 1830? A All I know is what I have heard.
- Q Do you know whether he was recognized by the Choctaw tribal authorities? A I don't know.
- Q Did any of your Choctaw ancestors and particularly Conkey Ushah have any improvements on land in Mississippi in 1830? A I don't know.
- Q Did Conkey Ushah or any of your ancestors if Choctaws go to the United States Indian Agent Colonel Ward 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 Did any of your Choctaw ancestors go from the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory between the years eighteen hundred and thirty three and eighteen hundred and thirty eight at the time the greater portion of the Choctaws removed to this new country? A I don't think they did.
- Q Did Conkey Ushah or any other ancestor of yours if Choctaw Indians claim or receive any benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Did they receive any benefits under any other article than article fourteen or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen the government directed its Agent Colonel Ward to make a list of the names of all the Choctaw Indians who make declarations of intention to remain in Mississippi and take land there. This Indian Agent neglected to record the names of many Choctaws who did make such declaration within six months after the treaty of 1830 was ratified, as the result of this neglect of the Indian Agent many

Choctaws who had land in Mississippi upon which they had improvements had their land taken away from them and they lost both the land and the improvements. This caused a great many complaints so that in 1837 a Commission was appointed by act of Congress of March 3, 1837, which Commission went to the State of Mississippi and heard a great many of these claims under article fourteen. In 1842 under act of Congress of August 23, 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors and did Sonkey Ushah particularly ~~name~~ go before either of these Commissions, that of 1837 or the Commission of 1842 and claim benefits under article fourteen of the treaty of eighteen hundred and thirty? 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 with all the provisions of article fourteen and that his land had been taken from him he should be entitled to receive land elsewhere either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No sir, not that I know of.
Q Have you any documentary evidence that you want to file now?
A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of his claim.

- Q You speak Choctaw? A No sir.
Q Is there anything else that you want to say at this time in support of your claim? A I believe not.

This applicant has the appearance and general characteristics of being descended from white parentage, complexion somewhat dark, dark brown eyes and dark hair. He has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830?

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 26, 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 September 1901.

Subscribed and sworn to before me this 23rd day of November 1901.

G. Rosenwinkel
[Signature]
Notary Public.

COPY.

M.C.R. 3636

Muskogee, Indian Territory, October 11, 1902.

John M. Ussery,
Pilot Point, Texas.

Dear Sir:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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.M.U.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Dolle L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward K. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge

Registered.

COPY.

M.C.R. 3636

Muskogee, Indian Territory, December 23, 1902.

John M. Ussery,

Pilot Point, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Ussery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Tanner D. Doby

Acting Chairman

No.

3636

For Identification as a Mississippi Choctaw.

Date

SEP 26 1907

Name

John M. Ussery

Age

23 -

Blood

1/16

Post Office,

Pilot Point, Texas.

Father:

Jesse P. Ussery, l.

Mother:

Ellen F. " l

Claims through

Father

wife -

Edith E. " w.

No claim for wife.

Children:

Harry H. Ussery, 8 m.

Claim for self &
child -

Stenographer

G. Rosmwindel

Choctaw MCR 3637

Charley Ussery

See MCR 3632

MCR 3637

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 26, 1901.

3637

In the matter of the application of Charley Ussery for identification of himself and his two minor brothers Edward M., and Albert Ussery, as Mississippi Choctaws,

Applicant not represented by attorney.

Charley Ussery being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Charley Ussery.
Q What is your age? A Twenty-seven, will be next birthday.
Q What is your post-office address? A Sherman.
Q Texas? A Yes sir.
Q How long have you lived in Sherman? A About eighteen years?
Q Where did you live before that? A Bonham.
Q Texas? A Yes sir.
Q Where were you born? A Georgia.
Q Where in Georgia? A Ft Valley.
Q How long did you live there? A I was born there. I went away from there when I was four years old. My father used to be post-master there.
Q From Georgia you went to what place in Texas? A Bonham.
Q What is your father's name? A Jeremiah G. Ussery.
Q Living? A No sir.
Q What is your mother's name? A Mattie Ussery.
Q Is her name Ussery now? A Pierson it was before she died.
Q Is she living now? A No she is dead.
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-sixteenth.
Q Has your father 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 authorities of the United States? A No
Q Are you married? A Yes sir.
Q What is your wife's name? A Nettie.
Q Is she a white woman? A Yes sir.
Q You claim for her? A No sir.
Q What children have you that you want to claim for? A None.
Q How then you claim for whose children? A My father's children.
Q Your brother's and sisters? A My two brothers. I have two half sisters.
Q Are they half sisters on your father's side or your mother's side? A Mother's side.
Q They have no Choctaw blood then? A No sir.
Q These two children are you full brothers are they? A Yes sir.
Q And they are living with you? A One is and the other one was until two years ago when he enlisted in the Light Artillery and is now located at San Antonio, Texas.
Q Up to the time he enlisted he was living with you and you supported both of these children? A Yes sir.
Q Their father and mother are both dead? A Yes sir.

- Q What is the name of the first brother, the oldest? A Edward M.
 Q How old is he? A He is going on twenty-one, will be twenty-one in January.
 Q What is the name of the next? A Albert.
 Q How old is he? A He is seventeen.
 Q Which is the soldier? A Edward.
 Q And Albert is now living with you? A Yes sir.
 Q When and where was your father married to your mother? A In Georgia.
 Q You know when? A No sir I don't.
 Q Were they married under a license do you know? A Yes sir.
 Q You think you could introduce the marriage license and certificate or a certified copy of them if the marriage of your father and mother in support of your application and the application of these boys? A Yes.

A reasonable time will be allowed this applicant in which to file the marriage license and certificate or copies of the same of the marriage between his father Jeremiah G. Ussery and his mother Mattie Ussery who afterwards married a Pierson.

- Q Is your name or the names of these brothers of yours on any of the tribal rolls of the Choctaw Nation in Indian Territory?
 A No sir.
 Q Did you or did any one for you or your brothers ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
 Q Did you or did any one for you or your brothers make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896?
 A No sir.
 Q Were you or your brothers ever 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.
 Q Is this the first application of any kind that has ever been made to have either you or your two brothers admitted or enrolled to citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A Yes sir.
 Q Do you come before the Commission now for the purpose of having yourself and your two minor brothers identified as Mississippi Choctaws under article fourteen of the treaty between the United States and the Choctaw Nation? A Yes sir.
 Q Do you understand that article? A Well I don't know exactly.

Article fourteen of the treaty of 1830 is a part or subdivisions of that treaty. This article was inserted in the treaty for the purpose of protecting the interests of those Choctaws who remained in Mississippi after the ratification of the treaty of 1830. The treaty of 1830 is some times called the treaty of Dancing Rabbit Creek and was made on the twenty-seventh day of September of that year and was made for the purpose of moving all the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that quite a good number of the Choctaws would not go to the Choctaw Nation Indian Territory and before the treaty was signed some article had to be put into it to protect the interests of these Indians who wanted to stay there. This was article fourteen. After that article was put into the treaty it was signed. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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 alright? A Yes sir.
- Q Did any of your ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor who lived in the old Choctaw Nation in Mississippi in 1830? A Lemuel Ussery.
- Q And he was a Choctaw Indian? A That is what I heard.
- Q Was he a full blood? A I don't know.
- Q What was his father's name? A Conkey Ushah.
- Q Did he live in Mississippi in 1830 also? A Yes sir.
- Q Was he a full blood Choctaw Indian? A I don't know sir.
- Q Was Lemuel Ussery the head of a family in Mississippi in 1830, that is did he have a family at that time? A I could not say, he came to Georgia a young man.
- Q Do you know whether he lived in Mississippi in 1830? A I could not say He left Mississippi and went to North Carolina and from there to Georgia.
- Q What ancestor then can you give that lived in Mississippi in 1830 who was a Choctaw Indian and the head of a family? A None unless it is Conkey Ushah.
- Q You think then that Conkey Ushah lived in Mississippi in 1830? A Yes sir.
- Q You are not so sure of your grandfather * Lemuel living there at that time? A No sir.
- Q He went to what place? A He went to Georgia.
- Q Not directly? A No he went to North Carolina first and then to Georgia.
- Q But you don't know when he went to North Carolina? A No but I have an aunt, my father's sister who might know.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830 A No sir I do not.
- Q Did any of your Choctaw ancestors own improvements on land in Mississippi in 1830? A No sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory between 1833 and 1838? A No sir.
- Q Did any of them within six months after the treaty of 1830 was ratified go to the United States Indian Agent Col. Ward and tell him that they wanted to stay in Mississippi? A No sir not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of eighteen hundred and thirty? A No that that I know.

#4

- Q Did they receive any land under any other article than article fourteen of the treaty of 1830 or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent Colonel Ward was required to make a list of the names of all Choctaw claimants who appeared before him within six months after the ratification of the treaty of eighteen hundred and thirty and signified their intention of remaining in Mississippi and taking land there. Colonel Ward registered the names of only a few of all the Choctaw Indians who complied with the provisions of the fourteenth article of the treaty. As the result of this neglect on his part many Choctaw Indians who had in Mississippi lost the land and the improvements they had on the land. This caused a great many complaints to be made by the Choctaws and in 1837 a Commission was appointed by act of Congress of March 3 of that year, which Commission went to Mississippi and heard claimants under article fourteen and made a list of their names. In 1842 another Commission was appointed for a similar purpose. This Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830?

- Q Now did any of your ancestors appear before either of these two Commission and claim benefits as Choctaw Indians? A No sir not that I know of.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and if it further appeared that his land had been taken from him, he should be entitled to select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A No.
Q Have you any documentary evidence that you would like to introduce now in support of your claim and the claim for your two brothers? A No.

A reasonable time will be allowed this applicant in which to introduce documentary evidence in support of the application he makes for himself and his two brothers also for the introduction of oral testimony if he wishes to introduce witnesses to testify.

- Q Do you speak Choctaw? A No sir.
Q Do you want to say anything more about your claim? A No sir.

This applicant has the physical characteristics of one descended from white parentage, has light complexion, blue eyes and light hair. He has no knowledge of 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 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled

cause on September 26th 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 September 1901.

W. Rosewinkel

Subscribed and sworn to before me this 23rd day of November 1901.

Edna Mitchell Wood
Notary Public.

COPY.

M.C.R. 3637

Muskegee, Indian Territory, October 11, 1902.

Charley Ussery,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3633
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Glaude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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. U. ---2

Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Belle L. Ussery, John M. Ussery, Harry K. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

Registered.

H. C. R. 3637

COPY.

Muskogee, Indian Territory, December 23, 1902

Charley Usery,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Usery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 26 1901

Name Charley Ussery,

Age 27 - Blood 1/6

Post Office, Sherman, Texas.

Father: Jeremiah G. Ussery, d

Mother: Mattie Pearson, d

Claims through father -
wife - Nettie - ✓
No claim for wife -

~~2~~ 2 Brothers, (minors
and orphans.),

Edward M. Ussery 20

Albert " 17

Claims for self
and 2 minor, (orphans
brothers -

Stenographer G. Remondel

Choctaw MCR 3638

Claude Ussery

See MCR 3632

MCR 3638

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 28, 1901.

#3436.

In the matter of the application of Claude Ussery for
identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Claude Ussery, being first duly sworn, upon his oath
testified as follows:-

Examination by the Commission.

- Q What is your name? A Claude Ussery.
Q Claude, C-l-a-u-d-e ? A Yes, sir.
Q Your name is Claude Ussery is it? A Yes.
Q What is your age? A Thirty-one.
Q What is your Post Office address? A Sherman.
Q Sherman, Texas? A Sherman, Texas.
Q Where were you born? A Georgia.
Q In Georgia. What place? A Fort Valley.
Q What? A Fort Valley.
Q What place? A Fort Valley.
Q How long did you live in Georgia? A I don't know how long we
lived there. About eight years I guess. I was eight years old
when we left there.
Q Then you went where? A Denham.
Q How? A So come to Denham, Texas.
Q And how long did you live at Denham? A About seven years.
Q And then you went where? A Sherman.
Q Sherman Texas; and you have lived there since? A Yes.
Q What is your father's name? A J. G.
Q J. G. What? A Ussery.
Q J. What does that J. stand for? A Jeremiah Griffin.
Q Is he living? A No, sir.
Q What is your mother's name? A Matt.
Q Mattie? A Mattie.
Q Is she living? A No, sir.

- Q Through which one of your parents do you claim Choctaw blood?
A Father.
- Q How much Choctaw blood do you claim? A Sixteenth.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians by either the Choctaw Tribal Authorities or the United States Authorities in the Indian Territory? A I don't know sir.
- Q Are you married? A Single.
- Q You apply for yourself alone, do you? A Yes, sir.
- Q Is your name on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A I don't know sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes, under the Act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw Tribal Authorities, the Commission to the Five Civilized Tribes, or the United States Court in Indian Territory? A No, sir.
- Q Have you ever made application before this time for membership as a Choctaw citizen in the Choctaw Nation either to the Choctaw Tribal Authorities or to the United States Authorities in the Territory? A No, sir.
- Q Do you now make application for identification as a Mississippi Choctaw under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Don't you? A No.
- Q Don't you claim under that treaty at all? A Yes, under the Choctaw.
- Q No, not under the Choctaw treaty, but do you claim under the treaty of 1830, or the treaty of Dancing Rabbit Creek, a treaty that was made between the Choctaw Indians and the United States Government? A Yes.
- Q Do you claim under the fourteenth article of that treaty? A Yes sir.
- Q You don't understand that treaty very well, do you? A No, sir.
- Q The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was entered into between the Choctaw Nation and the United States Government, September 27, 1830, at a place called Dancing Rabbit Creek in Mississippi. The object of that treaty was the removal of all of the Choctaw Indians who lived in the old Choctaw Nation, which at that time was partly in the State of Mississippi and partly in Alabama, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was put into the treaty. 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 understand that article as it was read? A Yes, sir.
 Q Do you understand what you claim under it? A Yes, sir.
 Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?
 A No, sir, not as I know of.
 Q You claim through your father, Jeremiah G. Ussery? A Yes, sir.
 Q And he claims through whom, his father or mother? A His father.
 Q What is his father's name? A Lem. Lem was his father.
 Q Lemuel? A Yes.
 Q What is his father's name? A Conkey Ushah.
 Q How was it your father, Lemuel, or his father, Conkey Ushah who lived in Mississippi in 1830 and was the head of a family at that time in Mississippi. Which one was it? A Conkey.
 Q Conkey. Where was your father in 1830, do you know? A No.
 Q Do you know whether he was in Mississippi or not? A No, sir, I do not.
 Q You don't know about that? A No, sir.
 Q Do you know whether he was the head of a family in Mississippi at that time or not? A No, sir, I don't.
 Q Do you know whether Conkey Ushah was there at that time? A No, sir.
 Q I thought you said that he was. A I was told he was.
 Q You were told so in the family? A Yes.
 Q By whom? A How?
 Q Who told you? A My mother.
 Q Your mother? A Yes.
 Q It is a matter of family history and tradition is it, that Conkey Ushah was a Choctaw Indian? A Yes, sir.
 Q Full blood Indian? A Yes, sir, I was told so.
 Q And lived in Mississippi in 1830 and was the head of a family in Mississippi at that time? A Yes.
 Q Were you told that your father lived there at that time? A No, sir.
 Q Well, you said a little while ago you didn't know. A I was told I say, no.
 Q You were told that your father lived there? A How.
 Q You were told that your father lived there? A No, sir.
 Q You were not told that he was? A No, sir.
 Q Then you claim under Conkey Ushah, do you? A Yes, my grandfather
 Q You claim under him do you? A Yes, sir.
 Q Was that name the Indian name that he went by? A Yes, sir.
 Q Did Conkey Ushah speak the Choctaw language? A I don't know sir.
 Q Do you know whether he was a recognized citizen of the Choctaw

- Nation at that time? A No, sir, I don't know.
- Q Did he have, or did any of your ancestors have any improvement on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did Conkey Ushah, or any of your Choctaw ancestors, within six months after the ratification of the treaty of 1830, tell the United States Indian Agent, Colonel Ward, that he intended to stay in Mississippi and take land there and become a citizen of the United States? A I don't know sir.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever receive any benefits under any other article of the treaty of 1830 except article fourteen or under the supplement of the treaty? A I don't know, sir.
- Q In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the Government required that the United States Indian Agent who lived in Mississippi in 1830, should make a record of all of the names of the Mississippi Choctaws who appeared before him within six months after the ratification of the treaty of 1830 as claimants under article fourteen of treaty. The United States Indian Agent neglected his duty and failed to record the names of a great many Choctaws who did make declarations before him as required under article fourteen of that treaty. On account of this neglect on the part of the Indian Agent, a great many Indians who had land in Mississippi and who had improvements upon that land, had the land taken from them and lost both the land that they occupied and the improvements on it. This caused a great deal of distress among the Choctaw Indians and a great many complaints, and as a result of the complaints that were made, in 1837 a Commission was appointed by Act of Congress, approved March 3rd, 1837, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose. Do you know if any of your ancestors as Choctaw Indians appeared before either of these Commissions and claimed benefits under article fourteen of the treaty of 1830? A No, sir.
- Q The Act of Congress, approved August 23rd, 1842, provided that in case it should be finally determined that a Choctaw Indian had complied with all the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and that his land had been sold by the Government, he should be entitled to select land either in Mississippi or in Alabama, Louisiana or Arkansas, and that he should receive a certificate to that effect. These certificates were called scrip. Did any of your ancestors receive any such scrip from the Government? A No, sir.
- Q Have you any documentary evidence you want to introduce now? A No, sir.
- Q Jessie P. Ussery, Emma Teaff, Ella Perry, Walter T. Ussery, John M. Ussery, and Charlie Ussery have all made application before this Commission on the above date, September 26, 1901, for identification as Mississippi Choctaws, and all claim through Conkey Ushah as a Common Ancestor. You also claim through the same ancestor. Are these people whose names have been mentioned relatives of yours? A Yes, sir.

- 76.
- Q They are all relatives? A Yes, sir.
Q Do you want to have their testimony taken into consideration when yours is examined, in order that you may get the benefit of what they have sworn to? A Yes, sir.
Q Did you say you had any documentary evidence? A No, sir.
Q Reasonable time will be allowed this applicant in which to produce documentary evidence in support of his claim. Is there anything further you want to say? A No, sir.
Q You do not understand the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of one descended from White parentage. Brown hair, blue eyes, and medium light complexion. He has no knowledge of the Choctaw language, and no knowledge of a compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 26, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 19 day of October, 1901.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, October 11, 1902.

Claude Ussery,
Sherman, Texas.

Dear Sir:

You are hereby advised that on the 11th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jesse P. Ussery, et al., embracing the following applications for identification as Mississippi Choctaws:

Jesse P. Ussery, et al.,	M.C.R. 3632
Walter T. Ussery, et al.,	M.C.R. 3635
John M. Ussery, et al.,	M.C.R. 3636
Emma Teaff, et al.,	M.C.R. 3638
Ella Perry,	M.C.R. 3634
Lula L. Perry, et al.,	M.C.R. 3705
Claude Ussery,	M.C.R. 3638
Charley Ussery, et al.,	M.C.R. 3637

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

C.U.---2

Jesse P. Ussery, Jesse Van D. Ussery, Charles L. Ussery, Matilda Ussery, Randall S. Ussery, Harvey C. Ussery, Walter T. Ussery, Roy Ussery, Jesse Ussery, Dewey Ussery, Della L. Ussery, John M. Ussery, Harry H. Ussery, Emma Teaff, Walter L. Teaff, Minnie L. Hix, Ella Perry, Lula L. Perry, James W. Perry, Clarence C. Perry, Claude Ussery, Charley Ussery, Edward M. Ussery and Albert Ussery as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

Registered.

M.C.R. 3638

Muskogee, Indian Territory, December 23, 1902.

Claude Usery,

Sherman, Texas.

Dear Sir:

You are hereby notified that on the 8th day of December, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jesse P. Usery, et al., of which decision you were advised by registered mail on the 11th day of October, 1902.

Respectfully,

Tamm E.

Acting Chairman.

No. 3638

For Identification as a Mississippi Choctaw.

Date

SEP 26 1901

Name

Claude Kessery

Age

31 -

Blood

1/16

Post Office,

Sherman, Tex.,

Father:

Jeremiah W. Kessery, d

Mother:

Mattie Pearson d

Claims through

father

~~Signature~~

Claims for area
alone -

Stenographer

H. Beuford.

Choctaw MCR 3639

Martha C. MacKadams

See MCR 4020, 4024, 4025, 4026
4027, 4028, 4029, 4030, 4275, 4276
4277, 4278, 4279, 4280, 4734

MCR 3639

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

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In the matter of the application of Martha Caroline Mackadams, et al., for identification as Mississippi Choctaws, consolidating the applications of

Martha Caroline Mackadams, et al.,	M C R 3639
Ellen M. Surratt, et al.,	M C R 4020
Sarah A. Washington, et al.,	M C R 4024
Ventrone Liles, et al.,	M C R 4025
Martha Crowson, et al.,	M C R 4026
Jessie Surratt,	M C R 4027
Mary T. Surratt,	M C R 4028
Thomas B. Washington, et al.,	M C R 4029
J. C. Surratt,	M C R 4030
James M. Moler,	M C R 4275
John Moler, et al.,	M C R 4276
Gip Moler,	M C R 4277
Katie Henslee, et al.,	M C R 4278
Lee Mathews, et al.,	M C R 4279
Annie Moler,	M C R 4280
George A. Moler,	M C R 4734

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 Martha Caroline Mackadams, et al., for identification as Mississippi Choctaws.	1
Certificate as to marriage record between Miss M. C. Molder and H. L. McAdams.	11
Original application of Ellen M. Surratt, et al., for identification as Mississippi Choctaws.	12
Certificate of T. C. Merwin, Clerk of St. Francis County, Arkansas.	18
Certificate as to marriage of E. M. Molder and Levi Surratt.	19

2.

Original application of Sarah A. Washington, et al., for identification as Mississippi Choctaws.	20
Original application of Veattrous Liles, et al., for identification as Mississippi Choctaws.	27
Certificate as to the marriage of V. Washing- ton and J. J. Lyles.	32
Original application of Martha Crowson, et al., for identification as Mississippi Choctaws.	33
Original application of Josie Surratt for identification as a Mississippi Choctaw.	38
Original application of Mary T. Surratt for identification as a Mississippi Choctaw.	43
Original application of Thomas E. Washington, et al., for identification as Mississippi Choctaws.	48
Marriage record between Thomas Washington and Miss Louvinie Hall.	54
Original application of J. C. Surratt for identification as a Mississippi Choctaw.	55
Original application of James M. Moler for identification as a Mississippi Choctaw.	60
Original application of John Moler, et al., for identification as Mississippi Choctaws.	64
Certified copy of the marriage record between J. H. Moulder and Lucy Sanders.	69
Original application of Gip Moler for identification as a Mississippi Choctaw.	70
Original application of Mattie Henslee, et al., for identification as Mississippi Choctaws.	74
Original application of Lee Mathews, et al., for identification as Mississippi Choctaws.	79
Original application of Annie Moler for identification as a Mississippi Choctaw.	84
Original application of George A. Moler for identification as a Mississippi Choctaw.	89
Final decision of the Commission in the consolidated case of Martha Caroline Mackdams, et al., applicants for identification as Mississippi Choctaws, denying such application.	94

Department of the Interior,
Commission to the Five Civilized Tribes.
Atoka, Indian Territory, September 26, 1901.

#3659.

In the matter of the application of Martha Caroline Mackadams, for the identification of herself and her minor child as Mississippi Choctaws.

Applicant represented by L. P. Hudson, Attorney.

Martha Caroline Mackadams, being first duly sworn, upon her oath testified as follows:-

Examination by the Commission.

- Q What is your name? A Mackadams. My first name was Moler.
Q Well, your given name just as you write it now? A Well, I always was Martha Caroline Mackadams.
Q M-a-r-t-h-a M-a-A-d-a-m-s ?

By Attorney.

- Q Yes, how do you spell that Mackadams? A M-a-o-k-a-d-a-m-s .
Q Do you spell it all one name? M-a-o-k-a-d-a-m-s , is that right? A Yes. I am no speller.

By the Commission.

- Q It's all one word then? A Yes.
Q M-a-o-k-a-d-a-m-s ? A Well, he always had it that way.
Q What is your age? A Fifty-three years last March.
Q What is your Post Office address? A O'Farrell.
Q What? A O'Farrell.
Q What state? A Texas.
Q Texas? A Yes, sir.
Q O'Farrell, not is that right? A Yes.
Q Where were you born? A Where was I going?

#2.

- Q Where were you born? A In Arkansas.
Q What place in Arkansas? A It was close to Mt. Vernon, 'twixt Mt. Vernon and Little Caney.
Q How long did you stay there? A I never stayed there but going on five or six years.
Q Then you went where? A I come to Texas where I am now.
Q And stayed in the same place where you are now all your life? A Not exactly. Within twelve miles of there.
Q Within twelve miles of O'Farrell all your life? A No, sir, within twenty miles of O'Farrell.
Q Well, just around there? A Yes.
Q What is your father's name? A Elza Moler.
Q Elza, how do you spell that?

By Attorney.

A E-l-z-a .

- Q Moler? A Yes, M-o-l-e-r .

By the Commission.

- Q Is he living? A No, sir, he's dead.
Q What is your mother's name? A My mother, her name was Mary---- when she died, Mary Surratt.
Q She was married the second time? A Yes, she's been married three times.
Q Well, her last name was what? A Mary Surratt.
Q How do you spell that? A S-u-r-r-a-t-t .
Q She's dead now is she? A Yes, she's been dead eighteen years.
Q Through which one of your parents do you claim your Choctaw blood, father or mother? A Father.
Q Through your father. How much Choctaw blood do you claim? A Well my father was a half.
Q You claim a fourth do you? A Yes, sir, I think that would be as much as would be right.
Q Your father you say was a half? A Yes, sir.
Q What was his other blood? White? A Yes----No, sir, his other blood was a Chickasaw.
Q Then he was all Indian, only half Choctaw and half Chickasaw? A No, sir, he wasn't a half Chickasaw, for his mother was just what was called three fourths Chickasaw.
Q Well, you said half Chickasaw. Is that right? A Yes, sir.
Q And the other half Choctaw? A Yes, my father was----his mother was a Chickasaw.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw Tribe of Indians, by either the Choctaw Tribal Authorities or the United States authorities in the Indian Territory? A Well, if he was I never----.
Q Never heard of it? A No, sir, I never heard of it.
Q Are you married? A Yes, sir.
Q What is your husband's name? A My husband is named Hewell, just the same Mackadams.
Q How do you spell Hewell? A H. L. That's always what he did write, H. L.
Q Is he a white man? A Yes, sir, he's a white man.
Q You don't make any claim for him? A No, sir, he ain't none of that sort. Ain't nobody comes in but just myself at all. He ain't none of that sort.

#3.

Q What is the name of your child for whom you wish to make application now? A My child?

By Attorney.

Q Yes, your boy's name? A David Franklin.

Q Mackadams? A Yes.

By the Commission.

Q M-a-c-k-a-d-a-m-s . How old is he? A He was ten years old.

Q He's ten now, is he? A Yes, sir, going on eleven, and has been ever since the ninth of August.

Q Is that the only child you have? A That's the only one I have got.

Q You claim for yourself and your son? A Yes.

Q When and where were you married to your husband H. L. Mackadams?

A Two mile west of O'Farrell.

Q West of O'Farrell, in Texas? A Yes.

Q When was that? A Twelve year ago this last July.

Q Do you know what day of the month? A Yes, sir, the 14th, I think it was the 14th.

Q Fourteenth of what month? A July.

Q Fourteenth of July. Were you married by a minister and under a license? By a minister? A Yes, sir.

Q Had a license? A I was married by a preacher.

Q An ordained minister? A Yes, sir.

Q Is your name or the name of your son on any of the Tribal Rolls of the Choctaw Nation in the Indian Territory? A No, sir, as I know of they ain't.

Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw Tribal Authorities? A Yes, sir, I have tried everywhere there was of writing and I couldn't do it.

Q Well, did you ever make formal application to the Choctaw Tribal Authorities----to the Choctaw Council? A No, sir, not as I know of. I just wrote to see if I could get my name put in, but I never could get no answer.

Q Who did you write to? To the Dawes people----Dawes Commission at Muskogee? A No, sir, I just----never wrote to them.

Q Never wrote the Commission.

By Attorney.

Q Good while ago, was it? A No, sir, hasn't been long ago.

By the Commission.

Q You never got any answer to that communication whoever it was sent to? A No, sir, I never.

Q Did you ever 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, five years ago? A No, sir.

Q Were you ever admitted to citizenship in the Choctaw Nation by the Choctaw Tribal Authorities, the United States Court in Indian Territory, or by the Commission to the Five Civilized Tribes? A No, sir, I never was.

Q Is this the first application of any kind that you have ever made for yourself and your son, for citizenship in the Choctaw Nation? A Yes, sir, this is the first.

- Q Do you now come before this Commission for the purpose of becoming identified as a Mississippi Choctaw, and for the purpose of getting your son identified as a Mississippi Choctaw under article fourteen of the treaty of Dancing Rabbit Creek? A I do if I can.
- Q That's your purpose, is it? A Yes, sir, that's what it is.
- Q Do you understand the treaty of 1830? A No, sir.
- Q Do you understand the fourteenth article of that treaty? A No, sir, I don't.
- Q Would you like to have it explained to you? A Yes, sir, I would like to.
- Q Do you know what a treaty is? A No, sir, I do not.
- Q You know what an agreement is, don't you? A No, sir.
- Q You know what a contract is, don't you? Didn't you ever make a contract with anybody? A Oh! yes! about my little business I have.
- Q Well, that is a contract or agreement. You have heard about these contracts being put in writing and both parties signing them, haven't you? A Yes, sir.
- Q Now, a contract is the same thing as an agreement or contract in writing, only, because it is between two nations, or more, two or more nations instead of between two or more people, they call it a treaty in writing, instead of a contract in writing. Now you understand what a treaty is don't you? A No, sir.
- Q Don't you understand that it's a contract---an agreement, only it's between Nations? I told you so. A Yes, sir.
- Q You understand that, don't you? A Yes, sir, I do now.
- Q Well, the Choctaw Nation in 1830 and the United States Government at that time, made a treaty. That is a contract in writing between those nations, and they called it a treaty, and the object of that treaty was to get all of the Choctaw Indians who lived then in Mississippi and Alabama to come to this Choctaw Nation in the Indian Territory. There were none here then, and the United States wanted them all to come. A Yes, sir.
- Q That is why that treaty was made. But before it was signed they found out that a great many Choctaw Indians wouldn't come. They said they wouldn't leave Mississippi and Alabama, so they had to be provided for, and in order to look after their interests and have everything all right for them in the treaty, article fourteen was put into it. Now an article in a treaty is just simply a part of it, a subdivision of it. 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 im-

provement 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 you understand that don't you? You understand that well enough to claim under it don't you? A I reckon so.
- Q I made it plain to you, didn't I? A Yes, sir. You see if ever I had been taught, or have had anybody to talk to me in any way shape or form I might have knowed more.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.
- Q Do you know what I mean by ancestors? A No, sir.
- Q I mean your father or mother, your grandfather or grandmother, your great-grandfather or your great-grandmother, right back. Those are ancestors. A Yes.
- Q Did they ever do the things that I read you in article fourteen if you know? A No, sir, I never did hear of that.
- Q What was the name of your forefather, your ancestor, who lived in Mississippi in 1830, seventy-one years ago, and whom you claim was a Choctaw Indian, and who was the head of a family at that time. Now then I want the Indian that you trace back to----away back? A Grandfather.
- Q What was your grandfather's name? A His name was Marion or Aaron one, I don't know. It was one or 'tother of them names, Marion or Aaron.
- Q Marion? A Yes, sir.
- Q Either Marion or Aaron you can't tell which? A No, sir.
- Q Why is it you can't tell which? A Well, I'll tell you why that it is. Now when father----he never did visit my grandfather much on the account of his mother----his step-mother. After his mother died she was----she mistreated him and he runned away from grandfather.
- Q Your husband ran away? A My father runned away from home and come to Arkansas to an Indian, but I disremember what his name was it was so long back, and I never thought of this or I would have had it down just as plain as A. B. C. He died when I was just turned into my fifth year.
- Q Died when you were very young? A Yes, sir.
- Q How did your grandfather, that is, your father's father live in Mississippi in 1830, seventy-one years ago? A I do not know. I reckon he did.
- Q Did you ever hear that he did? A No, sir, I never heard them say, only he was----he lived there and there's where he first----.
- Q When did he die? A grandfather?
- Q Yes? A He died the second year of the War.
- Q How old was he at that time? A He was either eighty-seven or ninety-seven, I disremember which.
- Q Well then, where did he die? A He died in Ohio.
- Q In Ohio? A Yes, sir, he died in Ohio, my grandfather did.
- Q When did he live in Mississippi? Did he live in Mississippi in 1820, 1840, 1830, 1850---when did he go to Ohio. A I do not know.
- Q Where did he go from when he went to Ohio. Did he ever live in Mississippi? A Yes.
- Q When? A I can not tell you.
- Q Didn't you ever hear when he lived in Mississippi? A No, sir.

- Q Was he born in Mississippi? A I can't tell you anything about it.
- Q How do you know that he lived in Mississippi then? A Well, my father told my mother so and told me so.
- Q Well, didn't he tell you when? Didn't he tell you he lived there in what year? A He might have told me but it's been so long I don't remember it.
- Q Did your father come from Mississippi? A He was borned in Alabama, I believe?
- Q Your father was born in Alabama? A Yes, sir.
- Q When was he born do you know? A No, sir.
- Q How old would he be now? A Well, he would be seventy-eight or nine years old, I can't tell you which---what time---we never had his age.
- Q Seventy-eight or nine? A Yes, sir.
- Q And he was born in Alabama? A I guess so.
- Q Do you know where he was born? A No, sir, I don't know. He was borned in Alabama, I think.
- Q Well, then if he would be seventy-nine years old now, and was born in Alabama, in 1830 he would have been about eight years old. Do you think that is right. Do you think that your father was born in Alabama and lived there until he was eight years old. Just tell what you think and what you consider to be right according to your family tradition. A No, sir, I think that he was--- I don't know whether he was borned there or Kentucky, I can't tell you which.
- Q You don't know then? A No, sir, I don't know which. I will not say for I don't want nothing but straight truth about it.
- Q You are unable to say then, whether your grandfather through whom you claim your right to be identified was born in Mississippi, Alabama or Kentucky? Are you able to say? A No, sir, I never heard.
- Q Do you think you can get any evidence to show when and where your father was born and where your grandfather lived in 1830? A No, sir, I don't know as I can for it's so fur back.
- Q Can you give the names of any other of your ancestors who were Choctaw Indians and who lived in Mississippi? A No, sir, I can't
- Q Can you give the name of any of your ancestors who ever lived in Mississippi or Alabama? A Well, they was----
- Q Now I mean grandfather or grandmother or great-grandfather? A No sir, neither one of them.
- Q You can't go back farther that your grandfather? A No, sir that's all, that ever he talked of was grandfather, and he never said much about him, only the time he went and visited him. You see she died when he was quite small.
- Q Did any of your Choctaw ancestors own any improvement on land in Mississippi or Alabama in 1830 or any time before that? A Not as ever I knowed of.
- Q Did any of your Choctaw Ancestors come from Mississippi to the Indian Territory with the other Indians between 1833 and 1836? A Not as I know of.
- Q Or ever live in the Nation? A Grandfather did.
- Q What Nation? A The Choctaw Nation somewheres.
- Q Do you know when and where he lived in the Choctaw Nation? A No, sir, I do not know, though I have heard him say that---father said that he had two children borned in the Nation.
- Q In the Choctaw Nation? A Yes, sir.
- Q Indian Territory? A I reckon it was. I don't know where it was. He said in the Nation.

- 7.
- Q Well, there was a Choctaw Nation called the old Nation, in a part of the State of Mississippi and Alabama, and then in 1830 after that treaty was made, a new Choctaw Nation was formed in the Indian Territory. Did he have the children born in the old Choctaw Nation or in the new Choctaw Nation, this one here in the Indian Territory. Do you know? A No, sir, I don't know.
- Q You don't know which one? A No, sir, I don't know where it was.
- Q Do you know where he died? You said in Ohio I think? A Ohio.
- Q He went then from that Territory to Ohio, did he? A He went from that Territory to Alabama and from Alabama to Mississippi and then he went up to Ohio after he married his last wife, and she was an Ohioian.
- Q Well, I have asked you several times if he lived in Mississippi and you said you didn't know, and now you say he did. Now, understand my question. You think he did live in Mississippi? A I do not know.
- Q When did he go to Mississippi? A I can't tell you.
- Q When did he go from Mississippi to Ohio? A I can't tell you that. It was after my father left him.
- Q Now did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, and tell him that they wanted to stay in Mississippi or Alabama and take land there do you know? A No, sir.
- Q You never heard about that? A No, sir, I never heard of it.
- Q Do you know whether this grandfather through whom you claim, or any of your Choctaw ancestors, ever claimed or received any land in Mississippi or Alabama from the Government as Choctaw Indians under Article fourteen of the treaty of 1830? A No, sir. If they did I never knowed nothing about it.
- Q Did any of your ancestors, or particularly did your grandfather, your father's father ever claim any benefits under any part of the treaty other than article fourteen or under the supplement of the treaty? A If he did I don't know it.
- Q In accordance with the provisions of the fourteenth article of the Treaty of 1830, the United States Indian Agent, Colonel Ward, who lived in Mississippi at that time, was instructed by the Government to make a list of the names of all Choctaw Indians who claimed rights under article fourteen of the treaty of 1830. He failed to do that for some reason, so that a very few of the Choctaws who actually went before him within the time limited under the provisions of article fourteen had their names placed upon what was called Ward's Register list. I suppose that there were hundreds and thousands probably who didn't have their names put down on that list who should have had their names put there. Now because they were not put there a great many Choctaw Indians lost the land upon which they were living in Mississippi and all the improvements on those lands. The land was taken from them and sold by the Government at its public land sales, and this caused a great many complaints among the Indians, so that in 1837 a Commission was appointed by Congress, which Commission went to the State of Mississippi and heard a great many of these claimants under article fourteen, and in 1842 another Commission was appointed and they heard claimants under article fourteen of the treaty of 1830. And these two Commissioners made lists and put down the names of all these Choctaw Indians whose claims were approved by the Commission of 1837 and the Commission of 1842. Do you know if any of your ancestors, your father, grandfather, great-grandfather, any of your ancestors went before either of these Commissions and claimed rights and benefits under article

- fourteen of the treaty of 1830? A No, sir.
- Q You never heard about that? A No, sir, I never. I can't read.
- Q The Act of Congress approved August 23, 1842, provided that in cases where it should be determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 and that his land had been taken from him, that he should receive land---that he should select land either in Mississippi Louisiana, Alabama or Arkansas, to be taken from vacant Government land, and that he should receive certificates to that effect and these certificates were called scrip. Do you know if any of your ancestors received any such scrip from the Government as Choctaw Indians? A No, sir, they never did.
- Q Have you any documentary evidence that you want to file in support of your application.

Here Attorney L. P. Hudson asked permission to file evidence for the applicant in the near future.

Permission is granted to the Counsel for this applicant to file such evidence in support of this application, provided the same is filed within a reasonable time from the date of this hearing.

- Q Is there anything further you want to say now in support of your application? A No, sir.
- Q Can you speak the Choctaw language? A No, sir, I never was taught it.
- Q You never was with the Choctaw Indians? A No, sir, I never had the chance.
- Q Mr. Hudson, would you like to ask some questions.

By Attorney L. P. Hudson.

- Q Mrs. Mackadams, I want to ask you in regard to your people having lived in Mississippi. Not what you know personally in regard to it, but what you have been taught. A That's all, I have just been taught it.
- Q How have you been taught and do you understand that your grandfather, that is your father's father, used to live in Mississippi? A Yes, sir, he did live in Mississippi.
- Q That you was taught by your father and mother? A Yes, sir.
- Q And were you also taught that he finally went from Mississippi to Alabama? A Yes, sir.
- Q And then from Alabama to Arkansas? A No, sir.
- Q Or to the Indian Nation here? A My grandfather went to Kentucky.
- Q First? A Yes.
- Q From Alabama? A Yes, sir, and then there---he went from there to Ohio---my grandfather did. But I think that my father runned away from his father when he was in Kentucky when he runned away from him.
- Q And where did he go from there? A He come to Arkansas where I told you to that little place.
- Q How was it that your grandfather, your father's father, lived in the Indian Territory, as you understand it, after he

lived in the Indian Territory, as you understand it, after he lived in Ohio, or before? I could not tell you. It was after he come back from the territory he went to---went the route that I told you---after Mississippi he went the route then after he left Mississippi.

- Q Then after this treaty as you understand it he lived in Mississippi and Alabama? A As well as I can recollect now.
- Q Before he went to Ohio and Kentucky? A Yes, sir.
- Q How do you know where your father was born? A I think he was borned in Kentucky, but I think they left there---no, it was in Mississippi.
- Q Born in Mississippi? A Alabama! There's where! It was Alabama he was borned in---Alabama. I don't remember how old he was or nothing---he was quite small.
- Q All right now, 'ra. Maokadama, how long did your father live there in Arkansas where you spoke of, near Mt. Vernon? A Well, he lived there from before he turned into his fourteenth years fifteenth year, when he went to Arkansas, and he stayed there till he died.
- Q Oh' yes. Then he lived near Mt. Vernon during most all of his life, did he? A Yes, sir, right close around Mt. Vernon.
- Q And you have other relatives and acquaintances there who was well acquainted with him during his lifetime? A Yes, sir if they are living.
- Q And those are the people who know more about your grandfather and your father than you know. A Yes, sir, but I have also right with me that knows about him---that moved the same route that I did.
- Q Have right with you. What do you mean by that? A That come from the same place, and is living right close by where I am living now.
- Q And by these people you can show more than you know? A I do not know. I never talked to them.
- Q You say they made this same route that your grandfather did, do you? A No, sir, I do not know these other people.
- Q They just knew your father? A They just knew my father. They knew nothing about my grandfather only just what my father told them when he went up there. He never visited him but the one time.
- Q Then you are not certain whether your grandfather lived in this Indian Territory or in the old Indian Territory in Mississippi? A Well, I am not certain whether he did or not.
- Q You do know though that your father was a half blood Choctaw Indian? A Yes, sir, I do know that he was that. He made me---taught me that from my youth up.
- Q And his father was a full blood? A Yes, sir, that's what was always taught me. I don't know much about myself, for you know---five years old---what could you expect.
- Q Now you said that your grandmother, that is your father's mother was three quarters Chickasaw, did you not? A Well, that's what was told to me. I don't know.
- Q Well, now what was that other quarter? White? Was she one fourth white? A Yes, sir, it was white.

By the Commission.

This applicant has the appearance and physical characteristics of one descended from white parentage with the exception that she

210.

has in contour of features a decidedly Indian expression; shape of face shows Indian characteristics. She has very dark eyes and dark hair. She does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of her ancestors with any of the provisions of the fourteenth article of the Treaty of 1830.

Hal Belford, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above entitled cause on September 26, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on the said day of September, 1901.

Hal Belford

Subscribed and sworn to before me this 19 day of October, 1901.

Charles H. Sawyer

Notary Public.

10/13
C.V.W.

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



In the matter of the application of Martha Caroline Mackadams, et al., for identification as Mississippi Choctaws, consolidating the applications of

Martha Caroline Mackadams, et al.,	M C R 3659
Ellen M. Surratt, et al.,	M C R 4020
Sarah A. Washington, et al.,	M C R 4024
Ventrous Liles, et al.,	M C R 4025
Martha Grewsen, et al.,	M C R 4026
Jessie Surratt,	M C R 4027
Mary T. Surratt,	M C R 4028
Thomas H. Washington, et al.,	M C R 4029
J. C. Surratt,	M C R 4030
James M. Moler,	M C R 4275
John Moler, et al.,	M C R 4276
Gip Moler,	M C R 4277
Katie Henslee, et al.,	M C R 4278
Lee Mathews, et al.,	M C R 4279
Annie Moler,	M C R 4280
George A. Moler,	M C R 4724

--: 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 Martha Caroline Mackadams for herself and her minor child, David Franklin Mackadams; by Ellen M. Surratt for herself and her minor child, Crawford Emmet Surratt; by Sarah A. Washington for herself and her four minor children, Charlie H., Rhema H., Lucie A., and Dudley D. Washington; by Ventrous Liles for herself and her five

minor children, Carrie Belle, Thomas A., Arrie V., Louis Ausbun and Myra May Liles; by Martha Crowson for herself and her two minor children, Annie Pearl and James Arnold Crowson; by Jessie Surratt for herself; by Mary T. Surratt for herself; by Thomas E. Washington for himself and his two minor children, Clara B. and Ora D. Washington; by J. C. Surratt for himself; by James M. Moler for himself; by John Moler for himself and his two minor children, Dora J. and Mattie P. Moler; by Gip Moler for himself; by Katie Henslee for herself and her four minor children, Willie Maud, Minnie Ola, Herman and Mack Henslee; by Lee Mathews for himself and his three minor children, Jesse Pryor, Otis Millard and Mattie May Mathews; by Martha Wells for her minor child, Annie Moler; and by George A. Moler for himself under the following provisions of the act of Congress approved June 26, 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 Marion or Aaron Moler or Molder or Moller, who is alleged to have been a full blood Choctaw.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the

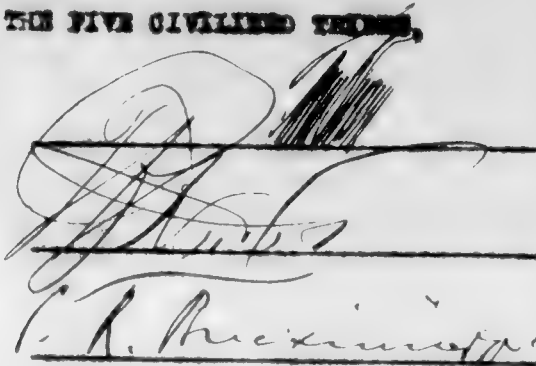
Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of 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 Marion or Aaron Moler or Molder or Moller, or any 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 Commission authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence in this case is insufficient to determine the identity of Martha Caroline Mackadams, David Franklin Mackadams, Ellen M. Surratt, Crawford Janet Surratt, Sarah A. Washington, Charlie E. Washington, Rhena E. Washington, Judie A. Washington, Dudley D.

Washington, Veatrous Liles, Carrie Belle Liles, Thomas A. Liles, Arrie V. Liles, Louis Ausbun Liles, Myra May Liles, Martha Crowson, Annie Pearl Crowson, James Arnold Crowson, Jessie Surratt, Mary T. Surratt, Thomas E. Washington, Clara B. Washington, Ora D. Washington, J. C. Surratt, James M. Moler, John Moler, Dora J. Moler, Mattie P. Moler, Gip Moler, Katie Henslee, Willie Mand Henslee, Minnie Ola Henslee, Herman Henslee, Mack Henslee, Lee Mathews, Jesse Fryer Mathews, Otis Millard Mathews, Mattie May Mathews, Annie Moler, and George A. Moler as Choctaw Indians entitled 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,



C. R. McKinney

McKehee, Indian Territory,

Commissioners.

JUL 12 1902

Muskogee, Indian Territory, January 10, 1902.

H. M. Wood,

Stephenville, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixth instant inclosing certain papers for filing in support of applications for identification as Mississippi Choctaws of Mrs. M. C. Mack Adams, Mrs. E. M. Surratt, Mrs. Sarah Ann Washington and their children.

You are advised that the certified copy of record of the marriage of H. L. McAdams to Miss M. C. Moulder has been filed with the record in the case of Martha C. Mackadams, et al. M. C. 3639. The certificate of the Clerk as to the record of the marriage between Levi Surratt and E. M. Melder, and the certificate of T. C. Merwin, Clerk of St. Francis County, Arkansas, to the destruction of the records of that county by fire in 1874, have been filed with the record in the application of Ellen M. Surratt, et al. for identification as Mississippi Choctaws, M.C. 4020

The record of marriage between J. J. Lyles and V. Washington is herewith returned to you for the reason that it does not appear that either of the parties named therein is an applicant for

H. M. W. 2

identification as a Mississippi Choctaw, and there is no endorsement thereon to indicate in which case it should be filed.

The certificate of J. G. King, County Clerk of Cass County, Texas, to the issuance of licenses to marry to Thomas Washington and Lavinia Hall, James Crowson and Mattie Washington, Levi Surratt and R. W. Wolder, and H. L. McAdams and Miss M. C. Washington, is herewith returned to you for the reason that if you wish this evidence filed in the cases above named it will be necessary to have separate certificates for each license which you wish to offer in support of individual applications for identification as Mississippi Choctaws.

Upon receipt of these papers in proper form, they will be given proper consideration.

Yours truly,

Commissioner in Charge.

AB -1-10

COPY.

M.C.R. 3631.

Muskogee, Indian Territory July 12, 1902.

Martha C. Mackadams,

O'Farrell, Texas.

Dear Madam:

You are hereby advised that on the 12th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Caroline Mackadams, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Caroline Mackadams, et al.,	M.C.R. 3632
Ellen W. Surratt, et al.,	M.C.R. 4020
Sarah A. Washington, et al.,	M.C.R. 4024
Vestrous Liles, et al.,	M.C.R. 4025
Martha Crowson, et al.,	M.C.R. 4026
Josie Surratt,	M.C.R. 4027
Mary T. Surratt,	M.C.R. 4028
Thomas E. Washington, et al.,	M.C.R. 4029
J. C. Surratt,	M.C.R. 4030
James M. Moler,	M.C.R. 4275
John Moler, et al.,	M.C.R. 4276
Gip Moler,	M.C.R. 4277
Katie Hensler, et al.,	M.C.R. 4278
Lee Mathews, et al.,	M.C.R. 4279
Annie Moler,	M.C.R. 4280
George A. Moler,	M.C.R. 4734.

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-

A. O. #20

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and 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 Philip Caroline Mackadams, David Franklin Mackadams, Ellen C. Surratt, Crawford Emmet Surratt, Sarah A. Washington, Charlie J. Washington, Rhena B. Washington, Lizzie A. Washington, Judah B. Washington, Veatrous Liles, Carrie Belle Liles, Thomas A. Liles, Annie W. Liles, Louis Aubrey Liles, Lora May Liles, Martha Crowson, Annie Pearl Crowson, James Arnold Crowson, Josie Surratt, Mary T. Surratt, Thomas I. Washington, Clara B. Washington, Ora C. Washington, A. C. Surratt, James H. Moler, John Moler, Dora J. Moler, Mattie L. Moler, Gir Moler, Katie Henslee, Willie Land Henslee, Minnie Ola Henslee, Herman Henslee, Jack Henslee, Leo Mathews, Jesse Pryor Mathews, Otis Willard Mathews, Mattie May Mathews, Annie Moler, and George A. Moler as Choctaw Indians entitled 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,

SON

James Farby

Respectfully,

John C. Johnson

Muskogee, Indian Territory July 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martha Caroline Mackadams, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12th, 1902.

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

Martha Caroline Mackadams, et al.,	M.C.R. 3639
Ellen M. Surratt, et al.,	M.C.R. 4020
Sarah A. Washington, et al.,	M.C.R. 4024
Ventrours Liles, et al.,	M.C.R. 4025
Martha Crowson, et al.,	M.C.R. 4026
Jonie Surratt,	M.C.R. 4027
Mary T. Surratt,	M.C.R. 4028
Thomas R. Washington, et al.,	M.C.R. 4029
J. C. Surratt,	M.C.R. 4030
James M. Moler,	M.C.R. 4275
John Moler, et al.,	M.C.R. 4276
Gip Moler,	M.C.R. 4277
Katie Kenslee, et al.,	M.C.R. 4278
Lee Mathews, et al.,	M.C.R. 4279
Annie Moler,	M.C.R. 4280
George A. Moler,	M.C.R. 4734.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for

#2

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

Through the Commissioner of
Indian Affairs.
1 enclosure.

James Dixby.
Acting Chairman.

Muskogee, Indian Territory July 12, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 12th day of July 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martha Caroline Mackadams, et al., embracing the following applications for identification as Mississippi Choctaws:

Martha Caroline Mackadams, et al.,	P.C.R. 3639
Ellen L. Surratt, et al.,	P.C.R. 4020
Sarah A. Washington, et al.,	P.C.R. 4024
Ventrone Liles, et al.,	P.C.R. 4025
Martha Crowson, et al.,	P.C.R. 4026
Josie Surratt,	P.C.R. 4027
Mary T. Surratt,	P.C.R. 4028
Thomas R. Washington, et al.,	P.C.R. 4029
J. C. Surratt,	P.C.R. 4030
James E. Moler,	P.C.R. 4275
John Moler, et al.,	P.C.R. 4276
Gip Moler,	P.C.R. 4277
Katie Henslee, et al.,	P.C.R. 4278
Lee Mathews, et al.,	P.C.R. 4279
Annie Moler,	P.C.R. 4280
George A. Moler,	P.C.R. 4734

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United

N. I. C. #2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and 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 Martha Caroline MacAdams, David Franklin MacAdams, Ellen Surratt, Crawford Sweet Surratt, Sarah A. Washington, Charlie E. Washington, Rhena E. Washington, Lodie A. Washington, Dudley A. Washington, Veatrous Liles, Carrie Belle Liles, Thomas A. Liles, Arrie V. Liles, Louis Ausbun Liles, Myra May Liles, Martha Crowson, Annie Pearl Crowson, James Arnold Crowson, Jonie Surratt, Mary T. Surratt, Thomas E. Washington, Clara B. Washington, Ora E. Washington, J. C. Surratt, James H. Moler, John Moler, Dora J. Moler, Lattie L. Moler, Sip Moler, Fattie Menslee, Willie Wood Menslee, Minnie Ola Menslee, Herman Menslee, Jack Menslee, Lee Mathews, Jesse Pryor Mathews, Otis Millard Mathews, Lucille M. Mathews, Annie Moler, and George A. Moler as Choctaw Indians entitled 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. M. L.
Acting Chairman.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 41700-1902.

Washington, Sept. 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made July 12, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of the following named persons for identification as Mississippi Choctaws.

Martha Caroline Mackadams, for herself and her minor child, David Franklin Mackadams; Ellen M. Surratt for herself and her minor child Crawford Emmet Surratt; Sarah A. Washington for herself and her four minor children, Charlie E., Rhena E., Ludie A., and Dudley D. Washington; Veattrous Liles for herself and her five minor children, Carrie Belle, Thomas A., Arrie V., Louis Ausbun and Myra May Liles; Martha Crowson for herself and her two minor children, Annie Pearl and James Arnold Crowson; Josie Surratt for herself; Mary T. Surratt for herself; Thomas E. Washington for himself and his two minor children Clara B. and Ora D. Washington; J. C. Surratt for himself; James M. Moler for himself; John Moler for himself and his two minor children Dora J. and

Mattie P. Moler; Gip Moler for himself; Katie Henslee for herself and her four minor children, Willie Maud, Minnie Ola, Herman and Mack Henslee; Lee Mathews for himself and his three minor children, Jesse Pryor, Otis Millard and Mattie May Mathews; Martha Wells for her minor child Annie Moler; and George A. Moler for himself.

The parties all claim descent from a common ancestor named Moler, Moller or Molder, who was the father of some of the applicants and grandfather of others.

A careful examination of the list of fourteenth article claimants on file in this office fails to disclose any one of the names given as the name of the common ancestor, and while the parties applicant may be of Choctaw blood, they have entirely failed to show that they are descended from a person who received or attempted at any time to secure the benefits of the fourteenth article of the treaty of 1830.

It is therefore respectfully recommended that the Commission's decision rejecting their applications for identification, be affirmed.

Very respectfully,

Your obedient servant,

A. J. Tonner,

Acting Commissioner.

WCV
D

3 inclosures.

COPY.

D. C. 15423-1902.

55507

RAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD. 5554-1902.
L. R. S.

September 15, 1902.

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

Gentlemen:

With your letter of July 12, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Martha Caroline Mackadams and her minor child, David Franklin Mackadams; of Ellen M. Surratt and her minor child, Crawford Emmet Surratt; of Sarah A. Washington and her four minor children, Charlie E., Rhena E., Ludie A. and Dudley D. Washington; of Veatrous Liles and her minor children, Carrie Belle, Thomas A., Arrie V., Louis Ausbun and Myra May Liles; of Martha Crewson and her minor children, Annie Pearl and James Arnold Crewson; of Jessie Surratt; of Mary T. Surratt; of Thomas E. Washington and his minor children, Clara E. and Ora D. Washington; of J. C. Surratt; of John Moler and his minor children, Dora J. and Mattie P. Moler; of James M. Moler; of Gip Moler; of Katie Henslee and her minor children, Willie Maud, Minnie Ola, Herman and Mack Henslee; of Lee Mathews and his minor children, Jesse Fryer, Otis Millard and Mattie May Mathews; of Annie Moler; and of George A. Moler.

The applicants claim descent from one Marion or Aaron Moler or Molder or Moller, who is alleged to have been a full blood Choctaw.

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 alleged ancestor 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 (5 Stat., 513). On July 12, 1902, you refused all the applications.

Forwarding the papers September 5, 1902, The Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

Upon a careful review of the whole case, the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E.M.D.

1 inclosure.

COPY.

W.C.R. 3039.

Muskogee, Indian Territory, September 27, 1902.

Martha C. Mackadams,

O'Parrell, Texas.

Dear Madam:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Martha Caroline Mackadams, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

Edward L. Boyer

Acting Chairman.

Muskogee, Indian Territory, September 27, 1902.

Mansfield McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 15th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martha Caroline Mackadams, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

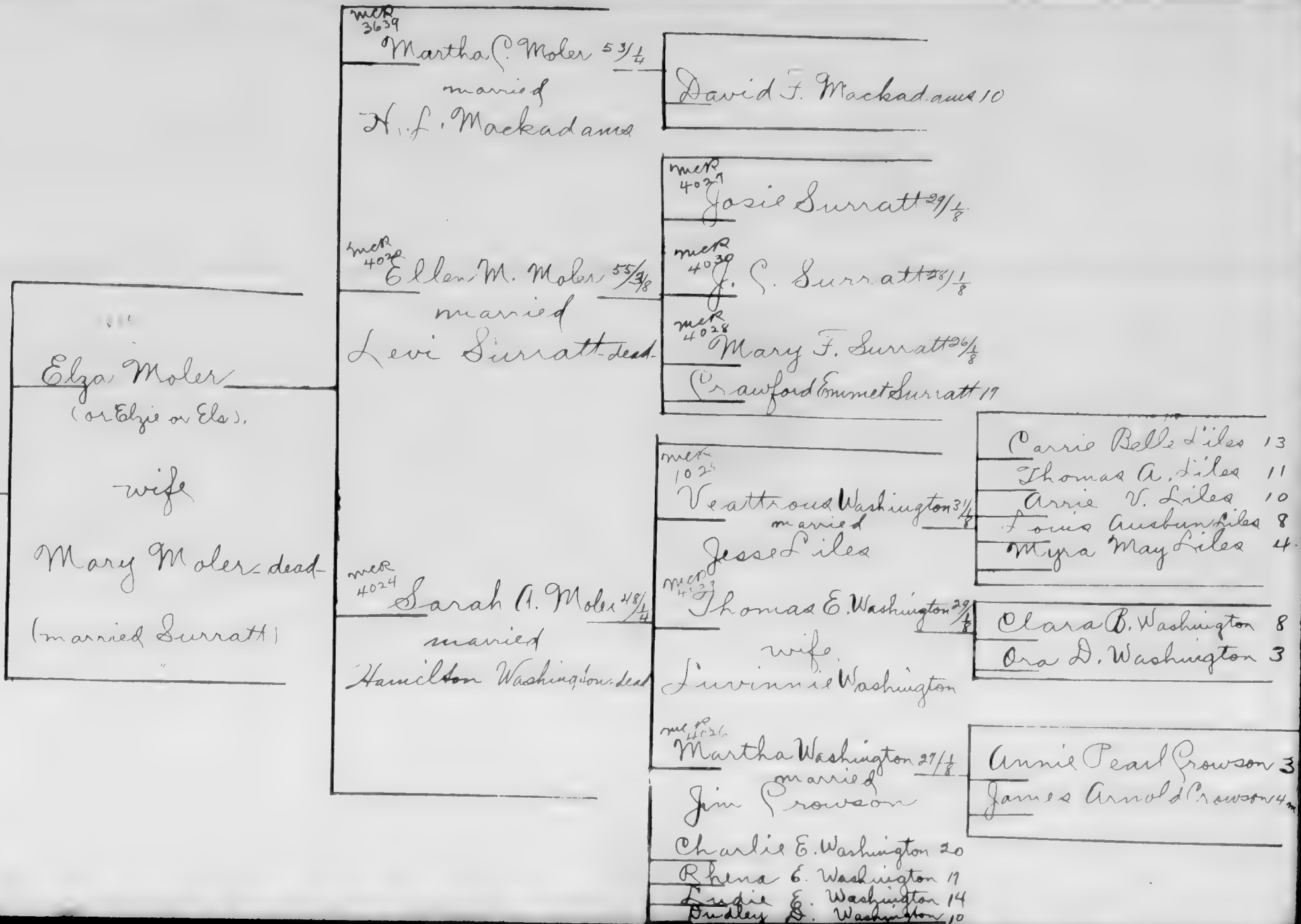
Acting Chairman.

Consolidated Case
Martha J. Mackadam et al

REFER TO M. C. R.

3639

Marion (or Aaron)
Moler
(or Molder or Moller).



Marion or Cora
Moler
(or Molder or Moller)

Elza Moler
(or Elgie or Elv)
wife
Mary Moler - dead
(married Everett)

George Moler - dead
wife
Martha Moler - 48
(now Wilber)

meR
4276
John Moler 29 1/8
wife
Lucy Moler

Dora Moler 4
Mattie P. Moler

meR
4277
Lisip Moler 28 1/8

meR
4278
Fatie Moler 26 1/8
married
John Henslee

Willis Maud Moler 6
Minnie (Ma) Moler 4
Herman Moler 3
Mack Moler 1

4275
James M. Moler 27 1/8

meR
4279
Moler 27 1/8
married
Cary Mathews

Jesse M. Mathews 4
Otie M. Mathews 2
Mattie M. Mathews 1

Unnie Moler 19 1/8

meR
4280
George A. Moler 2 1/8

No.

3639

For Identification as a Mississippi Choctaw.

Date

SEP 26 1901

Name

Mantia C. ~~F. Adams~~
MACKADAMS.

Age

53

Blood

1/4

Post Office,

O. Farrell, Texas.

Father:

Elza Moler, d.
^{1/2 choc.}

Mother:

Mary Suratt, d

Claims through
husband

father -

H. L. Mackadams, W.

No claim for husband.

Children:

David F. Mackadams. 10

Claim for self
and son.

Stenographer

Hal Brelford

Choctaw MCR 3640

Walter D. Moore

See MCR 3540

MCR 3640

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 27, 1901.

3640

In the matter of the application of Walter D. Moore for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Walter D. Moore being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Walter D. Moore.
Q What is your age? A Twenty-four.
Q What is your post-office address? A Coma, Texas.
Q Where were you born? A Rusk County.
Q Texas? A Yes sir.
Q How long have you lived there? A I lived there until I was fourteen years old.
Q And then you went to? A Wood County.
Q And then? A To Hopkins County.
Q Where do you live now? A Coma.
Q What is your father's name? A Seaton Moore.
Q Is he living? A No sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Victoria Moore, it is Quaid now he has married again.
Q Through which parent do you claim Choctaw blood? A Through my 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 Indian by the Choctaw tribal authorities or the authorities of the United States? A No sir, not that I know of.
Q Are you married? A No sir.
Q You claim for yourself alone? A No.
Q Have you made application to the Choctaw tribal authorities for citizenship in the Choctaw nation? A No sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Is this the first application you have ever made of any description to either the Choctaw tribal authorities or the United States authorities? A Yes sir.
Q Do you now come before the Commission to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of the treaty? A No sir not thoroughly.

The treaty of 1830 some times call'd the treaty of Dancing Rabbit Creek because it was made at a place call'd Dancing Rabbit Creek in Mississippi was a treaty made between the Cheestaw tribe of Indians, who lived at that time in a portion of the States of Mississippi and Alabama, and the United States government. The object of the treaty was to secure the removal of all the Cheestaws from the Country then occupied by them to the New Cheestaw Nation Indian Territory. Before the treaty was signed it became apparent that a that a great many Cheestaw Indians would not go to the Cheestaw Nation Indian Territory and unless some provision was made for them in the treaty, the treaty would failte materialize and in order to protect their interests article fourteen was made inserted into the treaty. Article fourteen reads as follows:

"Each Cheestaw 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. Per sons who claim under this article shall not lose the privilege of a Cheestaw citizen but if they ever remove are not to be entitled to any portion of the Cheestaw annuity."

- Q That is article fourteen of the treaty of 1830, do you understand that Mr. Moore alright? A I believe I do.
- Q Did any of your Cheestaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A A No sir I believe not.
- Q What is the name of your ancestor through whom you claim your Cheestaw blood who you claim lived in Mississippi in 1830 and was the head of a family at that time? A Nancy Moore.
- Q You claim through your father A Yes sir.
- Q Through which parent did he claim, father or mother? A Mother/
- Q What was her name? A Nancy Moore.
- Q Did she live in Mississippi in 1830? A I suppose so.
- Q Did she have a family there at that time? A Yes sir.
- Q What was her husband's name? A John Moore.
- Q He had no Cheestaw blood? A No sir.
- Q You claim one-eighth? A Yes sir.
- Q How much Cheestaw blood did Nancy Moore have? Full blood. My father claimed it through his father Silas Moore, and Silas Moore through his mother Nancy Moore.
- Q You claim through your father Seaton Moore and he claimed through his father Silas Moore and he claimed through his mother Nancy Moore? A Yes sir.
- Q Nancy Moore you say lived in Mississippi in 1830? A Yes sir.
- Q Do you know anything about her father and mother? A No sir I do not.
- Q You claim she was a full blood Cheestaw? A Yes sir.
- Q And her son Silas Moore was one-half? A Yes sir.
- Q And your father one-half of that? A Yes sir.
- Q And you one-half of that or one-eighth? A Yes sir.

- Q Have you any evidence of any kind that Nancy Moore was a recognized member of the Choctaw tribe of Indians in 1830? A Yes sir.
- Q Do you know? A No sir I don't know.
- Q Did she or did any of your Choctaw ancestors own any land or improvements in Mississippi in 1830? A Not that I know of.
- Q Did she or did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi that they wanted to stay in Mississippi and take land there? A Not that I know of.
- Q Did she or any other of your Choctaw ancestors go from Mississippi and Alabama to the Choctaw Nation Indian territory between the years 1833 and 1838? A Not that I know of.
- Q Did she or did any of your Choctaw ancestors claim or receive any land under article fourteen of the treaty of 1830? A No sir.
- Q Did she or did any of your Choctaw ancestors ever claim or receive any land or benefits under any other article than article fourteen of the treaty, 1830 or under the supplement of that treaty? A No t that I know of.

In accordance with the provisions of article fourteen of the treaty of eighteen hundred and thirty the government required the United States Indian Agent Colonel Ward who lived in Mississippi at that time to make a list of the names of all Choctaw Indians who came before him within six months after the ratification of the treaty of 1830 and declared their intention of taking land in Mississippi. For some reason know only to the Indian Agent he failed to record the names of many Indians who did appear before him and make such declarations under article fourteen and this neglect on his part caused a great many complaints on the part of the Indians, so in 1837 Congress appointed a Commission which Commission went to the State of Mississippi and heard claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed for the same purpose.

- Q Now did Nancy Moore or any other of your Choctaw ancestors go before either of these two Commissions and claim rights under article fourteen of the treaty of eighteen hundred and thirty? A I don't know.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article and that his land had been taken from him he should be entitled to select land elsewhere, either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government land and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.
- Q Have you any documentary evidence that you would like to present now to the Commission? A Yes sir.

"The sworn statement of W. D. Moore offered in evidence, marked exhibit "A" received filed and made a part of the record in this case.

A Reasonable time will be allowed this applicant in which to file further documentary evidence in support of his application.

74

- Q Do you speak Cheetaw? A No sir.
- Q Is there anything further that you wish to say in support of this claim? A No sir.
- Q What relatives of yours have been before the Commission who claim through the same common ancestors that you do? A A Mollie Pirtle, and Moses Moore.
- Q Any others? A I believe? A Reaman Moore has been here and also John Quaid. I believe that is all.
- Q Do do you want the testimony of these applicants who are related to you and who have appeared before the Commission for identification as Mississippi Cheetaws and who claim through the same common ancestor, Nancy Moore, to be taken into consideration with your case when yours is considered? A Yes sir.

This applicant has the appearance and physical characteristics of one descended from white parentage, blue eyes, auburn hair and contour of a caucasian. He does not understand the Cheetaw language and knows of no compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830?

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full, all the proceedings had in the above and foregoing cause on September 27th 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 September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 23rd day of November 1901.

W. A. ...
Notary Public.

COPY.

Muskogee, Indian Territory, September 3, 1902.

Walter D. Moore,

Came, Texas.

Dear Sir:

You are hereby advised that on the 3rd day of September, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Silas Sharpe, et al., embracing the following applications for identification as Mississippi Chateaux:

Silas Sharpe, et al.,	M.C.R.	3540
Emily Quaid,	"	3585
Benjamin W. Quaid,	"	3435
John T. Quaid, et al.,	"	3628
Susan Lodenka Wallis, et al.,	"	3438
Sinerruda Ellen Tice, et al.,	"	3479
Elihu Quaid,	"	3541
William Amburse Quaid,	"	3543
America J. Bennett, et al.,	"	3512
Rena Elizabeth Smith,	"	3514
Earnest W. Long, et al.,	"	4864
Young Harrington Quaid, et al.,	"	3437
Maggie Bell Strother,	"	3613
Emily G. Inman, et al.,	"	3580
Thomas Quaid, et al.,	"	3448
Lee Harrington Quaid,	"	3439
Minnie Eugent, et al.,	"	3444
Simpson M. Moore, et al.,	"	3630
Felix M. Moore, et al.,	"	3707
John R. Moore,	"	3694
Walter D. Moore,	"	3640
Rexy Moore,	"	3493
Booty Moore,	"	4560
Denson W. Moore, et al.,	"	3579
Thomas L. Moore,	"	3561

Walter D. Moore-2

Oscar Moore, et al.,	M.C.R. 3583
Willis Moore,	" 3584
Rosa Moore, et al.,	" 3582
Mollie E. Pirtle, et al.,	" 3629

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 Silas Sharpe, Orby Sharpe, Willie Florence Sharpe, Claude Sharpe, Edgar Sharpe, Fred Sharpe, Mela Sharpe, Emily Quaid, Benjamin W. Quaid, John T. Quaid, Fred A. Quaid, Frank B. Quaif, William J. Quaid, Vernon R. Quaid, Susan Ledeska Wells, Martha Elizabeth Wells, John Richison Wells, Robert Benjamin Wells, Carrie Ellen Wells, James Herman Wells, Ethel Irene Wells, Mamie Ledeska Wells, Sinarruda Ellen Tice, Julia May Tice, Elihu Quaid, William Ambrose Quaid, America J. Bennett, Luther H. Long, Columbus J. Long, Robert B. Long, Ester Loranie Bennett, Rosa Elizabeth Smith, Earnest W. Long, Earnest Lee Long, Young Harrington Quaid, John L. Quaid, William Quaid, Lillie E. Quaid, Charles R. Quaid, Rebecca Emily Quaid, Maggie Bell Strother, Emily G. Inman, America Elizabeth Chapman, Thomas Harrington Chapman, Napoleon Bonapart Chapman, Emily Jane Reed, Thomas Quaid, Thomas D. Quaid, Uler May Quaid, Simpson W. Quaid, John Wesley Quaid, Josie L. Quaid, Essie M. Quaid, Lee Harrington Quaid, Minnie Nugent, Thencie May Nugent, Simpson M. Moore, Felix E. Moore, Lillie Moore, Andrew H. Moore, Mollie Moore, Lemuel Moore, Minion Moore, Felix F. Moore (2), Walter L. Moore, Hena V. Moore, Mary E. Moore, Leta B. Moore, Janice M. Moore, John R. Moore, Walter D. Moore, Remy Moore, Beety Moore, Benson W. Moore, Lizzie Hearst, Bruce Hearst, Thomas L. Moore, Oscar Moore, John A. Moore, Willis Moore, Rosa Moore, Clarence Moore, Mollie E. Pirtle, Roscoe Pirtle, Monnie Pirtle, Consoula Pirtle and Roselle Pirtle 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."

Walter D. Moore

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.

Muskogee, Indian Territory, July 14, 1903.

Walter D. Moor,
Como, Texas.

Dear Sir:

The Secretary of the Interior with his letter of May 22, 1903, remanded to this Commission the record theretofore forwarded to the Department in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., with instructions that the applicants be granted an opportunity to introduce further testimony in support of their claims.

The record in this case shows that the applicants claim descent from Nancy Moore who is alleged to have been a full blood Choctaw Indian whose husband was John Moore, a white man.

The records of the Government relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 show that a person named John Moore was a beneficiary under said 14th article of the treaty of 1830.

The Secretary of the Interior ~~therein~~ states: "It is considered possible that the ancestors of these applicants may have been the identical persons referred to in the reports of the Indian Office who were apparently entitled to the benefits of article 14 of the treaty of 1830."

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

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

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

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

W.D.M.-----3

Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, August 14, 1906, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of the above case.

Respectfully,

Commissioner in Charge.

R & R Dep.

Registered.

M.C.R. 3640.

COPY.

Muskogee, Indian Territory, July 23, 1904.

Walter D. Moore,

Como, Texas,

Dear Sir:-

You are hereby notified that on the 13th day of July, 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 Silas Sharpe et al., of which decision you were advised by registered mail on the 3rd day of September, 1902.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M.C.R. 3640.

COPY

Muskogee, Indian Territory, November 15, 1906.

Walter D. Moore,
Como, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior on November 8, 1906, denied the motions filed with this office by W. Chenault, attorney at law, Sulphur, Indian Territory, on June 25, 1906, for a rehearing in the consolidated Mississippi Choctaw case of Silas Sharpe, et al.

Respectfully,

SIGNED *Tams Bixby.*
Commissioner.

M C R 3640

Muskogee, Oklahoma, June 12, 1909.

Mr. Walter D. Moore,
Como, Texas,

Sir:

You are hereby advised that on May 28, 1909, the Secretary of the Interior held that the consolidated Mississippi Choctaw case of Bilas Sharpe et al. is not analogous to that of John E. Goldsby (211 U. S. 249) and that he can take no action looking to the enrollment of any of the applicants therein under the opinion of the Supreme Court of the United States of November 30, 1908, in the said Goldsby case.

Respectfully,

Acting Commissioner.

AB

No. 3640

For Identification as a Mississippi Choctaw.

Date **SEP 27 1901**

Name *Walter D. Moore*

Age *24* Blood *1/8*

Post Office, *Como, Texas.*

Father: *Seaton Moore, d.*

Mother: *Victoria Quaid, b.*

Claims through *father*

~~Notes~~

*Claims for self
alone -*

Stenographer *H. Roseminger*

Chotaw MCR 3641

Dixey M^c Kinney

See MCR 3642

MCR 3641

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 27, 1901.

3641

In the matter of the application of Dixey McKinney for identification of herself and her minor daughter Malissa Gibson, as Mississippi Choctaws.

Applicant not represented by attorney.

Dixey McKinney being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Dixey McKinney.
Q What is your age? A I am thirty-nine.
Q What is your post-office address? A Sherman, Texas.
Q How long have you lived in Sherman? A Twelve or thirteen years.
Q Where did you live before you lived in Sherman? A I lived in the Indian Territory a good deal.
Q Where were you born? A In Red River County down below Bonham.
Q Is it the South side or northern side? A I don't know.
Q Dont you know whether you were born in Texas or the Indian Territory? A No sir.
Q Well you were born either in the Indian Territory or in Texas? A Yes some where down there on the Red River.
Q Would not your mother know? A Yessir.

The mother of this applicant who is present is question with reference to where this applicant was born and states that she was born in Fannin County, Texas.

- Q Now how long have you lived there? A I went away from there when I was quite young.
Q You have lived about in different places you say. Have you ever lived anywhere besides the Indian Territory and Texas? A No sir not that I know of unless it was when I was small.
Q Can you tell when or at what time you lives in the Indian Territory? A It has been nearly twenty-years ago.
Q For how long a time did you live in the Indian Territory? A I think about sleeves months.
Q And the rest of the time you have lived in Texas? A Yes sir.
Q What is your father's name? A William Baker, E-a-k-e-r.
Q Is he living? A No sir.
Q What is your mother's name? A Her name now is Fannie Kirk.
Q How do you spell that? A I don't know I spell it mest any way.
Q She is living? A Yes sir.
Q Through which one of your parents do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I don't know, my grandmother I think was a full blood Choctaw.
Q Your grandmother was a full blood Choctaw? How much did your mother claim? A I guess about one-half.
Q Then if your grandmother was a full blood and your mother one-half then you would claim one half of that? A Yes sir.
Q You know how much one-half of one-half is? A No sir.
Q Well it is one-quarter. Is that what you claim? A Yes sir.
Q Now have you any negro blood at all? A I don't know whether I have or not.

- Q Your father William Baker did he have any negro blood? A No sir
- Q Did he claim to be a full blood white man? A Yes sir.
- Q Now your mother Fannie Kirk you say is one-half blood Choctaw Indian. What is her other blood? A I don't know. I don't think she ever saw her father.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indian by the Choctaw tribal authorities or the authorities of the United States? A No sir I don't think she was.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Ab McKinney.
- Q He is a white man? A No sir he is about my color.
- Q What is he then? A I don't know what he is. I could not tell you
- Q Has he any negro ~~xxx~~ blood? A I never did see any of his parents
- Q Is his hair curly? A Yes his hair is curly but his mustache is red.
- Q You think he has any negro blood? A Yes I think so.
- Q You don't claim any Indian blood for him? A No sir his parents died when he was small.
- Q Do you claim for him at all? A I don't know.
- Q Do you claim for him as an Indian? A No sir I don't claim that.
- Q Then you don't make any claim for him to-day? A No sir.
- Q Have you any children under twenty-one years of age and unmarried for whom you wish to make application? A Yes I have one.
- Q How old is that one? A She is twenty.
- Q What is her name? A Malissa Gipson. She is by my first husband.
- Q Is your first husband dead? A Yes sir.
- Q What was his name? A John Gipson.
- Q Was he a white man or a negro? A Why he was a Chickasaw I believe, part Chickasaw, that is he said his mother was Choctaw.
- Q Did he have any colored blood? A I think he did he was dark.
- Q Negro and Chickasaw is it? A I think it was.
- Q This is the only child which you have now under twenty-one years of age and unmarried that you want to make application for? A Yes that is the only one.
- Q When and where were you married to John Gipson? A In Burnett County, Texas.
- Q When? A Why it has been so long ago, I was fourteen years old and he has been dead a long time.
- Q You remember the day of the month? A No sir I don't. It was in September but I don't remember the day.
- Q Were you married under a license and by a minister? A Yes sir.
- Q Is your name or the name of your child on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't think they are.
- Q Did you ever make application for yourself and child for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A Yes we made application.
- Q Where did you make application? A Why we got a lawyer but he has never done nothing.
- Q Did he apply to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A I don't think he ever done anything. I heard he was in Jail for defrauding people and we did not fool with him any longer.
- Q What was his name? A Goodwin.
- Q Where did he come from? Did he live in Texas? A I don't know. he came to see us about it and we told him we would like to have it attended to and he seen a good many people and I gave him two dollars.
- Q You never heard anything from your application then? A No sir.
- Q And you don't know whether he made application to the Choctaw tribal authorities or the Commission to the Five Civilized Tribes? A No sir.

Q You don't know what ever became of that application? A No sir.

The records of the Commission will be examined in regard to this application which you claim to have made.

Q With the exception of this application which you tried to make through this attorney did you ever make any other application for identification as a Mississippi Choctaw for yourself and your child? A No sir.

Q Do you now come before this Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of having your daughter identified as a Mississippi Choctaw under the treaty of 1830? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into between the Choctaw tribe of Indians and the United States government on September the 27th 1830. The object of the treaty was to secure the removal of all the Choctaws from the Country then occupied by them to a Country west of the Mississippi River. The Choctaws at that time were living in Mississippi and Alabama. Before the treaty was signed it became evidence that a great many Choctaws would not go to the New Choctaw Nation Indian Territory and for the protection of these Indians article fourteen was made a part of the treaty. That article 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 improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article alright? A Yes I understand it.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know anything about it. I always heard that they lived there. My grandmother lived in Mississippi. I heard that she owned land there.

Q What was the name of your ancestor? A Skaggs, Ma-ha-la Skaggs.

Q Did she live in Mississippi in 1830 or as far back as seventy year ago? A Yes sir I guess so.

Q What was her husband's name? A Ross I think.

Q Why was it not Ross then instead of Skaggs? A She may have been married before but that was my mother's name when she was a girl. She married a Ross.

Q Who did? A My grandmother.

Q Why do you give her name as Skaggs? A That was her maiden name.

Q I don't want her maiden name? A I know her name was Mahala Skaggs.

- Q Well that was her maiden name too? A I don't know whether she was ever married or not.
- Q Well what was her name in 1830 if she lived in Mississippi at that time? A I think it was Skaggs, when she lived in Mississippi.
- Q Did she have the name Ross after that? A I don't know.
- Q Did your ancestor have any children in Mississippi in 1830? A Yes I think so.
- Q What was her husband's first name? A Either John or Tom Ross.
- Q Was she a full blood Choctaw Indian? A I don't know I never did see her.
- Q Did she or any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? A Well I don't no sir, I heard that they did.
- Q Did she or any of your Choctaw ancestors go from Mississippi or Alabama to the Indian territory with the other Indians between 1833 and 1838? A I don't know whether she went to the Nation or not. I know they went to Kentucky.
- Q You claim through? A Mahala Skaggs.
- Q Have any of your relatives appeared before the Commission before you? A No sir.
- Q Did any of your Choctaw ancestors within six months after that treaty was ratified tell the United States Indian Agent Col. Ward that they intended to stay in Mississippi and take land there? A I don't know.
- Q Did they ever receive any land from the government under article fourteen of the treaty of 1830? A I don't know.
- Q Did they ever receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of eighteen hundred and thirty the government required the United States Indian Agent in Mississippi to make list of the names of all Choctaw Indians who appeared before him within six months from the ratification of the treaty of 1830 and declared their intention of becoming citizens of the United States and desired to have land in Mississippi. Colonel Ward failed to register the names of all the Indians who appeared before him and as the result of his neglect a great many Choctaws had their land taken away from them by the government. This land was sold and the improvements were sold with it. This action on the part of the government cause many complaint among the Choctaws, so that Congress in 1837 appointed a Commission which Commission went to Mississippi and heard claimants under article fourteen of the treaty and made list of their names. In 1842 another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen.

- Q Did any of your ancestors go before either of these Commissions and claim benefits under article fourteen of the treaty? A I don't know whether they did or not.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 and that his land had been taken from him, he should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands, and that a certificate should be issued to him to that effect. These certificates were called scrip.

#5

- Q Did any of your ancestors receive scrip under this act of Congress from the government? A I don't know.
- Q You claim through your mother? A Yes sir.
- Q And she claims through what parent? A Her mother.
- Q And her mother's name was what? A Mahala Skaggs.
- Q That is your grandmother? A Yes sir.
- Q Do you know anything about Mahala Skaggs father or mother as to which was Choctaw? A No sir I don't know anything about it.
- Q Have you any documentary evidence that you want to offer now in support of your claim? A Yes I have some papers.

Affidavit of A. G. Buckner and Melvina Buckner ~~xxx~~ presented by this applicant applicant marked exhibit "A" filed and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file other documentary evidence in support of this application which she makes for herself and child.

- Q You know whether your father and mother were legally married? A I don't know.
- Q Whether they were married by a minister under a license? A No sir I do not.
- Q Do you speak Choctaw? A No only what I heard my brother say.
- Q Does he speak the Choctaw language? A Yes he speaks it quite well.
- Q Has he ever made application to be identified here? A No sir.
- Q Is there anything further that you want to say in support of your claim? A I don't know what to say.
- Q Are you considered to be part Choctaw Indian? A Yes most everybody says we are part Choctaw Indians.

This applicant has the appearance and physical characteristics of one descended from mixed ancestry composed of white and Choctaw blood. She says she has no negro blood and if she has there is no trace of it in her general appearance. Her complexion is as dark as that of the half blood Choctaw Indian. She has black and straight hair and black eyes and looks to be more one half blood than the half blood Indian. Her statement that she is one-quarter Indian is no doubt true judging from her appearance. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

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 September 27th 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 September 1901.

Subscribed and sworn to before me this 23rd day of November 1901.

G. Rosenwinkel
Edw. J. Wood
Notary Public.

The records of the Commission show that during the month of August, 1898, at Caddo, Indian Territory Diny McKinney appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. Her application was refused at that time.

See R.-113.

Commission to the Five Civilized Tribes,

Cadado, Indian Territory.

In the application of Dixy McKinney for enrollment as a choctaw; being sworn and examined by Com'r McKeanon and testifies:

- Q What is your name? A Dixy McKinney.
Q How old are you? A Thirty-six.
Q Are you on the choctaw rolls? A No sir.
Q Have you ever been? A No sir.
Q Have your father and mother ever been on the rolls?
A No sir.

Com'r McKeanon: Enrollment is refused .

Department of the Interior,

Commissioner of Indian Affairs,

Washington, D. C.

M. D. Keenan

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

In the matter of the application of Dixy McKinney for enrollment as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

The applicant, Dixy McKinney, appeared before the Commission at Caddo, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

Therefore, the application of the said Dixy McKinney for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901.

M.C. 3641
M.C. 3692

Muskogee, Indian Territory, March 6, 1902.

Dixie McKinney,

223 College Street,

Sherman, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of the second instant in which you ask if any decision has been rendered in the applications of Fannie Kirkpatrick and Dixie McKinney for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the rights of Dixie McKinney and Fannie Kirkpatrick as Mississippi Choctaws, and it is impossible at this time to say just when these cases will be taken up for consideration. As soon as a decision is reached you will each be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

M C R 2841.

Washago, Indian Territory, August 18, 1908.

Dixie McKinney,

223 College Street,

Sherman, Texas.

Your Sir:

Receipt is hereby acknowledged of your letter of the 18th inst., asking information concerning your application as a Mississippi Choctaw. You state that your daughter, Mrs. Daisy Williams, had made an application to the Commission and ask if it is necessary that you appear before the Commission to identify her.

In reply, you are informed that the records of the Commission show that you are an applicant for the identification of yourself and your minor daughter as Mississippi Choctaws; and that your daughter, Daisy Williams, is also an applicant for the identification of herself and her minor child as Mississippi Choctaws, claiming descent from one Len Shaggs.

The cases of yourself and daughter have been consolidated and will be considered with the cases of Fannie Rose and certain

D NoK 2

other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The Commission has not up to the present time rendered its decision in this consolidated case, and is now considering the several applications included therein and it is probable a decision will be rendered in the near future, when the several interested applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 10, 1902.

Dixey McKinney,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Kirkpatrick et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Kirkpatrick,	M C R 3642
Dixey McKinney et al.,	M C R 3641
Annie Huff et al.,	M C R 4157
Daisy Williams et al.,	M C R 4156.

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

D MoK 8

the evidence herein is insufficient to determine the identity of Fannie Kirkpatrick, Dixey McKinney, Malissa Gipson, Annie Huff, Bennie Reed, Pearl Reed, Forester Reed, Daisy Williams, and Hazel Williams as Choctaw Indians entitled 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.

Respectfully,

[Signature]
Commissioner in Charge.

Registered.

COPY.

M.C.R. 3641.

Muskogee, Indian Territory, February 21, 1903.

Dixey McKinney,

Sherman, Texas.

Dear Madam:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Kirkpatrick, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

Tamm Dingle

Chairman.

M C R 3641

Muskogee, Indian Territory, August 13, 1903.

Dixie McKinney,
#223 College Street,
Sherman, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask that you be allowed to introduce further testimony in support of your claim.

In reply you are informed that the Secretary of the Interior, on February 10, 1903, approved the decision of the Commission refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, of which departmental action you were duly advised on February 21, 1903.

The Commission now considers this case closed and cannot receive or consider further evidence in support thereof.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date SEP 27 1901

Name Wiley M. Kinney

Age 39 Blood 1/4

Post Office, Sherman, Texas,

Father; William Eaker, d

Mother: Fannie Kirk, l

Claims through mother

~~husband~~ also McKinney, ~~no~~

No claim for husband

1st husband, John Gipson (d)
(negro and chist.)

Children:

Melissa Gipson, 20

Father: John Gipson (dead)

Claims for self &
~~family~~ — child

Stenographer G. R. ...

Choctaw MCR 3642

Fannie Kirkpatrick

See MCR 3641, 4157, 4158

MCR 3642

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

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

Fannie Kirkpatrick,	M C R 3642
Dixey McKinney, et al.,	M C R 3641
Annie Huff, et al.,	M C R 4157
Daisy Williams, et al.,	M C R 4158

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 Fannie Kirkpatrick for identification as Mississippi Choctaws.	1
Joint ex parte affidavit of A. G. Buckner and Melvina Buckner.	6
Original application of Dixey McKinney for enroll- ment as a citizen by blood of the Choctaw Nation.	7
Original application of Dixey McKinney, et al., for identification as Mississippi Choctaws.	8
Joint ex parte affidavit of A. G. Buckner and Melvina Buckner.	14
Original application of Annie Huff, et al., for identification as Mississippi Choctaws.	15
Original application of Daisy Williams, et al., for identification as Mississippi Choctaws.	21
Final decision of the Commission in the con- solidated case of Fannie Kirkpatrick, et al., applicants for identification as Mississippi Choctaws, denying such application.	26

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 29, 1901.

3642

In the matter of the application of Fannie Kirkpatrick for identification as a Mississippi Choctaw.

No attorney for applicant:

Fannie Kirkpatrick being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Fannie Kirkpatrick; mostly everybody calls us Kirk.
- Q What is your age? A I am sixty something I know I am over sixty but I don't know how much.
- Q About how much? A About sixty two I guess, if I aint I will be in December.
- Q What is your post office address? A Sherman, Texas.
- Q Have you a street number? A I live out in the country just now.
- Q How long have you lived in Sherman? A About twenty five years; thereabouts.
- Q Where were you born? A In Mississippi.
- Q What place in Mississippi? A I don't know. I was quite small.
- Q Do you know what County? A No I don't; never heard my mother say.
- Q How old were you when you left Mississippi? A About seven or eight years.
- Q Where did you go to from Mississippi? A To Kentucky, Old Iron Banks.
- Q How long did you live in Kentucky? A Well I lived; I don't know how long; we moved around a good deal.
- Q You don't know; have no idea how many years you lived in Kentucky? A No sir.
- Q And from Kentucky? A Went to Texas.
- Q Do you know how long ago that was? A No sir; don't remember.
- Q Have you always lived in Sherman, in Texas? A No sir; we come from Missouri to Texas.
- Q Did you go from Kentucky to Missouri? A Yes; but we didn't stay there long.
- Q And from Missouri you went to Texas? A Yes sir.
- Q And have lived there since? A Yes sir. I have been about a great deal; I have been in New Mexico and around.
- Q When were you in New Mexico? A It is during the war it was.
- Q Did you live in any other States than these you mentioned? A No sir.
- Q What is your father's name? A John Ross. Mother sometimes called him Tom. But I never knew my father.
- Q Is he living? A No sir; mother told me he died when I was young.
- Q What is your mother's name? A Mahala; some called it Hali.

- Q Mahala Ross? A Yes sir; she was Skaggs- her maiden name- and she told me my father was a Ross.
- Q You say you are sixty two years old and born in Mississippi? A Yes that's what my mother told me.
- Q You think your mother was living in Mississippi ten or twelve years before you were born? A I suppose so.
- Q You had no brothers and sisters older than you? A No sir I was the only one- she told me.
- Q Through which parent do you claim Choctaw blood, father or mother? A My mother.
- Q How much Choctaw blood do you claim? A Well, I suppose I would be a half.
- 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 No sir; if she was I knew never knew it; she always told me she belonged to the Indians, that's her people, that's all.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Carey Kirkpatrick.
- Q Is he white, Indian or negro? A (No answer.)
- Q Or is he a mixture? A He is mixed with white and black.
- Q Well, negro and white? A Yes sir.
- Q Are you making any claim for him? A No sir.
- Q Have you any children that you want to make claim for? A No sir, my children is all of age and married.
- Q You claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir not that I know.
- Q Did you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Well, my children did by a lawyer by the name of Goodwin, but they said he never presented it.
- Q You never heard anything about it? A No sir.
- Q Never knew whether your name was presented to either the Commission to the Five Civilized Tribes or to the Choctaw authorities? A No sir. I don't know; don't think he did.
- Q Did you yourself ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw nation under Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir. I lived down there at the mouth of the Blue; that's during the War I lived there.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand the treaty of 1830 and that article in it? A I don't know only that my people were there at that time; my mother's.

The treaty of 1830 was entered into between the Choctaw tribe of Indians who lived in portions of the States of Mississippi and Alabama in the year 1830, and the United States Government; the object of that treaty was the removal of all the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in Indian Territory? A Yes.

Before the treaty was signed by both parties, representatives of both Nations it became apparent that a great many Choctaw Indians wouldn't go to the Indian Territory, so to protect their rights article fourteen was inserted into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that, do you? A Well- not to be entitled to any-- what does that mean; your children not to have homes--?

Q That means the money distributed at that time; that they should be entitled to land but not money. You understand? A Yes, I think I do.

Q Did any of your ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A If they did I never knew.

Q What was the name of your ancestor, in this case your grandmother, who lived in Mississippi in 1830 and had children at that time? A I think my mother called her Lou.

Q Didn't your mother live in Mississippi in 1830? A I don't know the time.

Q Don't you think she lived there ten years before you were born?

A She must have been.

Q What was that ancestor's name? A Lou; it must have been Lou Skaggs.

Q Skaggs was your mother's maiden name? A Yes sir.

Q You claim through your mother, Mahala Ross, do you? A Yes sir.

Q As far as you are able to testify she lived in Mississippi in 1830?

A Well, I don't know or remember the years but these people that knew her said that they knew my mother there when I was a child.

Q Well, that would be ten or twelve years after the treaty; what I want to know is whether she lived in Mississippi in 1830 or not?

A I don't know.

Q Do you claim to have any negro blood at all? A I don't know; my mother never told me about it.

Q You have Indian and white? A Yes sir. My father was very fair and had clear blue eyes; I never seed him, father.

Q Your mother had how much Choctaw blood? A She was half.

Q Well, that would be--A My mother was the Indian.

Q You claim to be a half? A Yes sir.

Q But you don't claim any negro blood? A No sir; cause I don't know of any.

Q Ever heard of any? A No sir.

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

Q Do you know how your father and mother were married? A By minister, or license? A No sir.

Q Have you ever heard? A No sir.

Q Do you know when they were married? A No sir.

Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in 1830 do you know? A No sir, I don't.

Q Did any of them own any improvements on land in Mississippi and Alabama in 1830? A My mother never told me so; she always told me she was an Indian.

Q Do you know whether she occupied any land there at that time?

A No sir, she always told me that was her home but she never told me never said anything about being given anything.

Q She was not a slave was she at any time? A No sir.

Q Her your father? A No sir.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A No sir, never heard of it.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A I don't know.

Q Did they ever claim or own any land in Mississippi under article fourteen of the treaty of 1830, as Choctaw Indians? A If they did I don't know anything about it.

Q Did they claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir; I don't know.

In accordance with the provisions of article fourteen of Dancing Rabbit Creek the Government directed the United States Indian agent who lived in Mississippi at that time to make a list of all the Choctaw claimants who came before him and claimed benefits under article fourteen of the treaty of 1830, to record their names upon his list known as Ward's Register, and report the same to the Government. The records in the possession of the Government show that this first United States Indian agent failed to make a record of the names of a great many Choctaw Indians who did appear before him and made his declaration as required under article fourteen of the treaty; and as a result of this neglect a great many Choctaw Indians lost their land and their improvements; this led to a great many complaints, so under Act of Congress approved March 3, 1837, a Commission was appointed and went to Mississippi and heard a great many of these claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed and these Commissions also went to Mississippi and heard these claimants under article fourteen and made lists of their names.

Q Do you know whether any of your ancestors claimed under either of these two Commissions, that of 1837 or 1842, came before them and claimed benefits under article fourteen? A No sir.

The Act of Congress approved August 23, 1842, provided that if a Choctaw claimant appeared before said Commission, proved his right under article fourteen and if it also further appeared that he had previous-

ly had his land taken from him by the Government that he should be entitled to select land from any in the Public Domains in Mississippi, Alabama, Arkansas or Louisiana and that they should receive certificates to that effect.

Q Do you know whether any of your ancestors appeared before either of these two Commissions and claimed rights--? A I don't know.
 Q Do you know if any scrip was issued to any of your ancestors by the Commission appointed in 1842? A No sir; I never heard.
 Q Have you any documentary evidence you want to give me now; any papers of any kind? A Yes sir.

Joint affidavit of A.G. Bucker and Melvina Bucker offered in evidence, marked Exhibit "A", filed and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to file other further testimony in support of this claim.

Q You are Dixie McKinney's mother? A Yes.
 Q Your daughter, Dixie McKinney has appeared on the above date, September 27th, claiming through the same ancestor you do? A Yes.
 Q Have you had any other kin folks appear here? A No sir.
 Q Do you speak Choctaw? A No sir.
 Q Do you know whether you have any negro blood at all? A No sir; if there is any in me it is from my father, and my mother told me he was white; was very fair and had blue eyes.
 Q Is there anything more you want to say about your case? A No sir.

This applicant has the appearance and physical characteristics of a person descended from mixed parentage, composed of white and Indian blood in which the Indian predominates; she has very dark complexion, black eyes; her hair is gray and straight and shows black streaks; her general expression and cast of features is that of an Indian; she says she has no negro blood; It would seem that she had the quantity of Indian blood to which she testified; her daughter, Dixie McKinney, who appeared for identification on this date before the Commission and who is at this time before the commission has also the appearance more of an Indian half breed than either a white or a negro. This applicant does not understand the Choctaw language and knows of no compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 27, 1901, and that the above and foregoing is a full, true and correct translation of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 16 day of October, 1901.

Charles W. Hays

Notary Public.

C. v. W.

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

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

Fannie Kirkpatrick,	M C R 3642
Dixey McKinney, et al.,	M C R 3641
Annie Huff, et al.,	M C R 4157
Daisy Williams, et al.,	M C R 4158

D E C I S I O N .

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Fannie Kirkpatrick for herself; by Dixey McKinney for herself
and her minor child, Malissa Gibson; by Annie Huff for herself and
her three minor children, Bennie Reed, Pearl Reed, and Norster Reed;
and by Daisy Williams for herself and her minor child, Hazel Wil-
liams, under the following provision of the act of Congress approv-
ed 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 Leu Skaggs, and Mahala Ross (nee Skaggs) (or Sakka or Sakki), who are alleged to have been full blood Choctaw women, and of one John (or Tom) Ross, who is alleged to have been an one half blood Choctaw, and all of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said 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., 521).

It is found that the name of one Sakki appears upon page 139 of Volume 7, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's District in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek", and had land in cultivation, in exchange for which they were to receive stipulated

-3-

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".

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 Lou Skaggs, or Mahala Ross (nee Skaggs), (or Sakka or Sakki), or John (or Tom) Ross, 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 5, 1837, (5 Stats., 130), and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Kirkpatrick, Dixey McKinney, Malissa Gipson, Annie Huff, Rennie Reed, Pearl Reed, Korster Reed, Daisy Williams, and Hazel Williams as Choctaw Indians entitled 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.

Muskogee, Indian Territory,

OCT 10 1902

M.C. 3641
M.C. 3642

Muskogee, Indian Territory, March 6, 1902.

Dixie McKinney,
223 College Street,
Sherman, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of the second instant in which you ask if any decision has been rendered in the applications of Fannie Kirkpatrick and Dixie McKinney for identification as Mississippi Choctaws.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the rights of Dixie McKinney and Fannie Kirkpatrick as Mississippi Choctaws, and it is impossible at this time to say just when these cases will be taken up for consideration. As soon as a decision is reached you will each be notified of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

M C R 3642

Muskogee, Indian Territory, October 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Fannie Kirkpatrick et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 10, 1902.

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

Fannie Kirkpatrick,	M C R 3642
Dixey McKinney et al.,	M C R 3641
Annie Huff et al.,	M C R 4157
Daisy Williams et al.,	M C R 4156.

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

Respectfully,

Through the

Commissioner of Indian Affairs.
1 inclosure.

Commissioner in Charge.

Muskogee, Indian Territory, October 10, 1902.

Fannie Kirkpatrick,
Sherman, Texas.

Dear Madam:

You are hereby advised that on the 10th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Kirkpatrick et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Kirkpatrick,	M C R 3642
Dixey McKinney et al.,	M C R 3641
Annie Huff, et al.,	M C R 4157
Daisy Williams et al.,	M C R 4156.

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

F X 2

of Fannie Kirkpatrick, Dixey McKinney, Malissa Gipson, Annie Huff, Bonnie Reed, Pearl Reed, Norster Reed, Daisy Williams, and Hazel Williams as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

Registered.

Washoe, Indian Territory, October 16, 1902.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Fannie Kirkpatrick et al., embracing the following applications for identification as Mississippi Choctaws:

Fannie Kirkpatrick,	M C R 3642
Daisy McKinney et al.,	M C R 3641
Annie Huff et al.,	M C R 4187
Daisy Williams et al.,	M C R 4188.

These applications were made under the provision of the act of Congress of June 23, 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."

M MoM & C 3

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Fannie Kirkpatrick, Dixey McKinney, Malissa Gipson, Annie Huff, Bennie Reed, Pearl Reed, Morster Reed, Daisy Williams, and Hazel Williams as Choctaw Indians entitled 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.

Respectfully,

Commissioner in Charge.

(COPY)

Land

DEPARTMENT OF THE INTERIOR,

61054-1902.

Office of Indian Affairs,

Washington,

January 21, 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 consolidated application for identification as Mississippi Choctaws of the following parties, wherein a decision adverse to their claims was rendered by the Commission October 10, 1902:

Fannie Kirkpatrick for herself; Daisy McKinney for herself and minor child Malissa Gipson; Annie Huff, for herself and three children, Bonnie Reed, Pearl Reed, and Norreter Reed; and by Daisy Williams for herself and child Hazel Williams.

It is shown by the testimony in this case that the applicants base their claims to identification as Mississippi Choctaws on their descent from Lou Skaggs and Mahala (Skaggs) Ross, or Sakki, and also from one John (or Tom) Ross.

The Commission states in its decision that the name of one

Sakki, appears in the list of those persons who received benefits under the 19th article of said treaty of 1830, but that none of the other names so appears.

The Commission bases its decision rejecting these parties on the ground that its records fail to show that Lou Skaggs, Mahala (Skaggs) Ross, or Sakki, or John (or Tom) Ross, or any ancestor less remote, 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 names of Lou Skaggs, Mahala (Skaggs) Ross, or Sakki, or John (or Tom) Ross, or any of their descendants are 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 it recommends that the decision of the Commission rejecting the parties be approved.

Very respectfully,

(Signed) W. A. Jones,

Commissioner.

E.B.H. H'r. *of*

(COPY)

D.C. 4338-1903.

DEPARTMENT OF THE INTERIOR.

RAF.

ITD.1060-1903

Washington.

L R S

February 10, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

October 10, 1902, you transmitted the record in the consolidated case involving the applications for identification as Mississippi Choctaws, of Fannie Kirkpatrick; of Dixey McKinney and her minor child, Malissa Gipsen; of Annie Huff and her minor children, Bonnie Pearl and Norster Reed; and of Daisy Williams and her minor child, Daisy Williams; including your decision of October 10, 1902, adverse to the applicants.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of of one Lou Skaggs and Mahala Hess (nee Skaggs) (or Sakka or Sakti), alleged to have been full blood Choctaw Indian women, and of one Jehu (or Tom) Hess, alleged to have been a one-half blood Choctaw Indian; all of whom are said to have resided in Mississippi in 1830.

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 January 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department, after a careful consideration of the record, affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 3642.

COPY.

Muskogee, Indian Territory, February 21, 1903.

Fannie Kirkpatrick,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Kirkpatrick, et al., of which decision you were advised by registered mail on the 10th day of October, 1902.

Respectfully,

Jams Dixby.
Chairman.

COPY.

H.C.R. 3642.

Muskogee, Indian Territory, February 21, 1903.

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

Gentlemen:

You are hereby notified that on the 10th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Fannie Kirkpatrick, et al., of which decision you were advised by mail on the 10th day of October, 1902.

Respectfully,

Tame Dixie
Chairman.

CARD No.

NAME

RESIDENCE
COUNTY

POST OFFICE

AGE SEX

Consolidated Case
of

Fannie Kirkpatrick
TO M. S. 3642

Lou Skaggs dead

Mahala Skaggs (or Sakki or Sukko)
married
John Ross - dead (or Tom Ross, (w + 1/2))

Fannie Ross 62 1/2
married
(1) William Eaker w. (or Aker or Bill Aker)
(2) Carey Kirkpatrick (w + neg)

Felixy Kirk 39 1/4 (or Dixie)
married
(1) John Ripson dead (neg. + thick)
(2) Ab M. Kinney (neg)
Ann Kirkpatrick 30 3/8
married
(1) Troop Reed (w + 2nd)
(2) Jack Huff (w + 2nd)

Malissa Ripson 20
Daisy Ripson 20 3/16
married
Dave Williams (I don't know)

Hazel Williams 4 mo.

Donnie Reed 17
Pearl Reed 12
Mareta Reed 11

No. 3642

For Identification as a Mississippi Choctaw.

Date SEP 27 1901

Name Fannie Kirkpatrick.

Age 62 — Blood $\frac{1}{2}$

Post Office, Sherman, Texas.

Father; John Ross. d

Mother: Mahala Ross

Claims through mother
Husband Carey Kirkpatrick,
W & M. & G.
No claim for husband

~~Notes:~~

Claims for self
alone.

Stenographer H. G. Harris.

Choctaw MCR 3643

Peter Christian

See MCR 3167

MCR 3643

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 27, 1901.

3643

In the matter of the application of Peter Christian for the identification of himself and his minor child as Mississippi Choctaws.

Applicant not represented by attorney.

Peter Christian being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Peter Christian.
Q P-e-t-e-r C-h-r-i-s-t-i-a-n? A Yes or Pete.
Q Now, Peter C-h-r-i-s-t-i-a-n, is that right? A Yes sir.
Q What is your age? A Twenty eight.
Q What is your post office address? A Purcell, Indian Territory.
Q How long have you lived at Purcell? A I have been living round in close to it for the last twenty two or three years.
Q Where were you born? A Illinois.
Q Where in Illinois? A Washington County.
Q How long did you stay in Illinois? A I stayed there about eight year.
Q Where did you go then? A We moved then to Kansas; just stayed a while and come through to this country.
Q How long were you in Kansas? A One winter I believe.
Q And since then you have lived in the Indian Territory? A Yes sir.
Q What Nation? A Chickasaw.
Q What is your father's name? A Allen Christian.
Q A-l-l-e-n? A Yes sir.
Q Is he living? A No sir.
Q What is your mother's name? A Catherine Christian.
Q Is she living? A No sir.
Q Through which one of these parents do you claim your Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A We are a sixteenth.
Q Was your father ever recognized in anyway or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir; he wasn't.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lola Christian.
Q L-o-l-a? A Yes sir.
Q What is her blood; Indian or white? A White.
Q Do you make any claim for her? A No sir.
Q What is the name of the child that you wish to make application for? A Mary Eliza Christian.
Q How old is Mary Eliza? A She is fifteen months.
Q Is that all the children you have? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory, or your child's name? A My name?
Q Yours or your child's? A Why, no.

- Q Are you or your child on the tribal rolls as a Choctaw Indian? A No.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation for either yourself or child? A Never did.
- Q Have you ever made application or did you to the Commission to the Five Civilized Tribes for citizenship for yourself in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or the United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself and child for membership in the Choctaw Nation to any authority whatever? A No sir.
- Q Do you now make application for citizenship in the Choctaw Nation for yourself and child under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir; not exactly

The Treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was made between the Choctaw tribe of Indians who lived in Mississippi and Alabama at that time and the United States Government. The object of that treaty was the removal of all the Choctaw Indians who lived in the old Choctaw Nation in States of Mississippi and Alabama to the present Choctaw Nation in Indian Territory. Before that treaty was signed it became evident that a good many Choctaw Indians wouldn't go to the Choctaw Nation, Indian Territory, and in order to protect their interests article fourteen was inserted into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand the provisions of the fourteenth article of the treaty of 1830 as just read to you? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? 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 1830 and was the head of a family at that time? A Joseph Perry.
- Q p-e-r-r-y? A Yes sir.

- Q How much Choctaw blood did he have? A A half I think.
- Q Could he speak the Choctaw language? A I can't tell you.
- Q You never heard? A No sir.
- Q How do you know he lived in Mississippi in 1830? A Well, that's what all the other parents claim.
- Q That's what everybody in the family says? A Yes sir.
- Q Was he the head of a family there at that time? A Yes sir.
- Q Had other children who were living then? A Yes sir.
- Q You claim through your father Allen Christian? A Yes sir.
- Q Through which one of his parents does he claim? A Mother.
- Q What was her name? A Perry; Sarah Perry.
- Q And what was her maiden name? A No; she was Perry and married Christian.
- Q Your grandmother was Sarah Christian and her maiden name was Sarah Perry? A Yes sir.
- Q What was her father's name? A Joseph Perry.
- Q Was he a recognized member of the Choctaw tribe of Indians in 1830? A Yes sir, I think so.
- Q Well, do you know; I mean did he vote with them, go to council with them, living with them all the time as a full blood or half blood Indian? A I don't know about that.
- Q Did he own any improvements upon land in Mississippi or Alabama in 1830? A Well, that's something I don't know anything about.
- Q Don't you know whether he held land at that time? A He held land in Mississippi I think.
- Q How do you know he did? A That's what the record says.
- Q What record? A The old record, aint it?
- Q Have you seen any record anywhere that says Joseph Perry held land in Mississippi? A No sir, I haven't.
- Q Do you know of anybody who knows where those records are? A I think so.
- Q You don't know anything about it yourself do you? A No sir.
- Q Well, it is suggested that if you have any evidence anything positive either in Documentary form or the testimony of witnesses who know positively that Joseph Perry held land in 1830, that you try to produce it before the Commission in support of your claim; and a reasonable time will be allowed you to do so from the day of this hearing.
- Q Do you know whether Joseph Perry or any other of your ancestors within six months after the ratification of this treaty told the United States Indian agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A No sir, I don't.
- Q Did any of your ancestors, if Choctaw Indians, go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A I can't tell you nothing about them treaties at all.
- Q Did Joseph Perry or any others of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I think so.
- Q What proof have you of that; these records you were speaking of? A Yes sir.
- Q Did any of your ancestors claim any benefits under any other article of the treaty of 1830 than fourteen or the supplement to that treaty? A Well, I don't know nothing about them articles at all.
- Q You never heard anything about that? A No sir.
- Q Can you tell when and where your father and mother were married? A In Missouri I think.
- Q Under license and by a minister? A Yes sir.
- Q Do you know when? A No sir.
- Q Or where in Missouri? A No I don't. Its farther back than I can recollect.

Q You are not prepared to furnish any proof of their marriage? A No sir

Q You say you think that Joseph Perry claimed or held land in Mississippi under article fourteen? A Yes sir.

Q How do you know that; in what way can you prove that; you know now you are making your own sworn statement but that statement has to be supported by other proof, because this is just a single unsupported statement; what I am trying to get at is how you can prove that; get evidence hereafter; you think you can introduce evidence or testimony to prove that, if allowed time? A Yes sir.

Q You are not able to prove it now? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the Government required the United States Indian Agent, Col. Ward, to make a list of all these Mississippi Choctaw Indian claimants who within six months after the ratification of the treaty of 1830 went to him in his office and made a declaration of intention to remain in Mississippi and take land there. This Indian agent didn't record the names of all the applicants who came to him; he left a great many Indians who did actually make application under article fourteen off his list and as a result of this neglect on his part a great many Indians who held land in Mississippi and had improvements on that land had both the land and improvements taken away; they were sold at Public Sale by the Government. This caused a great many complaints so that in 1837 a Commission was appointed under Act of March 3, 1837; this Commission went to Mississippi and heard a great many claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for a similar purpose

Q Do you know whether any of your ancestors appeared before either of these Commissions, that of 1837 or 1842, and claimed benefits under article fourteen of the treaty of 1830? A No sir, I don't.

Q Do you know of any witnesses anywhere, anybody living, who could be brought before this Commission to testify that Joseph Perry held land in Mississippi in 1830 or any time after that which he received from the Government as a Choctaw Indian? A I think so.

Q Well a reasonable time will be allowed you in which to produce that.

The Act of Congress of May August 23, 1842, provided that in case it should be proven that a claimant had complied with all the provisions of the fourteenth article of the treaty of 1830 and if it also appeared that his land had been taken from him by the Government or by any other person or persons that he should be entitled to select lands from any in Louisiana, Alabama, Arkansas or Mississippi and that certificates should be issued to him to that effect; these certificates were called scrip.

Q Did any of your ancestors, or did Joseph Perry receive any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have you any documentary evidence you want to produce now; any papers of any kind? A Yes sir.

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

Q Who is George W. Christian? A A half brother.

Statement of J.L. Rappelee, Notary Public, in reference to the claim of Jonas H. Christian et al., for identification as Mississippi Choctaws as found in record book Court of Claims Choctaw Nation vs. United States, Vol. I., p. 247, presented by applicant, received, filed, marked Exhibit "B", and made a part of the record in this case.

Q What relation is this Jonas H. Christian to you? A Uncle.

Q Your father's brother? A Yes sir.

Q He says, according to this statement, his claim was allowed and approved under article fourteen of the treaty of 1830 by the record of the Court of Claims in Choctaw Nation v. United States/ was it

A Yes sir.

Q Do you claim that it benefits your case; do you rely upon this action of the Court of Claims in your uncle's case in your application now? A Yes.

Q But this is another matter now; this is the record of the Court of Claims and you are applying for identification as a Mississippi Choctaw. (No answer.)

Q you are now claiming here by virtue of your lineal descent and the fact that your ancestors claimed under article fourteen, aren't you? A Yes sir.

Q You introduce this paper for what it is worth? A Yes.

Q You have no other papers? A No.

A reasonable time will be allowed applicant in which to file further documentary evidence; also marriage license or certificate between himself and wife, Lela; also of the marriage of his father and mother, and testimony if he so desires.

Q When and where were you married to your wife, Lela? A I was married in October 24, 1895.

Q Where? A On Caddo Creek, Chickasaw Nation.

Q By a minister and under a license? A Yes sir.

Q She is the mother of this child you apply for? A Yes sir.

Q She is living with you at your home? A Yes sir.

Q Have you a marriage license and certificate with her? A Yes sir.

Q Can you present it? A Yes sir.

Q Can you speak Choctaw? A No sir.

Q Do you know anything about it? A Just a little.

Q Well, can you carry on a conversation with the Choctaws? A No sir.

Q You never lived with them did you? A No sir, I have been out among them here in the Territory.

Q Is there anything more you want to say in support of your claim? A No sir.

Q Have you any witnesses that you would like called in support of your case? A No sir.

Q Have you any kin folks that have already made application for iden

tification before the Commission? A Yes; Jonas Harvey Christian.

Q Do you know when he appeared? A No sir.

Q Do you think of any other of your relatives who have appeared before the Commission for identification as Mississippi Choctaws?

(George W. Christian, half brother of applicant, says he himself appeared before the Commission one year ago at Colbert.)

Q Do you know of any others? A No sir.

Q Do you want the testimony of Jonas H. Christian and George W. Christian given in their applications to be considered when yours is in order that you may get the benefit of their testimony? A Yes sir.

Q They both claim through Joseph Perry? A Yes sir.

Q Do you remember about Joseph Perry's father or mother, either their names or where they were living or anything about them? A No sir; I don't know nothing about them at all.

This applicant has the appearance and general physical characteristics of a person who is descended from white parentage; dark brown hair, dark brown eyes; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 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.

Henry G. Hains

Subscribed and sworn to before me this 16 day of October, 1901.

Charles H. ...

Notary Public.

M C R 3643.

Waskagee, Indian Territory, May 21, 1903.

Peter Christian,

Parcell, Indian Territory.

Dear Sir:

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

Jonas Harvey Christian, et al.,	M C R 3167
Eliza Waggoner, et al.,	M C R 55
G. W. Christian, et al.,	M C R 56
Peter Christian, et al.,	M C R 3643
Mary Elizabeth Kennedy et al.,	M C R 4803
Myrtle Sudderfield,	M C R 1483

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.'

P 0-3

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Jonas Harvey Christian, Charles Wesley Christian, Thomas Milton Christian, Eric Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James M. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P. Christian, Sarah G. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Martie Sudderfield, as Choctaw Indians entitled to right in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

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

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

Yours truly,

Acting Chairman.

Registered.

M.C.R. 3643.

Muskogee, Indian Territory, December 5, 1902.

Peter Christian,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jonas Harvey Christian, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

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

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 23, 1902.

Peter Christian,

Purell, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of G. W. Christian et al. and Eliza Waggoner et al., you are informed that under dates of July 28th and 30th, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from our records that at Atoka, Indian Territory, on September 27, 1901, you made personal application to this Commission for 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, March 4, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in

P. C.--2.

support of year application.

Yours truly,

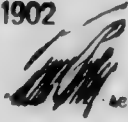
Acting Chairman.

M.C. 3643

3643

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

JUL 7 1902



ACTING CHAIRMAN



Purcell, G. J.
JUN 27 1992
7 8 2



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Peter Christian,

~~Purcell,~~

~~Indian Territory.~~

No. 3643

For Identification as a Mississippi Choctaw.

Date SEP 27 1901

Name Peter Christian

Age 28 Blood 1/16

Post Office, Purcell, I. T.

Father: Allen Christian, d.

Mother: Catherine " d.

Claims through father
wife, Lela " w.
No claim for wife.

Children:

Mary Eliza Christian ^{15 m.}

Claims for self &
child -

Stenographer H. G. Hain

Choctaw MCR 3644

Isaac B. Allen

See MCR 3772

MCR 3644

Department of the Interior
Commission to the Five Civilized Tribes.
Atoka, I.T. September 28, 1901.

3644

In the matter of the application of Isaac B. Allen for identification of himself and his four minor children, George E., Bryant, Calvin S., and Beunavista Allen, as Mississippi Choctaws.

Applicant not represented by attorney.

Isaac B. Allen being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Isaac B. Allen.
Q What is your age? A Fifty-five. (55)
Q What is your post-office address? A Sherman Texas.
Q How long have you lived at Sherman? A I have lived in the County about thirty years.
Q What County was that? A Grayson County.
Q Where did you live before you lived in Grayson County? A Louisiana
Q What place in Louisiana? A Bossier Parish.
Q What is your father's name? A Green Allen.
Q Is he dead? A Yes sir.
Q What is your mother's name? A Eliza Allen.
Q Is she living? A No sir she is dead.
Q Through which one of your parents do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A I claim one-fourth.--- One-eighth I mean my father was one-fourth.
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 sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mary Jane Allen.
Q She is a white woman or an Indian? A She is white.
Q You make any claim for her? A No sir.
Q Have you any children under twenty one and unmarried that you wish to apply for? A Yes sir.
Q What is the name of the oldest one under age? A George E.
Q How old is he? A Nineteen.
Q Next? A Bryant.
Q How old is he? A He is seventeen.
Q Next? A Calvin S.,
Q How old? A He is fifteen.
Q Next? A Beunavista.
Q How do you spell that? A B-e-u-n-a-v-i-s-t-a.
Q Is that a girl? A Yes sir.
Q How old? A She is twelve.
Q Is Mary Jane Allen the mother of these children? A Yes sir.
Q And you are the father? A Yes sir.
Q They are living with you at your home? A All but the oldest boy
Q You have always supported them? A Yes sir.
Q When and where were you married to your wife? A Grayson County Texas.
Q When? A In Sixty-eight

#2

- Q When? A Sixty-eight.
Q What date? A December 17th if I am not mistaken.
Q Have you your marriage license? A Not with me.

A reasonable time will be allowed this applicant in which to file his marriage license and certificate or a certified copy of the same in support of the application he makes for his minor children.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application for yourself or your minor children to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No sir.
Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No sir.
Q Have you ever made application before this time for either your self or your children to be admitted to citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the authorities of the United States? A No sir.
Q Do you now appear before the Commission for the purpose of becoming identified yourself as a Mississippi Choctaw and for the identification of your children as Mississippi Choctaws under article fourteen of the treaty between the United States and the Choctaw Nation? A No sir. I don't think I come under article fourteen. I come under the treaty of 1830 though.
Q You understand article fourteen? A No sir.

The treaty of 1830, some times called the treaty of Dancing Rabbit Creek was made between the Choctaw Indians who lived in Mississippi and Alabama in 1830 and the United States government, it was for the purpose of getting all the Choctaw Indians who lived in Mississippi and Alabama in what was called the old Choctaw Nation to remove to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became evidence that a great many Choctaws would not go to the New Choctaw Nation Indian Territory and for the protection of these Indians article fourteen was inserted in the treaty. Article fourteen reads as follows:

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

- Q You understand that article sufficiently to claim under it?

#3

- Q A It does not mean those who stayed there?
- Q Yes sir? A Well my people did not stay there.
- Q Well you claim under this article? A I don't understand it well enough to claim under. I claim under the provisions of the act of Congress which made provisions for the Mississippi Choctaws and their descendants.
- Q That is the only provision of law under which you can claim and I have tried to make it plain to you. You can claim under this article or under the whole treaty? A Well I claim under the whole treaty.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with article fourteen of the treaty of 1830? A Not that I know of.
- Q Did they ever attempt to comply with any other article than article fourteen of the treaty of 1830? A No.
- Q What was the name of your ancestor who lived in Mississippi and was the head of a family in 1830? A William Allen.
- Q You claim through your father? A Yes sir.
- Q He claimed through whom? William Allen my grandfather.
- Q What evidence have you that William Allen was living in Mississippi in 1830? A Only what I have been told in the family.
- Q Did you know William Allen yourself? A No sir.
- Q When did he die do you know? A I have been told he died about 1822.
- Q Well then he could never have lived in Mississippi in 1830. You say he died in 1822? A No answer.
- Q I asked you if he lived in Mississippi in 1830. Who was it that lived in Mississippi in 1830? A It was my grandfather.
- Q You say he died in 1822, he could not have lived in Mississippi in 1830? A No that is so, it must have been my father Green Allen
- Q Well was it your father Green Allen who lived in Mississippi in 1830? A Yes sir.
- Q When did he die? A In 1847.
- Q How old was he when he died? A I don't know.
- Q Was he living in Mississippi in 1830? A That is what I have been told that he was.
- Q Did he have a family at that time, in 1830? A I don't know. He and mother both died when I was about one-and one half years old.
- Q His father William Allen you say died in 1820? Where did he die? A I don't know.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830 or any time before that? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830 or any time before that? A I don't know
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after that treaty was ratified go to the United States Indian Agent Col. Ward and tell him that they intended to stay in Mississippi and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did they ever receive any land or any benefits of any kind under any other article than article fourteen of the treaty or under the supplement of that treaty? A Not that I know of.
- Q You know when and where your father and mother were married? A No I don't.
- Q You know if they were legally married? A No sir.
- Q You have no proof of their marriage? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty the government directed the Indian Agent Colonel Ward who lived in Mississippi at that time to make a list of all the names of Choctaws who came before him within six months from the ratification of the treaty of 1830 and declared their intention to remaining in Mississippi and taken land there. The Indian Agent for some reason failed to make a full and complete list of names of all the Indians who appeared before him within the time limited by article fourteen and as the result of his neglect many Choctaws who owned land in Mississippi upon which they had improvements lost both the lands and the improvements upon it. This caused great deal of complaint among the Choctaws and Congress in 1837 appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830 and made lists of their names. In 1842 another Commission was appointed for the same purpose.

- Q Did any of your Choctaw ancestors appear before either of these Commission and claim rights under article fourteen of the treaty of 1830? A No sir, I don't know.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken away from him he should be entitled to select land elsewhere, either in the States of Mississippi, Arkansas, Louisiana or Alabama, and that land to be taken from any of the vacant government lands, and, that certificate to this effect should be issued to him. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A Not that I know of.
 Q Have you any documentary evidence that you wish to file with the commission now? A No sir.

The written application and statement of this applicant presented by him received filed, marked exhibit "A" and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to present further documentary evidence in support of his application also his marriage license and certificate or certified copies of the same in support of the application for his children.

- Q Do you speak the Choctaw language? A No sir.
 Q Is there anything else that you would like to say in support of your claim? A No t at present.
 Q Have you any relative who have appeared before this Commission? A N
 A No.

The applicant has the appearance and physical characteristics of being descended from white parentage, brown eyes. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

46

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 September 28th 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 September 1901

G. Rosenwinkel

Subscribed and sworn to before me this 28th day of November 1901.

Samuel H. Wood

Notary Public.

Muskogee, Indian Territory, December 6, 1901.

I. B. Allen,

Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of December 4, in which you ask if it will be necessary for you to file a certified copy of your father's marriage certificate in support of each of your childrens' applications for identification as Mississippi Choctaws.

In reply to your letter you are informed that if you file a certified copy of the marriage license and certificate of your father and mother in support of your own application for the identification of yourself and your minor children as Mississippi Choctaws, it will also be considered as evidence in support of the applications for identification as Mississippi Choctaws of such of your children as are over twenty one years of age and have made personal application.

Yours truly,

Commissioner in Charge.

MC 3644

Muskogee, Indian Territory, January 9, 1902.

Isaac B. Allen,
Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of John Lewis and the affidavit of Tobias Edwards which are offered in support of the application for identification as Mississippi Choctaws of Isaac B. Allen, et al. The same have been filed with the record in this case and will receive consideration. If you wish to offer additional evidence in support of your application the Commission will hear the testimony of such witnesses as may present themselves at its office at Muskogee, Indian Territory. If your witnesses live in Mississippi they may be heard at the office of the Commission at Meridian, Mississippi, between January 15, and February 15, 1902. The Commission is averse to accepting affidavits in support of applications for identification as Mississippi Choctaws and prefers, when it is possible, to examine witnesses in person. If it is impossible for you to secure the personal attendance of your witnesses because of non-residence or on other grounds, which, under the rules of the Commission, would constitute inability, their depositions will be considered if taken in accordance with the rules and regulations of

I.B.A. 2

the Commission of November 4, 1901, governing the taking of depositions in support of applications for identification as Mississippi Choctaws. A copy of said rules is herewith inclosed for your information.

Yours truly,

Commissioner in Charge.

MC 3644

M.C. 3624
M.C. 3644

Muskogee, Indian Territory, February 14, 1902.

I. P. Allen,

Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage license and certificate between Isaac B. Allen and Mary J. Holloway, which is offered in support of your application for the identification of yourself and children as Mississippi Choctaws. The same has been filed with the records in this case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.

Miss. Choc. 465
3644, 3772, 3892,
3644, 3793.

Muskogee, Indian Territory, February 26, 1902.

W. W. Greer,
Box 157, Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the sixteenth instant, in which you ask for a copy of the testimony of Jack Anos taken before the commission at Meridian, Mississippi, about January 15, 1902, in support of the applications for identification as Mississippi Choctaws of J. A. Ladd, John W. Coker, and Jubilee T. Davenport. You also ask if additional testimony has been taken in support of the cases of J. A. Ladd, I. W. Allen and J. C. Holloway.

In reply to your letter you are advised that the commission cannot supply copies of the testimony of Jack Anos, for the reason that there are not sufficient ^{number} copies of the same in the files to permit the withdrawal of one copy. If you will designate some reputable Notary Public whom you have ^{authorized} ~~designated~~ to make a copy of this testimony for you, he will be permitted to have access to the files for that purpose. No additional testimony has been taken in the cases referred to by you since our letter of the twentieth instant.

Yours truly,

Miss. Choctaw 3644

Muskogee, Indian Territory, April 2, 1902.

I. B. Allen,

Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of March 31, asking what evidence has been filed in support of your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are advised that it appears from the records in this case that there have been offered in support of your claim the affidavits of John Lewis and Tobias Edwards and the written petition of I. B. Allen.

Yours truly,

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,
TAMM EIXBY,
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. 3644

ALLISON L. AYLESWORTH
SECRETARY

ALLIANCE OF THE FIVE CIVILIZED TRIBES

COPY.

Muskogee, Indian Territory, December 6, 1902.

Isaac B. Allen,

Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.	M C R	3772
Mary E. McCurdy, et. al.	M C R	3776
Cora Vaughan, et. al.	M C R	3799
Robert Holloway.	M C R	3788
Sallie Watts,	M C R	3779
Emmet Holloway, et. al.	M C R	3775
Kate O. Watts,	M C R	3785
Louisiana A. Holloway, et. al.	M C R	3781
George W. Holloway, et. al.	M C R	3790
Mark Holloway.	M C R	3789
Mary L. Allsup, et. al.	M C R	3786
Green A. Martin, et. al.	M C R	3782
Mary E. Franklin.	M C R	3784
Henry G. Martin, et. al.	M C R	3764
Fannie E. Hall, et. al.	M C R	3783
Annie L. Francis.	M C R	3787
Gussie M. Johnson, et. al.	M C R	3791
John N. Martin, et. al.	M C R	3792
James A. Martin, et. al.	M C R	3765
Isaac B. Allen, et. al.	M C R	3811
Clara P. Duke, et. al.	M C R	3825
John G. Allen, et. al.	M C R	3820
Charlie A. Allen, et. al.	M C R	3821
James F. Allen.	M C R	3823
Henry C. Allen.	M C R	3824
Linna B. Dodson.	M C R	3777
Mary M. Waldrop, et. al.	M C R	3773
Alfred J. Roberson.	M C R	3800
Elizabeth I. McMahan, et. al.	M C R	3771
John A. Waldrop.	M C R	3671
Achilis A. Waldrop.	M C R	3698
Prudie E. Wooten, et. al.	M C R	3778
Joseph T. Spurlin, et. al.	M C R	3675
Dixon G. Spurlin.	M C R	3676

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 Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Claybarn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeral Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughey, Lucy Caughey, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

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

Respectfully,

Acting Chairman

Registered.

H.C.R. 3644

Muskogee, Indian Territory, March 24, 1903.

Isaac B. Allen,
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

James D. Kirby
Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 28 1901

Name Isaac B. Allen,

Age 55 - Blood ~~1/8~~ 1/8

Post Office, Sherman, Texas,

Father; Green Allen, d

Mother. Eliza " d

Claims through father
 wife Mary J. Allen, w

No claim for wife.

Children: George G. Allen - 19

Bryant " 17

Calvin S. " 15

Beunavita " (girl) 12

Claims for self
 & children -

Stenographer G. Rosenwindel

Choctaw MCR 3645

• Joseph T. Spurlin

See MCR 3772

MCR 3645

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka I.T. September 28, 1901.

3645

In the matter of the application of Joseph T. Spurlin for identification of himself and his three minor children, Estella May, Lula V., and Alfred J. Spurlin, as Mississippi Choctaws.

Applicant not represented by attorney.

Joseph T. Spurlin being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Joseph T. Spurlin.
Q What is your age? A Thirty-two.
Q What is your post-office address? A Sherman, Texas.
Q How long have you lived at Sherman? A Sherman has only been my post-office address this year but I have lived in the county of Grayson for six or seven years.
Q Where did you live before you lived in that County? A I lived in Wilbargo County, Texas.
Q Where did you live before you lived there? A Louisiana.
Q You were born in Louisiana? A Yes sir.
Q What place in Louisiana? A Bossier Parish.
Q And always left there until you left Louisiana? A Yes sir.
Q What is your father's name? A Alfred J. Spurlin.
Q Is he living? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Mary Spurlin.
Q Through which parent do you claim 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 Not that I know of. I have heard her speak of playing with the Indians.
Q Are you married? A Yes sir.
Q What is your wife's name? A Nora.
Q What is her blood? A White.
Q You make application for her? A No sir.
Q What is the name of your children that you wish to make application for, have you more than one? -----
Q What is the name of the oldest? A Estella May.
Q How old is she? A She is nine years old.
Q The next? A Lula V.
Q How old is she? A Seven.
Q The next? A Alfred J.
Q How old? A One year old.
Q Is your wife Nora the mother of these children? A Yes sir.
Q And you are the father? A Yes sir.
Q They live with you at your home? A Yes sir.
Q When and where were you married to your wife? A Vernon, Texas.
Q When? A I don't remember the date but I have my certificate here it was in ninety-two though?

Certificate produced which shows that applicant was married to his wife Nora on June 11th, 1892.

- Q Do you wish to file this? A No I will have a certified copy made before I leave in town here.
- Q It is necessary for you to file some proof of your marriage in support of the application you make for these children? A Well I will file this, I guess it won't get lost.

The original license and certificate of the marriage of J. T. Spurlin and Mrs. Nora Boggs, presented by applicant, received marked exhibit "A" filed and made a part of the record in this case.

This applicant also introduces his petition in writing which has been received marked exhibit "B" filed and made a part of the record in this case.

A reasonable time is allowed this applicant in which to file other documentary evidence if he desires in support of this claim which he makes for himself and his 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 sir.
- Q Have you ever made application for yourself and these children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10th 1896? A No sir.
- Q Were you ever 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 Did you ever make application before this time for citizenship in the Choctaw Nation for yourself and your children to either the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Do you now come before this Commission for the purpose of having yourself and your children identified as Mississippi Choctaws under article fourteen of the treaty of 1830? A Well under the provisions made by Congress in the year 1830? A
- Q You understand that treaty fully? A No I don't. I understand that there have been provisions made by Congress.

The authority under which you make your claim to-day is by virtue of a treaty not by act of Congress, a treaty that was made by the United States government on one hand and the Choctaw tribe of Indians on the other. This treaty was called the treaty of 1830 or some times the treaty of Dancing Rabbit Creek. This treaty was made for the purpose of removing all the Choctaw Indians who lived at that time in Mississippi and a portion of the State of Alabama, from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evident that a great many Choctaws would not move to the Choctaw Nation Indian Territory and in order that their interests might be protected article fourteen was made a part of the treaty. Now, article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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 well enough to claim under it? You can claim under the whole treaty if you want to? A Yes I think so I claim under the whole treaty.
- Q Did any of your Choctaw ancestors to your knowledge comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A I could not tell you.
- Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830? A William Allen.
- Q Was he living there in 1830? A I could not say.
- Q Who was living there in 1830? A I don't know.
- Q Well that is quite a material point in the case? A Well I have been told that there is blood in the family and it comes from the Allen side. I think I can get evidence about this.
- Q Now give me the name of the Allen that you claim under? A Well it is my mother that I claim under.
- Q Her name was Mary Allen? A Yes sir.
- Q Did she live in Mississippi in 1830? A Not that I know of.
- Q What was her father's name? A Gideon Allen.
- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Did she claim her Choctaw blood through him? A Yes sir.
- Q Do you know where he lived in 1830? A No I don't.
- Q What was Gideon Allen's father's name? A William Allen.
- Q Did he live in Mississippi in 1830? A Well as I said a while ago I think I can get evidence but can't tell you now.
- Q If you are claiming under article fourteen you claim to be descended of a Mississippi Choctaw ancestor who lived in Mississippi in 1830 who was the head of a family at that time and complied with the provisions of article fourteen? A Of course I am not familiar with these different treaties.

You will be allowed a reasonable time in which to look up this matter of proof.

- Q A Yes I am certain there is blood in the family.
- Q Do you know whether any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians at that time? A No sir I could not say.
- Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830 or prior to that time? A I don't know.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between 1833 and 1838? A I don't know that.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent Col. Ward and tell him that they wanted to stay and take land there? A I don't know.
- Q Did any of them claim or receive any land under article fourteen of the treaty of eighteen hundred and thirty? A I don't know.
- Q Did they receive any land or any benefits of any kind under any other article than article fourteen or under the supplement of the treaty of 1830? A I think they were recognized as Indians way back but I can't say when or under what treaty.

Q You have no proof of that at present? A No sir.

In accordance with the provisions of article fourteen of the treaty of eighteen hundred and thirty Colonel Ward the Indian Agent in Mississippi was directed by the government to make a list of all the Choctaws who came before him within six months from the ratification of this treaty of 1830 and declared their intention of remaining in Mississippi and taking land there. This Agent failed to do that and the result was that many Indian members of the Choctaw Nation had the land that they occupied taken from them and both the land and their improvements sold. This caused a great many complaints among the Choctaws and in 1837 Congress appointed a Commission, which Commission went to Mississippi and heard claimants under article fourteen and made lists of their names. In 1842 another Commission was appointed for a similar purpose.

Do you know whether any of your Choctaw ancestors appeared before either of these Commissions and claimed benefits under article fourteen of the treaty of 1830? A No sir I don't know.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to receive land to be selected from any of the public lands in the States of Mississippi, Arkansas, Louisiana or Alabama and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A I don't know.
- Q Are you related to this gentleman here, Isaac Allen? A Yes sir.
- Q He made application this date? A Yes sir.
- Q You want to have his testimony made a part of yours when your case is considered? A Yes sir.
- Q Do you speak Choctaw? A No sir.
- Q Is there anything further that you want to say in support of this claim? A No sir I don't think there is.

This applicant has the appearance and physical characteristics of being descended from white parentage, brown eyes, light complexion and light hair. He does not speak the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on September 25th 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 September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 25th day of November 1901

John W. [Signature]
Notary Public.

COMMISSIONERS

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

ALLISON L. AYLESWORTH
SECRETARY

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

REFERENCE TO THE
M.C.R. 3648

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 6, 1902.

Joseph T. Spurlin,
Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3789
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3641
Clara P. Duke, et. al.,	M	C	R	3827
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3821
James F. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3825
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3643
Elizabeth I. McMahan, et. al.,	M	C	R	3771
John A. Waldrop,	M	C	R	3644
Achilis A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3646
Dixon G. Spurlin,	M	C	R	3646

Those 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 Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Coma Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Mabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zoyal Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughy, Lucy Caughy, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lulu V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled 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,

SEP.

A. G. C. Chairman.

Registered.

Muskogee, Indian Territory, March 24, 1903.

Joseph T. Spurlin,
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tanis D. ...
Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 28 1901

Name Joseph T. Spurlin

Age 32

Blood 1/16

Post Office, Sherman, Texas,

Father: ~~James~~ ^{Alfred} I. Spurlin, d

Mother: Mary " d

Claims through mother -
wife, Nora " W-

No claim for wife.

Children:

Estella M. Spurlin, 9

Lula V. " 7

Alfred J. " 1

Claims for
self & children.

Stenographer G. Rosenwinkel

Choctaw MCR 3646

Dixon G. Spurlin

See MCR 3772

MCR 3646

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 28, 1901.

3446

In the matter of the application of Dixen G. Spurlin for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Dixen G. Spurlin being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Dixen G. Spurlin.
Q What is your age? A Twenty four.
Q What is your post office address? A Sherman, Texas.
Q Do you live in Sherman? A No sir; I live in the country near Sherman.
Q How long have you lived there in Grayson County? A About eight years.
Q Where did you live before that? A Bossier Parish, Louisiana.
Q Were you born in Bossier Parish, Louisiana, and went from there to near Sherman where you are now? A Yes sir.
Q What is your father's name? A Alfred J. Spurlin
Q Is he living? A No.
Q Is your mother dead? A Yes sir.
Q What is her name? A Mary A. Spurlin.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A About a sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Not that I know of.
Q Are you married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No sir.
Q Have you made application for enrollment as a citizen of the Choctaw Nation under Act of June 10, 1896, to the Daves Commission? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Daves Commission or the United States Court in Indian Territory? A No sir.
Q Have you ever made application prior to this time for enrollment as a citizen of the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities, A No sir.
Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A I claim under the treaty of 1830 and all provisions from then up to now.

Q Do you know anything about article fourteen of that treaty? That is, do you know what it provides? A Yes, I have heard it read.

Article fourteen of the treaty of 1830 was inserted into the treaty for the special benefit and protection of those Choctaw Indians who remained in Mississippi when the other members of the tribe removed from Mississippi and Alabama to the Indian Territory. This Treaty of 1830 sometimes called the Treaty of Dancing Rabbit Creek was entered into between the United States and the Choctaw Indians in that year and was made for the special purpose of removing all the Choctaw Indians from Mississippi and Alabama to the Choctaw Nation, Indian Territory. But before it was signed it became apparent that a great many Choctaw Indians wouldn't go to the Indian Territory and for that reason article fourteen was inserted. 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 the quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, and ~~xxx~~ in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that article, you think now? A I think I do.

Q You claim under that or under the whole treaty? A I claim as a Mississippi Choctaw Indian under all treaties from 1830.

Q Don't you claim under the treaty of 1830? A Yes sir.

Q Do you claim under any other treaties? A I claim under that treaty and under all provisions made since that time for the Mississippi Choctaw Indians.

Q You don't claim particularly under article fourteen then? A Not particularly.

Q Do you claim at all under article fourteen? A No sir.

Q You don't claim under article fourteen; you had better; if you want any rights at all. A Well, I claim under that article; that treaty.

Q Well, article fourteen is a part of the treaty. A Yes I do. Well, I claim under that treaty and all provisions since that time for the benefit of Mississippi Choctaw claimants.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of the fourteenth article of the treaty of 1830 or any other article of that treaty? A Not that I know of.

Q What was the name of your ancestor that you claim lived in Mississippi in 1830? And was the head of a family there if he was a Choctaw Indian? A William Allen.

- Q Did he live in Mississippi in 1830? A I don't know.
- Q Do you know the name of any Mississippi Choctaw ancestor who lived in Mississippi or Alabama in 1830? A No sir.
- Q As far as you know you claim through William Allen who was a Choctaw Indian? A Yes sir; as far as I knew.
- Q Was he a recognized citizen of the Choctaw Nation at that time? A I don't know.
- Q How much Choctaw blood did William Allen have? A About three fourths or a half.
- Q Don't you know which? A No sir; I don't.
- Q Do you claim any Choctaw blood through any other line than that of William Allen? A No sir.
- Q You don't claim any through his wife? A Well, I claim through him as my ancestor.
- Q Do you claim through his wife? I want to know if you claim on both sides? A One side.
- Q Just through him? A If his wife had any I don't know.
- Q You claim through your mother? A Yes sir.
- Q Her maiden name was Mary A. Allen? A Yes sir.
- Q She claimed through--? A Her father.
- Q What was his name? A Gideon Allen.
- Q And his father's name? A William Allen.
- Q Do you know where Gideon Allen lived, if he didn't live in Mississippi? A No sir. I don't know where he lived up to the time he came to Louisiana.
- Q Did William Allen speak the Choctaw language? A Not that I know of.
- Q Did he have any Choctaw name that you knew of? A No, not that I know of.
- Q Do you speak the Choctaw language? A No sir.
- Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know.
- Q Do you know when and where your father and mother were married? A Bossier Parish, Louisiana.
- Q When? A I don't know.
- Q Were they married under license and by ordained minister? A I suppose so.
- Q You haven't their marriage license and certificates or copies? A No sir.
- Q Have you any proof whatever of their marriage and that you are their son? A I can produce it.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land in Mississippi or Alabama as beneficiaries under the fourteenth article of the treaty of 1830? A I don't know.
- Q Did they ever receive any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

In accordance with the provisions of the fourteenth article of the treaty of 1830 the United States Indian agent, Col. Ward, who lived in Mississippi at that time was required by the Government to make a list of the names of all Choctaw Indians who within six months after

the ratification of the treaty of 1830 declared their intention to stay in Mississippi and take land there; this agent didn't make a full list of all claimants who came before him; he neglected to put upon his list the names of a great many who did come before him claiming under article fourteen; this neglect caused trouble and the land to be sold by the Government, and this led to so many complaints among the Choctaw Indians that in 1837 Congress passed a law appointing a Commission, which Commission went to the State of Mississippi and heard claimants under article fourteen and made lists of their names; and in 1842 another Commission was appointed and they made lists of all Choctaws who came before them.

Q Did any of your ancestors go before either of these Commission, that of 1837 or 1842, and claim benefits under article fourteen of that treaty? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it w should be finally determined that a claimant had complied with all the provisions of article fourteen of the Treaty of Dancing Rabbit Creek and that his land had been sold by the Government that he was to be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land, and that certificates should be given to that effect; now, these certificates were called scrip.

Q Do you know if any of your ancestors received scrip from the Government--? A No sir.

Q Have you any documentary evidence you want to file now? A Yes this application.

The written application of this claimant is presented, received, filed, marked Exhibit "A", and made a part of the record in this case.

Also reasonable time is allowed him in which to file further documentary evidence and proof in support of this application he makes.

Q Is there anything more you want to say that you can think of? A I believe not.

Applicant has the appearance and physical characteristics of being a white person; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830. He has brown eyes, light complexion, light hair.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 28, 1901, and

That the above and foregoing is a full, true and correct transcript
of his stenographic notes in said case on said date.

Henry G. Harris

Subscribed and sworn to before me this 17 day of October, 1901.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMM I. XBY
THOMAS B. NEHELES
C. R. BUCKENRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

W. C. P. 3646

ALLISON I. ANDERSON
SECRETARY

Muskogee, Indian Territory, December 6, 1902.

Dixon G. Spurlin,
Sherman, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et al., and in granting the following applications for identification as Mississippi Chewaws:

Eliza Holloway, et al.	M. C. R.	3772
Mary E. McCurdy, et al.	M. C. R.	3779
Cora Vaughan, et al.	M. C. R.	3789
Robert Holloway.	M. C. R.	3788
Sallie Watts.	M. C. R.	3779
Emmet Holloway, et al.	M. C. R.	3775
Kate O. Watts.	M. C. R.	3785
Louisiana A. Holloway, et al.	M. C. R.	3781
George W. Holloway, et al.	M. C. R.	3790
Mark Holloway.	M. C. R.	3789
Mary L. Allsup, et al.	M. C. R.	3786
Green A. Martin, et al.	M. C. R.	3782
Mary E. Franklin.	M. C. R.	3784
Henry G. Martin, et al.	M. C. R.	3764
Fannie E. Hall, et al.	M. C. R.	3773
Annie L. Francis.	M. C. R.	3787
Gussie M. Johnson, et al.	M. C. R.	3793
John N. Martin, et al.	M. C. R.	3792
James A. Martin, et al.	M. C. R.	3766
Isaac B. Allen, et al.	M. C. R.	3767
Clara P. Duke, et al.	M. C. R.	3768
John G. Allen, et al.	M. C. R.	3769
Charlie A. Allen, et al.	M. C. R.	3770
James F. Allen.	M. C. R.	3771
Henry C. Allen.	M. C. R.	3772
Linna B. Dodson.	M. C. R.	3773
Mary M. Waldrop, et al.	M. C. R.	3774
Alfred J. Roberson.	M. C. R.	3775
Elizabeth I. McMahon, et al.	M. C. R.	3776
John A. Waldrop.	M. C. R.	3777
Achillis A. Waldrop.	M. C. R.	3778
Prudie E. Wooten, et al.	M. C. R.	3779
Joseph T. Spurlin, et al.	M. C. R.	3780
Dixon G. Spurlin.	M. C. R.	3781

These applications were made under the provisions 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 Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Cora Vaughan, Henry Vaughan, Clayborn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Stella L. Martin, Carl H. Martin, Mary L. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martin Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie E. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zora Martin, James A. Martin, Paula Martin, Isaac B. Allen, George L. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughney, Lucy Caughney, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linn B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth I. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Luke V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

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

Respectfully,

Acting Chairman

Registered

Muskogee, Indian Territory, March 24, 1903.

Dixon G. Spurlin,
Sherman, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Tamie Dickey
Chairman.

Identification as a Mississippi Choctaw.

Date

SEP 28 1901

Name *Dixon G. Spurlin,*

Age *24* - Blood *1/16*

Post Office, *Sherman, Texas*

Father; *Alfred J. Spurlin, d*

Mother: *Mary A. " d*

Claims through *mother*

~~claims~~

*Claims for self
alone -*

Stenographer

H. G. Hains,

Choctaw MCR 3647

John A. Waldrop

See MCR 3772

MCR 3647

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. SEPTEMBER 26, 1901.

3647

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

No attorney for applicant.

John A. Waldrop being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John A. Waldrop.
Q What is your age? A Twenty four.
Q What is your post office address? A Howe, Texas; Grayson County.
Q How long have you lived in Grayson County? A The last time about eight years.
Q Where did you live before that? A In Wilbarker County in Texas.
Q Where were you born? A In Arkansas.
Q What place in Arkansas? A Miller County, near Texarkana.
Q How long were you in Alabama? A Six years.
Q And then you went from there where? A To Grayson County and lived about eight years I believe.
Q What was your father's name? A Franklin P. Waldrop.
Q Is he living? A No sir.
Q What is your mother's name? A Elizabeth I. McMahan at present.
Q She is living is she? A Yes sir.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A About a thirty second.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir.
Q Are you married? A No sir.
Q Claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities for enrollment as a citizen of the Choctaw Nation? A No sir.
Q Did you ever make application to the Dawes Commission under Act of Congress of June 10, 1896, for citizenship in the Choctaw Nation? A No sir.
Q Were you ever made a citizen of the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Did you ever make application before this time for enrollment in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A I come as a Mississippi Choctaw Indian under the treaty of 1830 and all treaties made by Congress for protection of Indians; would that include the treaty of 1830?

Q I suppose so; you don't claim under that particularly then, do you? A No, not particularly; under all the provisions for Mississippi Choctaw Indians.

Q Do you understand article fourteen of the treaty of 1830? A I can't say that I do, but I have heard you read it here.

Q You understand, I suppose, that the treaty of 1830 was made at that time for the purpose of getting the Indians from Mississippi or Alabama to the Choctaw Nation, Indian Territory? A I understand that; yes, they sold all the lands except those that held their lands there and wouldn't sell and the unknown ones- their lands were sold too. All those whose names were on the rolls, I believe, remained in Mississippi.

Q I will explain it to you. This treaty was made in 1830 between the United States and the Choctaw Indians; it was made at a place called Dancing Rabbit-Creek on the 27th day of September, that year. It was made for the special purpose of removing all the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before it was signed it became apparent that a great many Choctaw Indians wouldn't go to the Indian Territory and in order to protect their interests particularly article fourteen was put into the treaty. Article fourteen 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 Do you think you understand that article now? A I believe I do, yes; I won't be positive I do.

Q Do you claim under the treaty including that or under that particularly? A Well, I can't say that I claim under that particularly for I might say or think I understand that and don't.

Q You claim under the treaty, then? A Yes sir.

Q Do you know whether any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A No sir I don't.

Q Do you know whether any of your Choctaw ancestors were recognized Choctaw Indians members of the tribe in 1830? A Well, I don't know it but I have been taught that they were.

Q Lived with the Indians, dressed like them and associated with them? A I don't know.

Q And lived with them as they did and were recognized by them?

A I can't say about that but I have been taught that my ancestors lived with the Indians.

Q What was the name of your Choctaw ancestor who lived in Mississippi or Alabama in 1830 and was head of a family? A I can't be positive; I claim my Mississippi Choctaw blood through William Allen. He was my great great grandfather; his son was my great grandfather I believe.

Q You don't know whether he lived in Mississippi in 1830, do you? A No sir, I don't.

Q Do you know of any Choctaw ancestors you had who lived in Mississippi in 1830? A No sir I can't give the date; I have been taught that they used to be there and used to live there; I can't give the date 'cause I don't know much about my people.

Q Are you related to Isaac B. Allen? A Yes sir.

Q Joseph T. Spurlin? A He is an own uncle.

Q Dixon G. Spurlin? A Yes.

Q They have appeared on this date? A Yes sir.

Q Do you wish their testimony to be considered with yours in order that you may be allowed the benefit of their testimony? A Yes sir.

Q Do you know whether any of your ancestors owned any improvements on land in Mississippi or Alabama? A No sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the present Choctaw Nation in 1833 to 1838? A I don't know.

Q Did any of your Indian ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent, Col. Ward, that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your Mississippi Choctaw ancestors ever claim or receive land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Or under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know that either.

According to the provisions of article fourteen of the Treaty of Dancing Rabbit Creek the United States Indian agent who lived in Mississippi in 1830 was requested by the Government to make a list of all the Choctaw claimants who claimed rights under article fourteen of that treaty. This Indian Agent failed to record the names of a great many Indians who came before him within six months after that treaty, and as a result of his neglect many Indians who had land in Mississippi with improvements had that land taken from them. This led to many complaints and in 1837 a Commission was appointed which Commission went to Mississippi and heard claimants who claimed rights under article fourteen and made lists of the names of these claimants. In 1842 another Commission was appointed which also made lists of the names of those Indians who claimed rights under article fourteen of that treaty.

Q Do you know if any of your ancestors, if Choctaw Indians went before either of these Commissions, that of 1837 or 1842, and claimed rights under article fourteen of that treaty? A I don't know; no sir

The Act of Congress of August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the Treaty of Dancing Rabbit Creek but that his land had been sold by the Government he should receive land either in the State of Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land and a certificate thereto be issued to him to that effect; these were called scrip.

Q Do you know whether any of your ancestors received any such scrip as Choctaw Indians? A No sir.

Q Do you know when and where were your father and mother married?

A In Bossier Parish Louisiana; I don't remember the date.

Q Was it by a minister, do you know, and under a license? A I have been told it was under a license.

Q Have you the marriage license and certificate of the marriage of your father and mother? A I don't know whether they could be produced or not.

Q Have you any documentary evidence you want to file at this time?

A Yes sir.

The written application of this claimant introduced by him, received, filed, marked Exhibit "A", and made a part of the record in this case

Also a reasonable time will be allowed this applicant in which to file other documentary evidence if he desires to do so in support of this claim.

Q You don't speak Choctaw? A No sir.

Q Is there anything further you want to say in support of this claim? A Not now; no sir.

This applicant has the appearance and physical characteristics of being descended from white parentage. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830. He has light complexion, blue eyes and light hair.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of October, 1901.

Charles H. Seeger

Notary Public.

COMMISSIONERS
HENRY L. DAWES
TAMS LIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON I. AYLESWORTH
FRED TAL

M. C. R. 3647

Muskogee, Indian Territory, December 6, 1902.

John A. Waldrop,

Howe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.,	M	C	R	3772
Mary E. McCurdy, et. al.,	M	C	R	3776
Cora Vaughan, et. al.,	M	C	R	3799
Robert Holloway,	M	C	R	3788
Sallie Watts,	M	C	R	3779
Emmet Holloway, et. al.,	M	C	R	3775
Kate O. Watts,	M	C	R	3785
Louisiana A. Holloway, et. al.,	M	C	R	3781
George W. Holloway, et. al.,	M	C	R	3790
Mark Holloway,	M	C	R	3789
Mary L. Allsup, et. al.,	M	C	R	3786
Green A. Martin, et. al.,	M	C	R	3782
Mary E. Franklin,	M	C	R	3784
Henry G. Martin, et. al.,	M	C	R	3764
Fannie E. Hall, et. al.,	M	C	R	3783
Annie L. Francis,	M	C	R	3787
Gussie M. Johnson, et. al.,	M	C	R	3791
John N. Martin, et. al.,	M	C	R	3792
James A. Martin, et. al.,	M	C	R	3765
Isaac B. Allen, et. al.,	M	C	R	3644
Clara P. Duke, et. al.,	M	C	R	3825
John G. Allen, et. al.,	M	C	R	3826
Charlie A. Allen, et. al.,	M	C	R	3824
James T. Allen,	M	C	R	3828
Henry C. Allen,	M	C	R	3827
Linna B. Dodson,	M	C	R	3777
Mary M. Waldrop, et. al.,	M	C	R	3773
Alfred J. Roberson,	M	C	R	3808
Elizabeth I. McMahan, et. al.,	M	C	R	3774
John A. Waldrop,	M	C	R	3647
Achille A. Waldrop,	M	C	R	3648
Prudie E. Wooten, et. al.,	M	C	R	3778
Joseph T. Spurlin, et. al.,	M	C	R	3646
Eixon G. Spurlin,	M	C	R	3646

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 Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Com Vaughan, Henry Vaughan, Clayburn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bammer Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer E. Holloway, Mark Holloway, Mary L. Allsup, Bammer E. Allsup, Green A. Martin, Ray A. Martin, Ernest C. Martin, Lee Ha Martin, Stella L. Martin, Carl H. Martin, Mary L. Franklin, Henry G. Martin, Beulah Martin, Mabel Martin, Clyde Martin, Robbie Martin, Fannie E. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zecal Martin, James A. Martin, Trula Martin, Isaac B. Allen, George E. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Clara P. Duke, Irene Caughy, Lucy Caughy, John G. Allen, Dwight V. Allen, Chadie A. Allen, Albert J. Allen, James T. Allen, Henry C. Allen, Linna B. Dodson, Mary M. Waldrop, Alfred Spurlin Waldrop, Mittie L. Waldrop, Alfred J. Roberson, Elizabeth L. McMahan, Alfred Franklin Waldrop, Zoma I. Waldrop, Gideon W. Waldrop, Maudie Lee Waldrop, Bertha M. Waldrop, Frankie P. Waldrop, Jessie Jewell McMahan, John A. Waldrop, Achilles A. Waldrop, Prudie E. Wooten, Burnace Wooten, Joseph T. Spurlin, Estella May Spurlin, Lula V. Spurlin, Alfred J. Spurlin and Dixon G. Spurlin as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

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

Respectfully,

Acting Chairman.

Registered.

M.C.R. 3647

Muskogee, Indian Territory, March 24, 1903.

John A. Waldrop,

Howe, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holleway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Wm. D. Dyer
Chairman.

For Identification as a Mississippi Choctaw.

Date SEP 26 1901

Name John A. Waldrop -

Age 24 Blood 1/32

Post Office, Howe, Texas,

Father; Franklin P. Waldrop. d

Mother: Elizabeth J. McMahon. b

Claims through mother

~~Claims~~

Claims for self
alone

Stenographer W. G. Harris,

Choctaw MCR 3648

Achilis A. Waldrop

See MCR 3772

MCR 3648

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. SEPTEMBER 28, 1901.

3648

In the matter of the application of Achilles A. Waldrop for identification as a Mississippi Choctaw.

No attorney for applicant.

Achilles A. Waldrop being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Achilles A. Waldrop. A-c-h-i-l-i-s.
- Q What is your age? A Twenty three.
- Q What is your post office address? A Howe, Texas.
- Q How long have you lived in or near Howe? A About seven years.
- Q Where did you live before you lived there? A In West Texas.
- Q What place? A Willbarger County.
- Q Where were you born? A Arkansas.
- Q What place? A Miller County, near Texarkana.
- Q How long did you live in that State? A I was about five years old I think when I left.
- Q Then you went where? A To Texas, Grayson County.
- Q Have you lived in Texas since? A Yes sir.
- Q What is your father's name? A Franklin P. Waldrop.
- Q Is he living? A No sir.
- Q What is your mother's name? A Elizabeth I. McMahan.
- Q Is she living? A Yes sir.
- Q Through which parent do you claim Choctaw blood? A My mother.
- Q How much Choctaw blood do you claim? A About a thirty second.
- Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q Are you married? A No sir.
- Q Claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Did you ever make application for citizenship to the Dawes Commission under Act of June 10, 1896? A No sir.
- Q Did you ever make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
- Q Were you ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for membership or enrollment in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you claim under article fourteen alone or under the whole treaty? A Under the whole treaty.

Q Do you understand that treaty? A I think I do since I have heard it read.

Q You think you understand article fourteen sufficiently well?

A I think I do from your reading a few minutes ago.

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

Q You understand that? A Yes sir.

Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A Not that I know of.

Q What was the name of the ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A William Allen.

Q Did he live in Mississippi in 1830? A I can't tell you

Q Can't you give the name of any Choctaw ancestor who you know lived in Mississippi in 1830? A No sir, I can't.

Q Did William Allen speak the Choctaw language? A Not that I know of.

Q How much Choctaw blood did he have? A I think about three fourths.

Q You claim through your mother? A Yes sir.

Q What was her maiden name? A Elizabeth Spurlin.

Q Her mother was? Mary Allen

Q And her father was named? A Gideon.

Q What was his father's name? A William Allen.

Q You don't know anything about whether William Allen or his son, Gideon Allen, lived in Mississippi in 1830? And was heads of families in that time there? A No sir, I don't.

Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi or Alabama? A Not that I know of.

Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent to the Choctaw Indians in Mississippi that they intended to stay in Mississippi, take lands there and become citizens of the States? A Not that I knew.

Q Did any of your ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1833 to 1838? A Not that I know.

Q Did any of your Choctaw ancestors claim or receive any land in Mississippi under article fourteen of the treaty of 1830? A I don't know.

Q Did they claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

The United States Indian agent was required by the Government to make a list of all Choctaw claimants who came before him within six months after the ratification of the treaty of 1830 and declared their intention to become citizens of the States and take land in Mississippi. The Choctaw agent, Col. Ward, failed to record the names of a great many Choctaw Indians who did make this declaration before him within the six months after the treaty, and as a result of his neglect a great many Indians who had land in Mississippi had the land taken from them by the Government and sold. This led to a great many complaints on the part of the Choctaw Indians, so that in 1837 a Commission was appointed by Act of Congress approved March 3, 1827 to go to Mississippi and hear claimants who claimed rights under article fourteen of the treaty of 1830. In 1842 another Commission was established for the same purpose and these two Commissions made lists of the names of Mississippi Choctaws claimants who claimed under the fourteenth article of the treaty of 1830.

Q Do you know whether any of your ancestors appeared before either of these Commissions, the Commission of 1837 or the Commission appointed in 1842 and claimed benefits under article fourteen of that treaty? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that any claimant proved his claim under article fourteen before that Commission and if it also appeared that he had previously lost his land, that he should be entitled to select land there in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant Government land, and that a certificate should be issued to him to that effect. These certificates were called scrip.

Q Do you know whether any of your ancestors got any such scrip from the Government? A No sir, I don't.

Q Have you any documentary evidence to introduce? A Yes sir.

The written petition of this applicant is presented by applicant, received, filed, marked Exhibit "A", and made a part of the record in this case.

Also reasonable time is allowed him in which to file other documentary evidence if he desires.

4

Q Is John A. Waldrop your brother? A Yes sir.
 Q And Dixon G. Spurlin and Joseph T. Spurlin your uncles? A Yes sir.
 Q Are you related to Isaac B. Allen? A Yes sir.
 Q These people have made application for identification as Mississippi Choctaws on the above date, September 28? A Yes.
 Q Do you want their testimony taken into consideration with yours that you may get the benefit of their testimony? A Yes sir.
 Q Do you speak or understand the Choctaw language? A No sir.
 Q Do you know when and where your father and mother were married?
 A I think I do. Bossier Parish, Louisiana, December 1, 1875.
 Q By a minister and under a license? A Yes sir.
 Q You haven't that license with you or a copy of it? A No sir, but I think I can produce it.
 Q Well, time will be given for you to do so.
 Q Do you want to make any other statement in support of your claim? Anything further you want to say? A I believe not; unless it is about that treaty; I didn't exactly understand how you got that, I intended to put in a claim for all the treaties since 1830.
 Q You claim under the treaty of 1830 and all other treaties since that time between the United States Government and the Choctaw Indians?
 A Yes sir.
 Q In other words, you want to claim under any and all laws or treaties that have any bearing in your case? A Yes sir.
 Q Including, of course, article fourteen of the treaty of 1830?
 A Yes sir.

This applicant has the appearance and physical characteristics of a white man; blue eyes, light complexion, auburn hair. Doesn't understand or speak the Choctaw language and has no knowledge of the compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 28, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 15 day of October, 1901.

Charles H. ...

Notary Public.

COMMISSIONERS
HENRY I. DAWES
JAMES L. ADY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 3646

ALLEN N. AVLEWORTH
CHIEF CLERK

Muskogee, Indian Territory, December 6, 1902.

Achilles A. Waldrop,

Howe, Texas.

You are hereby advised that on the 6th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza Holloway, et. al., embracing the following applications for identification as Mississippi Choctaws:

Eliza Holloway, et. al.	M C R	3772
Mary E. McCurdy, et. al.	M C R	3776
Cora Vaughan, et. al.	M C R	3790
Robert Holloway.	M C R	3788
Sallie Watts.	M C R	3779
Lucretia Holloway, et. al.	M C R	3775
Kate O. Watts.	M C R	3785
Louisiana A. Holloway, et. al.	M C R	3781
George W. Holloway, et. al.	M C R	3790
Mark Holloway.	M C R	3789
Mary L. Allsup, et. al.	M C R	3786
Green A. Martin, et. al.	M C R	3782
Mary E. Franklin.	M C R	3784
Henry G. Martin, et. al.	M C R	3764
Fannie E. Hall, et. al.	M C R	3783
Annie L. Francis.	M C R	3787
Gussie M. Johnson, et. al.	M C R	3791
John N. Martin, et. al.	M C R	3792
James A. Martin, et. al.	M C R	3765
Isaac B. Allen, et. al.	M C R	3644
Clara P. Duke, et. al.	M C R	3825
John G. Allen, et. al.	M C R	3826
Charlie A. Allen, et. al.	M C R	3824
James T. Allen.	M C R	3828
Henry C. Allen.	M C R	3827
Linna B. Dodson.	M C R	3777
Mary M. Waldrop, et. al.	M C R	3773
Alfred J. Roberson.	M C R	3808
Elizabeth I. McMahon, et. al.	M C R	3774
John A. Waldrop.	M C R	3647
Achilles A. Waldrop.	M C R	3648
Prudie E. Wooten, et. al.	M C R	3778
Joseph T. Spurlin, et. al.	M C R	3645
Lixon G. Spurlin.	M C R	3646

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 Commission concludes as follows:

"It is the opinion of this Commission that the evidence herein is insufficient to determine the identity of Eliza Holloway, Gertrude Holloway, Roy Holloway, Marshall Holloway, Lillie Holloway, Mary E. McCurdy, Clarence McCurdy, Callie Mary McCurdy, David Marshall McCurdy, Clara Vaughan, Henry Vaughan, Clayborn Vaughan, Florence Vaughan, Robert Holloway, Sallie Watts, Emmet Holloway, Floyd Elmer Holloway, Ray Edward Holloway, Newton Holloway, Kate O. Watts, Louisiana Alabama Holloway, Henry Marshall Holloway, Ada Allie Holloway, Andrew Jackson Holloway, Bessie Beatrice Holloway, George W. Holloway, Arthur T. Holloway, Elmer L. Holloway, Mark Holloway, Mary L. Allsup, Bennor E. Allsup, Cecen A. Martin, Ray A. Martin, Ernest C. Martin, Leo Ha Martin, Stella L. Martin, Carl H. Martin, Mary E. Franklin, Henry G. Martin, Beulah Martin, Mahol Martin, Clyde Martin, Robba Martin, Fannie L. Hall, James A. Hall, Joseph D. Hall, Martha Vernon Hall, Mary M. Hall, Floyd B. Hall, Annie L. Francis, Gussie M. Johnson, Annie L. Johnson, Claude Johnson, John N. Martin, Hattie Martin, Zeal Martin, James A. Martin, Tula Martin, Isaac B. Allen, George F. Allen, Bryant Allen, Calvin S. Allen, Beuna Vista Allen, Chen P. Duke, Irene Caughney, Lucy Caughney, John G. Allen, Dwight V. Allen, Charlie A. Allen, Albert E. Allen, James T. Allen, Henry C. Allen, Luana E. Dodson, Mary M. Waldeop, Alfred Spurlin Waddrop, Mittie L. Waddrop, Alfred J. Roberson, Elizabeth L. McMahon, Alfred Franklin Waddrop, Zeal L. Waddrop, Gideon W. Waddrop, Maudie Lee Waddrop, Beulah M. Waddrop, Frankie P. Waddrop, Jessie Jewell McMahon, John A. Waddrop, Achils A. Waddrop, Prudie L. Wooten, Burness Wooten, Joseph T. Spurlin, Estella May Spurlin, Lulu A. Spurlin, Alfred J. Spurlin, and Dixon G. Spurlin as Choctaw Indians entitled 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 ninety days from the date hereof within which to file comments in this office, and that at the expiration of said time the papers in the case, together with all arguments, will be forwarded on review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully

Acting Chairman

Registered

M.C.R. 3648

COPY

Muskogee, Indian Territory, March 24, 1903.

Achilis A. Waldrey,

Howe, Texas.

Dear Sir:

You are hereby notified that on the 14th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza Holloway, et al., of which decision you were advised by registered mail on the 6th day of December, 1902.

Respectfully,

Chairman.

WALDROP IS A MISSISSIPPI CLAIMANT.

Date SEP 28 1901

Name Achilles A. Waldrop,

Age 23 Blood 1/32

Post Office, Howe, Texas.

Father; Franklin P. " d

Mother: Elizabeth J. McMahon, l

Claims through mother

Claims for self
alone.

Stenographer W. S. Harris

Choctaw MCR 3649

Mary A. Peacock

See MCR 3694

MCR 3649

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 26, 1901.

In the matter of the application of Mary A. Peacock for the identification of herself and five minor children as Mississippi Choctaws.

Mary A. Peacock, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Mary A. Peacock.
Q How old are you? A I was born in 1864--I am going on 38 years old.
Q What is your post office address? A 9th street and 39th Avenue, Meridian, Mississippi.
Q How long have you lived in Mississippi? A I was born and raised in Mississippi.
Q Where were you born? A Smith county.
Q Have you ever maintained a residence in any other state than Mississippi? A No sir, I have lived here all my life.
Q What is your father's name? A Rank Royals.
Q Is your father living? A Yes sir.
Q What is your mother's name? A Klizabeth A. Royals
Q Is your mother living? A Yes sir.
Q Through which one of your parents do you derive your Choctaw blood? A From my mother.
Q Is your father a white man? A Yes sir.
Q Has no Choctaw blood? A No sir.
Q Did he ever make claim for citizenship in any tribe of Indians? A No sir.
Q You claim your Choctaw blood is derived through your mother? A Yes sir.
Q How much of a Choctaw is your mother? A The way we figure it we children are one eighth--my grandfather was one half Indian.
Q What was your mother? A Would it make her one third? --I know my mother always said my grandfather was one half Indian.
Q Just answer the question--how much Choctaw was your mother? A I think they call it one third--We children they said were one eighth.
Q You claim one eighth Choctaw blood? A Yes, if I have been told right.
Q How old a woman is your mother? A I don't know mother's age, but she is an old lady.
Q About how old? A I believe she is somewhere in sixty. I can't say exactly because I don't know it--She was fity several years back.
Q Where was she born? A In Mississippi.
Q Where? A I don't know exactly what county, but I think it is Smith County; but I know she was born within fifteen miles from where we lived.
Q What was your mother's father's or mother's name? A My grandmother was names Annie Womack.
Q Your mother's maiden name was Klizabeth A. Womack? A Yes sir.
Q Was your grandmother a Choctaw Indian? A No sir, my grandfather.
Q What was his name? A I think his name was John, I am not sure; I never did see him.
Q His name was John Womack? A I think that was his name I don't know he died before I was born.

Mary A. Peacock--- 2

- Q He was part Indian? A I know my mother always told me about his being part Indian, but there is people living who have seen him.
- Q Are you married? A Yes, I am married.
- Q What is your husband's name? A Ford Peacock.
- Q Where did you marry him? A Smith county.
- Q Mississippi? A Yes.
- Q He is living now? A Yes.
- Q Is he a white man? A Yes.
- Q Are you making application for him? A No, I am not making application for him, I am making for myself.
- Q When were you married? A In 1879.
- Q Did you marry under a license? A Yes sir.
- Q Married by a minister? A Yes.
- Q Were you ever married before you were married to him? A No.
- Q Was he ever married before he married you? A No sir.
- Q Have you any children under twenty one years of age and inmarried that you want to make application for? A My children are all under twenty one.
- Q How many children have you? A I have five living.
- Q What are the names and ages of your five children? A My oldest boy will be ninteen next May.
- Q What is his name? A Buck G. Peacock.
- Q What is the name of the next? A Mamie.
- Q How old? A She is going on eleven.
- Q Next? A Annie.
- Q How old? A She is going on nine years old.
- Q Next one? A Elizabeth, five years old.
- Q Next one? A Next one is a little boy named Reynolds F.
- Q How old? A Two.
- Q Are ~~all~~ these all the children you have? A Yes sir.
- Q Do you and your husband live together as husband and wife? A Yes
- Q You are the mother of all five of these children? A Yes
- Q And Ford Peacock is the father of all of them? A Yes.
- Q Have you or your children ever been enrolled by the tribal authorities of the Choctaw Nation in Indian Territory as citizens of that Nation? A I have not been over there.
- Q Have you ever been enrolled or admitted to citizenship in the Choctaw Nation, Indian Territory? A No sir.
- Q Have you or any one for you or for your five minor children ever made application to the Choctaw tribal authorities in Indian Territory to be admitted to citizenship in that nation? A I wrote some letters about three years ago, but when I got answers to those letters they said they had closed or something like that.
- Q You never made application? A No sir, I was going to if the weather had not been so bad when they met at Decatur, three years ago.
- Q In 1896, this Commission was empowered by act of Congress approved June 10, 1896, to receive and determine original applications for citizenship in the Choctaw Nation---Did you or did any one for you or for your children file an application with this Commission at that time? A No sir.
- Q Have you or your children ever been admotted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by judgment of the United States Court in Indian Territory? A No.
- Q Have you or has any one for you ever prior to this time made any application of any description to either the Choctaw tribal author-

Mary A. Peacock-----3.

ities or to the legally constituted authorities of the United States for citizenship in the Choctaw Nation? A Not that I know of.

Q This is the first application of any description that has ever been made by or on behalf of yourself or your children? A Yes sir.

Q Is it now your purpose in appearing before this Commission to claim rights in the Choctaw lands in Indian Territory for yourself and your five minor children as beneficiaries under the provisions of the fourteenth article of the treaty of 1830 between the United States and the Choctaw Indians? A Yes, if I understand you right.

The only legislation or authority in any manner vested in the Commission to hear and determine the rights of so-called Mississippi Choctaws is contained in a provision of the twenty-first section of the act of Congress of June 28, 1898, which provides: "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventeen hundred and thirty, and 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 treaty of Dancing Rabbit Creek, or the treaty of eighteen hundred and thirty, was entered into here in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a small portion of the state of Alabama, along its western boundary line, extending as far east to the Tom Bigbee river. The subject of that treaty was to secure the removal of the Choctaws from the country occupied by them in the states of Mississippi and Alabama to a country west of the Mississippi river. At the time that treaty was made, some of the Choctaws were unwilling to remove to the new country west of the Mississippi river, but preferred to remain in what constituted the old Choctaw Nation. For the benefit of this class of Indians, the fourteen article was inserted into this treaty as ratified on February 24, 1831. The fourteenth article provided: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over 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 fourteenth article as read to you required that in case a Choctaw desired to remain here in Mississippi and receive land from the government under its provisions, he should

Mary A. Peacock-----4.

within six months after the treaty of Dancing Rabbit Creek was ratified signify to the United States Indian Agent his intention, that is, he should go before him and in some way make known to him his desire to remain in Mississippi or Alabama and take advantage of the provisions of this fourteenth article. The treaty of Dancing Rabbit Creek was ratified on the 24th day of February 1831. After a Choctaw had signified his intention to the agent to so remain, he was entitled to a reservation of one section ~~of~~ of land, six hundred and forty acres, and in like manner was entitled to three hundred and twenty acres for each child living with him over ten years of age, and one hundred and sixty acres to each child under ten years of age. The reservations of the children must adjoin the location of the parent and these reservations must include the improvement owned by the head of the family on the date that this treaty was made, September 27, 1830. By the provisions of the fourteenth article, a Choctaw was required to live on his reservation for five years after the ratification of that treaty, and after that time he was entitled to a deed or patent from the government giving to him the right, title and interest of the government in the land. The last clause of the fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." The interpretation of this clause is that in case a Choctaw preferred to stay here in Mississippi and become a citizen of the United States and receive land under this fourteenth article, he should not by so doing forfeit any rights he might have as a citizen of the Choctaw Nation, provided he removed and joined the tribe in the western territory, except to share in the Choctaw annuity.

Q Do you understand that article? A Yes, I understand that.

That is the authority the Commission has--to determine the rights of persons who make application at this time claiming they are descendants of these Choctaw Indians who took advantage of these provisions of this treaty and the fourteenth article as made here seventy one years ago.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of 1830? A I don't know that they claimed any home in Mississippi that way.

Q Were your ancestors living in Mississippi and recognized as members of the Choctaw tribe of Indians on September 27, 1830? A I don't know, I know my grandfather died in Mississippi.

Q What was your grandfather's name? A I don't know, I think his name was either John or Frank Womack, but he died before I was born. My aunt that was here in the spring that came to put in her claim said he came from Alabama over here to Mississippi and went down into the Creek where there was a good many Indians living then, and he made his home there and died in that neighborhood.

Q When did he come from Alabama to Mississippi? A I don't know whether he was born and raised there or not. We have always been taught that he was Choctaw and we was kin to the Choctaws.

Q You understand that it is our endeavor to trace your ancestors back to some Choctaw who was a recognized member of the tribe in Mississippi in 1830? A Yes sir.

Nery A. Peacock-----5.

- Q Your mother was not living in 1830? A No sir.
- Q You don't know positively the name of her father? A No sir.
- Q Do you know of the availability of any witnesses who can testify as to your grandfather? A Yes sir, my witnesses know his name.
- Q Whom do you know could testify to that fact? A Mrs Elizabeth Creel, she lives in Meridian, and Mrs Becky Ann Waters living in Choctaw county, she is here now visiting us.
- Q Did any of your Choctaw ancestors own any improvements on land here in Mississippi in the old Choctaw Nation at the time this treaty of 1830 was made? A I don't know.
- Q Did any of your Choctaw ancestors remove from Mississippi to the Indian Territory at the time of the removal of the Choctaw tribe between 1833 and 1838? A I don't know.
- Q Did any of your Choctaw ancestors ever live in the Choctaw Nation in Indian Territory? A My grandfather was there when they were fighting; I think my aunt that was here in the spring told me about it.
- Q Fighting where? A Because they were fighting, and they were about to be all killed and there were three white men living and they married the Indians squaws to save their lives.
- Q Do you mean your grandfather was a white man? A No, he was half Indian.
- Q What do you mean by the three white men who married the Indian squaws? A I don't know whether it was my great grandfather or grandfather, but my aunt explained it to me.
- Q My question was, have any of your Choctaw ancestors ever lived in the Indian Territory, in the Choctaw Nation in Indian Territory? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of this treaty of 1830 signify to the United States Indian Agent here in Mississippi their intention to remain here and become citizens of the United States? A I don't know.
- Q Did any of your ancestors ever receive a grant of land here in Mississippi or Alabama from the United States government in satisfaction of any claim arising under the fourteenth article of the treaty of 1830? A Not that I know of.

In accordance with the provisions of the fourteenth article of the treaty of 1830, the government directed the agent of the Choctaws here in Mississippi to register the names of all of the Choctaw Indians who might desire 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 really did signify to him their intention to remain in Mississippi and take advantage of the provisions of this fourteenth article of that treaty. On this account in many instances the land in which the Indians had improvements and which they desired reserved for them under article fourteen was sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused many complaints by the Indians, and finally the matter was brought to the attention of Congress and on March 3, 1837, legislation was approved for the appointment of a Commission to come to Mississippi and hear the claims and testimony of persons who might claim rights under article fourteen of the treaty of 1830. This commission was appointed and did act, but in the time allowed them in which to act was short, and after the expiration of their authority,

Mary A. Peacock-----6.

on August 23, 1842, another Commission was authorized by Congress to further hear testimony of claimants and adjudicate such rights as they might have. This second Commission also came to Mississippi and heard a great many cases.

Q Did any of your ancestors-- your grandfather or any of your Choctaw ancestors--ever appear before either of these Commissions, the one that was appointed by act of Congress of March 3, 1837, or the one by act of Congress approved August 23, 1842, and attempt to establish their rights under article fourteen of the treaty of 1830?
A If they did, I never heard of it.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had been deprived of his land, but had complied with article fourteen, he should be entitled to land from the public domain of the United States in the states of Mississippi, Alabama, Louisiana or Arkansas, and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did any of your ancestors ever receive from the United States Government any certificate or scrip in satisfaction of a claim under the fourteenth article of the treaty of 1830? A I don't know.

Q So far as you know were any of your ancestors ever in any manner recognized as citizens of the Choctaw nation here in Mississippi or Alabama? A Not that I know of.

Q You stated a while ago that you desired to offer the testimony of Mrs Waters? A Yes sir, she used to know my grandfather.

Rebecca Ann Waters, 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 Rebecca Ann Waters.
Q What is your age? A Sixty eight.
Q Where do you live? A I live in Sharkey county.
Q What is your post office? A Catchings.
Q Have you any Choctaw blood? A No sir.
Q You are a white woman? A Yes sir.
Q How long have you lived in Mississippi? A I was born and raised in Mississippi.
Q Where were you born? A Smith County.
Q Do you know this applicant before the Commission, Mary A. Peacock?
A Yes sir.
Q Have you any interest what ever in the prosecution of a claim that she makes for identification of herself and children as Mississippi Choctaws? A No sir, none at all.
Q How long have you known her? A Ever since she was born.
Q What was her maiden name? A Royals--my brother's daughter.
Q What was her mother's name? A Elizabeth A. Royals.
Q How long did you know her? A When I was a small girl--we were raised up together.
Q What was her maiden name? A Womack.
Q What was her father's name? A Womack.
Q His full name? A Frank Womack.
Q Did you know him personally? A Yes sir, I knew him many a time

Mary A. Peacock-----7.

and have been to see him when he was sick, and when he died.

Q Where did you first know him? A In Smith county.

Q How old were you when you first knew him? A I was about ten years old.

Q Do you know how long he and his family had been living in that neighborhood when you first knew them? A Ever since I can recollect they had been there.

Q What was his wife's name? A Annie.

Q They were married, were they? A Yes sir.

Q You know that Elizabeth A. Royals, the mother of this applicant, Mary A. Peacock, was their daughter? A Yes sir.

Q What was the general appearance of Frank Womack? A He was a dark complected man, very dark, black hair and black eyes.

Q You have lived in Mississippi all your life? A Yes sir.

Q You have seen the full blood Choctaw Indians here? A Yes sir.

Q How did he compare with the Choctaw Indian--the full blood? A He resembled them very much.

Q Could he speak the Choctaw language? A Yes sir.

Q Can you speak the Choctaw language? A I could when they left Mississippi, but it has been so long I cannot talk it now.

Q Do you remember when the Choctaw Indians were removed to the Indian Territory from Mississippi? A Yes sir.

Q Was Frank Womack the grandfather of this applicant recognized and considered as a member of that tribe at that time? A Yes sir.

Q Why did he not move to the Indian Territory when the Indians moved there? A I cannot tell you that; I reckon it was because he had a home here and was raising a family.

Q Do you remember there were certain of the Choctaws who did not want to go to the Indians Territory and they got land here in Mississippi? A Yes sir.

Q Did Frank Womack ever get any land or scrip from the government as a Choctaw Indian? A No sir, not that I know of.

Q Do you know whether he ever attempted to have any land granted to him under the treaty of 1830? A No sir, I don't think he did.

Q Did he own land when the treaty was made? A Yes sir he owned land in Smith county not far from where my father lived.

Q How did he get possession of that land? A I reckon he bought it or entered it like other people.

Q Do you know anything about Frank Womack ever having been in any manner recognized by the United States government and having had rights granted him as a Choctaw? A No sir.

(Witness Excused)

Applicant, Mary A. Peacock, recalled:

By the Commission:

Q You state you have another witness whose testimony you want to get? A Yes sir.

Q Have you any written evidence, documents of any description, affidavits, depositions, or copies of records, deeds or patents, or any papers that would show that your ancestors were ever recognized as members of the Choctaw tribe of Indians in Mississippi? A No. I knew for years we were kin to them, but didn't know how much until this spring, and didnt care.

Mary A. Peacock--- -8.

- Q Do you know whether your grandfather ever had any Choctaw name?
A No, he never had any that I know of.
Q Do you desire to offer any documentary evidence at some future date in support of this application? A I want to put in my claim right---I don't know about the writings.
Q Do you know of the availability of any documentary evidence? A No sir, I never seen my grandfather.
Q I am talking about the availability of any records or written testimony of any kind? A No sir.

A reasonable time will be granted to you in which to offer such proper written evidence as you may see fit to introduce in support of your application, and the Commission will hear the testimony of such witnesses as you may bring before it at Meridian, Mississippi, before October 10th, 1901, and after that time the Commission will hear the testimony of witnesses at Atoka, Indian Territory.

- Q Are there any further statements you want to make in support of your application? A No sir.
Q Have you any brothers or sisters, or any relatives descendants of the same common ancestor, who have appeared before the Commission prior to this time for identification as Mississippi Choctaws?
A No sir, I have some in Texas.
Q What are the names of your brothers or sisters? A I have no sisters living.
Q What are the names of your brothers? A Oscar L. Royals, Lafayette Royals, Steve C. Royals, and Duncan Royals.
Q Can you speak the Choctaw language? A No sir.
Q Have you any knowledge of it? A No sir, I don't understand it.
Q Didn't you say that you had an aunt who had appeared here? A Yes my aunt Lucinda Rogers.
Q Is her name Lucinda M. Rogers? A Yes, Lucinda Rogers.
Q Has she any children? A She has children but they are grown.

(Reference is made to application of Lucinda M. Rogers, M.C. R-2692.)

- Q She is the only one of your relatives who have appeared before the Commission? A Yes.

The applicant in this case is apparently a white woman, and has none of the general characteristics or features of a Choctaw Indian. She does not speak the Choctaw language, and has no knowledge of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

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 26th day of September, 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 27th day of September, 1901.

H.C. Risteen
[Signature]
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 28th, 1901.

In the matter of the application for identification as Mississippi Choctaws of Mary A. Peacock and her five minor children, heard at Meridian, Mississippi, September 26, 1901.

Testimony of Elizabeth Creel, a witness duly sworn on behalf of applicant, the applicant being present in person at the time of the examination of this witness.

Elizabeth Creel being first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Elizabeth Creel.
Q How old are you? A I am fifty two or fifty three; I think in September I will be fifty three.
Q Where do you live? A I live in Meridian.
Mississippi? A Yes sir.
Q How long have you lived in Mississippi? A I think it is fourteen years in March.
Q Where did you live before that? A I lived part of the time before I went to Meridian I lived in Scott county.
Q How long have you lived in Mississippi? A Ever since I was ten years old; I have been here ever since I was ten years old, and I lived just a little while may be two years in Alabama.
Q Where were you born? A South Carolina.
Q You lived there until you were ten years old? A Yes, and then went to Alabama.
Q You are a white woman? A Yes sir.
Q Have no Indian blood? A No sir.
Q Do you know Mary A. Peacock? A Yes sir.
Q Have you any interest in the application that she is prosecuting for identification of herself and children as Mississippi Choctaws before this Commission? A I have no interest in the world, except the good will I have for her.
Q What was Mary Peacock's maiden name? A Royals.
Q What was her father's name? A Rankin Royals.
Q Was he a white man? A Yes sir.
Q He had no Indian blood? A If he did, I don't know him so well.
Q What was Mary Peacock's mother's name? A Betsey Ann Womack.
Q That was her name before she was married? A Yes sir.
Q She had Choctaw blood? A That is what I was always told.
Q What do you know about her Choctaw blood? A We lived there.
Q Lived where? A Lived near Mrs Betsey Ann Womack's.
Q Tell me definitely where that is? A In Smith county.
Q What state? A In Mississippi.
Q All right? A I lived close to them for years, I was young and didn't keep any record of how many years I lived right next to or to them, and saw their father old man Frank Womack. He was an invalid, and also his wife. She was kind of a doctor lady.
Q What do you know about them having Choctaw blood? and being recognized as members of the tribe? A I couldn't say only as I have been taught ever since I first heard of them. I was told that her father was one half.

Mary A. Peacock et al----2.

Q Whose father? A Betsey Ann's.

Q What was his name? A Frank Womack.

Q Did you know him personally? A Yes sir, I saw him a number of times.

Q What was his general appearance? A He was an invalid and he was not able to do but very little.

Q What was his general appearance? A He was tall and very dark, dark hair and dark eyes--I lived right by him---

Q How was he generally considered by his neighbors here in Mississippi. A A heap of them saie he was a little contrary but he was a good citizen.

Q What we are trying to find out is as to his recognition as a Choctaw Indian--I was to know how he was considered? A I couldn't tell you only I lived--his farm was next to father's, and I often went to see the girls and I was always told that--

Q How was Frank Womack considered among his neighbors relative to being an Indian? A Everybody thought he was. They said he was--- one half Indian, but of course I don't pretend to tell you that I know him to be that; that was what he was said to be, I couldn't tell what I don't know.

Q Did you ever hear the Choctaw language spoken? A No sir, but very little. I don't know a thing about the Choctaw language. I would like to add one thing. There was one of the girls run away and got married and being under age, and his father said that the only objection to his son marrying this girl was that they were not clear blooded people.

(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 28th day of September, 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 30th day of September, 1901.

[Signature]

Notary Public.

Muskogee, Indian Territory, January 27, 1903.

Mary A. Peacock,

Ninth Street and Thirty-ninth Avenue,

Meridian, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th inst., in which you state that you are a member of the Royals family and ask to be advised of the present status of your case.

In reply to your letter you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and five minor children as Mississippi Choctaws. Your case has been made a part of the consolidated case of Elizabeth A. Royals and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor. The Commission has not, up to the present time reached any opinion or decision relative to the rights of the several applicants to be identified as Mississippi Choctaws but is now considering their cases and it is probable decisions will be rendered in the near future. The several applicants will be notified of the action of the Commission and of the forwarding of the records to the Secretary of the Interior.

Respectfully,

Acting Chairman

COPY.

M.C.R. 3649

Muskogee, Indian Territory, February 13, 1903.

Mary A. Peacock,

9th Street & 39 Ave.

Meridian, Mississippi.

Dear Madam:

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

Elizabeth A. Royals,	M.C.R. 3694
Lucinda M. Rogers,	M.C.R. 2692
Jefferson Rogers, et al.,	M.C.R. 2841
John A. Rogers, et al.,	M.C.R. 2842
Edna M. Austin, et al.,	M.C.R. 2843
Oscar L. Royals, et al.,	M.C.R. 3695
Lafayette G. Royals, et al.,	M.C.R. 3696
Stephen G. Royals,	M.C.R. 3697
Mary A. Peacock, et al.,	M.C.R. 3649

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 Elizabeth A. Royals, Lucinda M. Rogers, Jefferson Rogers, Fannie Rogers, George Washington Rogers, Chester Roy Rogers, John A. Rogers, Robert G. Rogers, Hilda C. Rogers, Julia M. Rogers, Edna M. Austin, Edna M. Austin (2), Rogers V. Austin, Oscar L. Royals, Vander Lee Royals, Lafayette G. Royals, Peeler Royals, Joe Henry Royals, Stephen C. Royals, Mary A. Peacock, Buck G. Peacock, Mamie Peacock, Annie Peacock, Elizabeth Peacock and Reynolds F. Peacock as Choctaw Indians entitled 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,

Jame Dixie
Acting Chairman.

Registered.

M.C.R.3649.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Mary A. Peacock,
Ninth Street and Thirty-ninth Avenue,
Meridian, Mississippi.

Dear Madam:

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 Elizabeth A. Royals, et al., of which decision you were advised by registered mail on the 13th day of February, 1903.

Respectfully,

James H. Fisher
Chairman.

#14

No. 3649

For Identification as a Mississippi Choctaw.

Date SEP 21 1901

Name Mary C. Peacock.

Age 38. Blood 1/8.

Post Office Meridian, Miss
7th St. and 39th Ave.

Father: Aunt Royals - ✓

Mother: Elizabeth C. Royals - ✓

Claims through mother.

HUSBAND: Ford Peacock - ✓
(no claim for husband).

Children:

- Buck C. Peacock 19.
- Mamie " 11.
- Annie " 9.
- Elizabeth " 5.
- Reynolds " 2.

Claims for self and 5 children.

Stenographer

H. C. Rosten.

Choctaw MCR 3650

Eliza Brooks

MCR 3650

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

-oOo-

In the matter of the application of Eliza Brooks, for identification as a Mississippi Choctaw, M.C.R. 3650.

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

	(Page)
Original application of Eliza Brooks to the Dawes Commission for identification as a Mis- sissippi Choctaw-----	1
Decision of the Commission refusing the ap- plication of Eliza Brooks for identification as a Mississippi Choctaw-----	4

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Meridian, Mississippi, September 27th, 1901.

In the matter of the application of Eliza Brooks for the identification of herself as a Mississippi Choctaw.

Said Eliza Brooks, being first duly sworn, testified as follows:-

Represented by A. W. Trotter, Attorney.

Examination by the Commission.

- Q Q What is your name? A Eliza Brooks.
Q How old are you? A Forty-nine years old.
Q Where do you live? A Here in Meridian.
Q Have you any street number? A I live out of the corporation.
Q Where do you get your mail? A At Mr. Morton's store.
Q Where is that? A Corner 16th street and 16th avenue.
Q How long have you lived in Mississippi? A I have been here I reckon twenty years or more.
Q Here in Mississippi? A Yes sir.
Q Where did you live before that? A In Green County, Alabama.
Q How long did you live there? A I don't know, sir; I was a child.
Q About how long? A Two or three years.
Q Where did you live before that? A I was bred and born in South Carolina.
Q How old were you when you left South Carolina? A I don't know, sir.
Q What is your father's name? A Wiley Wilson.
Q Is your father living? A No sir, been dead for years.
Q What is your mother's name? A Phoebe Brooks, she married a Brooks after my father died.
Q Is your mother living? A No sir, dead.
Q Through which one of your parents do you derive your Choctaw blood? A Grandmother.
Q Which one of your parents? A My mother.
Q You say you were born in South Carolina? A Yes sir.
Q How long before you were born did your mother live in South Carolina? A I don't know, sir.
Q What do you know about your mother's residence prior to your birth? A I don't know nothing about it.
Q Did your mother always live in South Carolina? A I don't know, sir.
Q Do you know anybody that knows anything about your mother? A Yes sir, people out in the country. People that knew her all her life.
Q Does Mr. Trotter represent you? A Yes sir.
Mr. Trotter is questioned as follows:-
Q Mr. Trotter-what is your idea in having this woman come up here?
A I thought she knew about her ancestry.

Witness recalled.

- Q What is your idea in coming here this morning? A To make my claim.
Q As what? A An Indian.
Q What kind of Indian? A Choctaw.
Q Have you any evidence of the fact that any of your people were ever Choctaw Indians? A People out in the country; I can get them.
Q When can you get them? A I can get them within a short time.

Eliza Brooks--2

Q What do they know about you or your people? A Well they have been knowing us all my life.

Examination by Mr. Trotter.

Q You came from South Carolina, no Choctaw Indians lived out there.

By the Commission.

Q Who are these people that can testify about your mother being a Choctaw Indian? A I am going to get Mr. Tom Stroud.

Q Where does he live? A In the country.

Q Where? A About five miles in the country.

Q Who else? A Rose Wilson, an old black man.

Q What do they know about your mother? A They know her all her life.

Q Did they come from South Carolina? A Yes sir, Mr. Stroud didn't, but this black man did.

By Mr. Trotter.

Q When can you get your witnesses in here? A I can get them.

Q Unless you can show that you are a Choctaw Indian, there is no use in your applying here. I didn't ask you about your Choctaw blood.

Q By the Commission.

Q How much Choctaw was your mother? A I don't know, sir.

Q How much Choctaw blood do you claim? A I don't know.

Q You come up here and make the statement that you are a Choctaw Indian--how much Choctaw are you? A I don't know, sir.

Q Have you any Choctaw blood? A Well, my grandmother-

Q Have you any Choctaw blood in your veins? A Well, it must be, by my grandmother being an Indian.

Q Answer my question--have you any Choctaw blood in your veins?

A I don't know, sir.

Q Have you any children? A No sir.

Q Just want to make this application for yourself, do you? A Yes sir.

Alex. W. Trotter, attorney representing this applicant, here moved that her application be withdrawn and the examination of the applicant was discontinued at this point, she withdrawing her claim at this time for identification as a Mississippi Choctaw.
This applicant has every appearance of a full blood negro.

Ira S. Niles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause, heard at Meridian, Mississippi, September 27th, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic

Elisa Brooks---3

notes taken in said proceedings on said date.



Subscribed and sworn to before me this the 27th day of September,
1901, at Meridian, Mississippi.



Notary Public.

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

-000-

In the matter of the application of Eliza Brooks, for identification as a Mississippi Choctaw, M.C.R. 3650.

---: 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 Eliza Brooks 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 descend-

(2)

ant of Phoebe Brooks, formerly Wilson, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that 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 Phoebe Brooks, formerly Wilson, 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 Eliza Brooks, as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

(3)

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.

BY *James Bixby.*
Chairman.

BY *T. S. Hodges.*
Commissioner.

BY *C. R. Brockinridge.*
Commissioner.

Commissioner.

Muskogee, Indian Territory,

MAY 19 1881

COPY. H.C.R. 3650

Muskogee, Indian Territory, May 12, 1904.

Eliza Brooks,
Care Morton's Store,
Corner 16th Street & 16th Avenue,
Meridian, Mississippi,

Dear Madam:

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,

(Sic)

Chairman.

Registered.

M.C.R. 3650

Muskogee, Indian Territory, May 12, 1904.

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

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on May 12, 1904, rendered its decision refusing the application of Eliza Brooks for identification as a Mississippi Choctaw.

You are further notified 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,

(S)

Chairman.

Registered.

M.C.R. 3650.

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 Eliza Brooks 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)

Tamie Livvy

Chairman.

Incl. MCR 3650.

COPY.

Muskogee, Indian Territory, May 28, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record in the matter of the application to the Commission of Eliza Brooks 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, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tamc Darby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Incl. MCR 3650.

(COPY).

Land.
36712-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 21, 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, in the matter of the application of Eliza Brooks for identification of herself as a Mississippi Choctaw wherein a decision rejecting her application was made May 12, 1904.

The record shows that the applicant was born about 1852 in South Carolina and is the child of Wiley Wilson and Phoebe, his wife, who are both dead; that the applicant claims through her mother; that she does not know her mother's maiden name; who was her Choctaw Indian ancestor, or that she has any Choctaw blood in her veins.

Her attorney moved to withdraw her application and no evidence has been filed in her behalf.

Notwithstanding the motion of the attorney for the applicant to withdraw, the Commission regularly decided this case stating that its records do not show the ancestor named to have been a beneficiary under the 14th article of the Choctaw treaty.

While it is questionable as to whether Phoebe Wilson was alive in 1830, and if alive, a resident of Mississippi or Alabama, or a recognized citizen of the Choctaw tribe, still an investigation has been made of the records of the office with reference to her name, and it is ascertained that her name does not appear among the names of those members

of the Choctaw tribe who complied with the provisions of the 14th article of the treaty or the subsequent legislation relative thereto and I therefore recommend that the decision of the Commission herein be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

MMM
C

(COPY).

DC.27506-1904.
ITD.5158-1904.
IRS.

DEPARTMENT OF THE INTERIOR, J.W.H. PHE
WASHINGTON, August 3, 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 Eliza Brooks for identification as a Mississippi Choctaw, including your decision of May 12, 1904, refusing to identify her as such.

Reporting in the matter June 21, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 3650

Muskogee, Indian Territory, August 27, 1904.

Eliza Brooks,
Care Morton's Store,
Corner 16th Street & 16th Avenue,
Meridian, Mississippi,

Dear Madam:

You are hereby notified that the Secretary of the Interior on August 3, 1904, 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 12th day of May, 1904.

Respectfully,

(SIGNED)

W. B. G.
Chairman.

M.C.R. 3680

COPY:

Muskogee, Indian Territory, August 27, 1904.

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

Dear Sir:

You are hereby notified that the Secretary of the Interior, on August 3, 1904, affirmed the decision of this Commission refusing the application of Eliza Brooks for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

James Finley

Chairman.

M.C.R. 3680.

COPY.

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Gernish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that the Secretary of the Interior on August 3, 1904, affirmed the decision of this Commission refusing the application of Eliza Brooks for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 12th day of May, 1904.

Respectfully,

(SIGNED)

Tamo Dixie

Chairman.

M C R 3650

Muskogee, Indian Territory, December 7, 1904.

James A. Burns,
Attorney at Law,
Biloxi, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, stating that the claimant in M. C. R. 3650 has discovered some new and valuable evidence in regard to her application for identification as a Mississippi Choctaw. You ask if this application can be reopened in order that such evidence may be submitted in support of the claim.

In reply you are informed that it appears from our records that on August 3, 1904, the Secretary of the Interior approved the decision of the Commission refusing the application of Elisa Brooks (M C R 3650) for identification as a Mississippi Choctaw, of which departmental action she was duly notified on August 27, 1904.

You are further advised that rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads

J A B 2

of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the 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 ex-

J A B S

posted that they will testify.

Respectfully,

Chairman.

1414

No. 3650

For Identification as a Mississippi Choctaw.

Date

SEP 27 1901

Name

Oliza Brooks.

Age

49

Blood

Post Office,

Meridian, Miss

Father:

Wiley Wilson dead,

Mother:

Phoebe Brooks dead

Claims through mother

Children.

Claims for herself alone.

Stenographer

Ara J. Niles

Choctaw MCR 3651

Arabula Stokes

See MCR 1631

MCR 3651

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Meridian, Mississippi, September 28th, 1901.

In the matter of the application of Arabula Stokes for the identification of herself and six minor children as Mississippi Choctaws

Arabula Stokes, having been first duly sworn, upon her oath testifies as follows:

Examination by the Commission:

- Q What is your name? A Arabula Stokes.
Q How old are you? A I am about thirty three.
Q What is your post office address? A Stamper, Newton county.
Q What state? A Mississippi.
Q How long have you lived in Mississippi? A All my life
Q Born here? A Yes sir.
Q Never have lived anywhere else? A No sir.
Q What is your father's name? A Charles Lewis Moss.
Q Is your father living? A No sir, he is dead.
Q Was he a white man or did he have Choctaw blood? A He was a white man.
Q What was your mother's name? A Martha Osbern Moss.
Q Is your mother living? A No sir.
Q Did your mother have Choctaw blood? A Yes sir.
Q Do you derive your Choctaw blood through your mother? A Yes sir
Q How much Choctaw was your mother? A About a quarter, I reckon.
Q How much Choctaw blood do you claim? A About an eighth, I reckon
Q How long has your mother been dead? A She has been dead about five years.
Q How old a woman was she when she died? A She was about sixty ~~two~~ three.
Q What was her maiden name? A Martha Harris.
Q What was her father's name? A I don't know sir what her father's name is.
Q Was he a white man? A Yes sir.
Q What was your mother's mother's name? A Sylvia Ann Harris.
Q Was she a Choctaw indian? A Yes sir, she was half Choctaw.
Q Do you know what her maiden name was? A She was a Leflore, I reckon.
Q What branch of the Leflore family did she belong to? A I don't know sir, I don't recollect.
Q Did your mother always live in Mississippi? A Yes sir.
Q Did your grandmother, Sylvia Ann Harris, always live in Mississippi? A Yes sir.
Q Did either your mother or grandmother love from Mississippi to the Choctaw Nation in Indian Territory? A No sir, I don't think they did.
Q Were either your mother or grandmother ever accorded any rights as citizens of the Choctaw Nation in Indian Territory? A No sir.
Q Did they ever receive any annuities in the Indian Territory or any benefits as members of the tribe in the allotments of lands here in Mississippi? A I don't know sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Samuel Walter Stokes.
Q Is your husband living? A Yes sir.
Q Is he a white man? A Yes sir.
Q Did he ever make any claim to citizenship in any tribe of Indians?
A No sir.

Arabula Stokes-----2.

- Q Has he any Indian blood in his veins? A No sir.
- Q Are you making any claim for him at this time? A No sir.
- Q Where did you marry him? A In Leake County, Mississippi.
- Q When? A In 1888.
- Q Did you obtain a license? A Yes sir.
- Q Were you married by a minister? A Yes sir.
- Q Who married you? A Porter Watkins.
- Q Have you your marriage license and certificate with you? A No, sir.
- Q Were you ever married before you married your present husband? A No sir.
- Q Was he ever married before he married you? A No sir.
- Q The marriage between you and Mr Stokes was the first marriage ceremony performed between either of you? A Yes sir.
- Q Have you any children under twenty one years of age and unmarried for whom you want to make application? A Yes sir.
- Q What are the names of your children? A My oldest boy is named Willie Alphonso.
- Q How old is he? A Thirteen years old.
- Q Next one? A Ossie Ola.
- Q How old is she? A Eleven.
- Q Next one? A Arra Bertha.
- Q How old? A She is seven years old.
- Q Next one? A Ada Belle.
- Q How old is she? A She is six.
- Q Next one? A Alice Bertie.
- Q How old? A She is two years old.
- Q Next one? A Ella May.
- Q How old is she? A She is four months old.
- Q Is that all? A Yes sir.
- Q One boy and five girls? A Yes sir.
- Q Are you the mother of all six of these children? A Yes sir.
- Q Is Samuel Walter Stokes the father of all six of them? A Yes sir.
- Q These children all live with you at your home? A Yes sir.
- Q Is your name or the name of any one of your six children upon any of the tribal rolls of the Choctaw nation in Indian Territory? A I don't know.
- Q Have you ever been accorded any rights to citizenship in the Choctaw Nation in Indian Territory, either you or your children? A I don't know sir.
- Q Did you ever receive any notice from the Choctaw nation? A No, sir.
- Q Did you or did any one for you or for your six minor children ever make any application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw nation? A I don't know sir.
- Q Did you or did any one for you ever try to have you enrolled or admitted to citizenship by the Choctaw tribal authorities or by the council--or did you ever make any endeavor to be enrolled as a member of the Choctaw tribe? A Yes sir.
- Q When? A It has been--I don't know exactly when--it has been about four or five years ago I reckon.
- Q Where? A I don't know sir.
- Q Who did you make the application to? A I don't know.
- Q What did you do? A I don't know anything about it.
- Q Do you know whether you ever made an application or whether any one ever made any for you to the Choctaw authorities? A I don't understand it; I never did have to answer questions that way--I don't understand it.

Arabula Stokes-----3.

- Q In 1896, this Commission was authorized by act of Congress approved June 10, 1896, to hear and determine, original applications for citizenship in the Choctaw Nation---Did you or did any one for you or for your children make an application in writing to the Commission to the Five Civilized Tribes at that time? A I don't know, I don't understand.
- Q Who did you make this application to? A I don't know.
- Q How do you know you made any application? A I know I put in my claim at Carthage in Leake county.
- Q Is that the only application you have ever made? A Yes sir.
- Q How long ago was that? A It has been about four or five years I reckon.
- Q You have never made any application to either the Choctaw authorities or to any tribunals in the Indian Territory, then? A Yes sir.
- Q Where did you make it? A I can't tell you where I made it.
- Q Can't you understand where the Indian Territory is? A Yes sir.
- Q Did you or did any one ever make application for you to the Choctaw tribal authorities in Indian Territory? A Nobody but myself.
- Q When did you make it? A I don't understand it.
- Q Did you ever make an application to the Choctaw tribal authorities or to this Commission in the Indian Territory? A No sir.
- Q Then the only application you ever made was at Carthage, Mississippi? A No you never have made any application to the Choctaw tribal authorities in Indian Territory? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or by the United States Court in Indian Territory? A I don't understand it.
- Q Have you ever been admitted or given any of the rights of citizenship by any tribunal, authorized to grant rights of citizenship in the Choctaw Nation? A Yes sir, I guess I have.
- Q Where is your act of admission--what have you got to show that--isn't that question plain? A I don't understand it.
- Q What is it you don't understand? A Do you mean that have I got any---
- Q Have you ever been admitted to citizenship? A Yes sir.
- Q When? A I don't know when.
- Q What do you mean by saying that you have been admitted to citizenship? A I don't understand it at all.
- Q What is it you don't understand? A I can't tell you.
- Q You can understand the English language, can't you? A Yes, of course I can.
- Q Have you ever obtained any judgment or any act of admission, any decree of any court establishing your rights to citizenship in the Choctaw Nation? A I don't know how to answer that question.
- Q Have you or have you not? A I have.
- Q Where is the act of admission---Where were you admitted, and when and how? A I can't understand it.
- Q What is it you don't understand? A I don't understand your words.
- Q Have you ever had any claim that has been acted upon? A No sir, I don't know as I have.
- Q Have you ever been admitted to citizenship, that is granted all the rights of citizenship--the rights to annuities, the right to lands in the Choctaw Nation, by any specific act by either the Choctaw Council or by this Commission or by the United States Court in Indian Territory, granting you privileges as a Choctaw citizen? A I don't understand it.

Arabula Stokes-----4.

Q What is it you don't understand? A I don't know why it is, but I don't understand.

By the Commission: It is absolutely necessary that you should understand these questions in order that we may get at the material facts in your claim.

Q Do you understand what the rights of citizenship mean? A Yes sir.

Q Have you ever been accorded any rights of citizenship in the Choctaw Nation? A I reckon not.

Q Tell me definitely have you been accorded any rights to citizenship? A No sir.

Q Have you ever prior to this time or has any one for you ever made an application to either the Choctaw tribal authorities in Indian Territory, to this Commission, or to the United States Court, to have your rights to citizenship adjudicated? A Yes sir.

Q When? A I don't recollect.

Q About how long ago? A Three or four years ago.

Q Where did you make it? A Carthage, Mississippi.

Q Did you make an application yourself? A Yes sir.

Q In person? A Yes sir.

Q Did you in person appear before the Commission at Carthage at the time this application was made for you? A I signed it.

Q Did you in person appear before this Commission and make the application yourself? A No sir, I didn't myself.

Q Who made it for you? A My husband, I signed it though.

Q I am talking about your personal appearance--who made application for you? A My husband.

Q He is a white man, isn't he? A Yes sir.

Q He made an application in person before this Commission? A No, sir, he never made it himself.

Q Who made it? A I don't remember who made it now.

Q How do you know anybody did them? A I know it, I went to Carthage to have it done.

Q Who made an application for you? A I don't know sir, I forgot.

This applicant is evidently the identical Arabula Stokes for whom an application was made to this Commission at Decatur, Mississippi, February 10, 1899, for the identification of herself and her four children, Willie, Beulah, Bertha and Minnie Stokes, the application being made by Elijah L. Moss. The following is a copy of his testimony before the Commission on that date:

Q. What is your age and where do you reside?

A I am thirty-six years old. I live at Meridian, in Clarke county, Mississippi.

Q For whom do you claim?

A I claim for myself and children. We made application to the Dawes Commission in 1896 and were denied.

Q Under whom do you claim? A My grandmother. I am a brother of Allen H. Moss and Silvia A. Johnson, who have heretofore applied to you at Carthage, Miss., and I claim under the same ancestors under whom they claim, viz: Silvia Ann Harris, a sister of Benjamin Leflore.

Q Is your wife a white woman? A Yes sir, Susie E. Moss.

Q Have you any evidence of your marriage to her?

A The record is at Carthage, Leake county, Mississippi

Arabula Stokes-----5.

Q Name your children?

A Fran, 9, George 6, Ralnage 3, and Kate T. one year old. I was married at Carthage, in Leake county, Mississippi, and if necessary can furnish certified copy of record. I want, also, to put in for my sister, Mrs Arabula Stokes, age 34 years, now the wife of Walter Stokes, and her children, as follows: Willie, 10, Boulah, 8, Bertha, 6, and Minnie, 2 years old. They also made application to the Dawes Commission in 1896 and were denied.

The name of this applicant and the names of the four children above mentioned appear upon the records of the Commission on M.C.C. D-72.

Q Did you or did any one for you in 1896 make application to this Commission for citizenship in the Choctaw nation? A Yes sir.

Q Is it your purpose in now appearing before this Commission as an applicant for yourself and children to be identified as Mississippi Choctaws, claiming lands in the Choctaw Nation in Indian Territory under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

The treaty of 1830 was entered into in Mississippi on the 27th day of September, 1830, between the United States and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws occupied portions of the states of Mississippi and Alabama, the territory occupied by them in Alabama being along the western boundary of the state. The object of the treaty was to secure the removal of the Choctaw Indians in Mississippi and Alabama to some country west of the Mississippi River, part of which is now the Choctaw Nation in Indian Territory. At the time the treaty was made, a number of the Choctaw Indians were unwilling to move to the new country west of the Mississippi river, but preferred to remain here in what constituted the old Choctaw nation, and receive allotments of land here. For the benefit of this ~~and~~ class of Indians the fourteenth article was incorporated in the treaty. That fourteenth article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." The fourteenth article of the treaty required that in case a Choctaw desired to remain here in Mississippi and receive land here under its provisions, he should within six months after the ratification of the treaty, which

Arabula Stokes-----6.

was on February 24, 1831, in person signify to the Choctaw agent his intention to so remain here and become a citizen of the states. The reservation to be set aside to the Indians who availed themselves of this article of the treaty, was a section to the applicant, being the head of a family, and if he had children living with him over ten years of age, such children would receive half section or three hundred and twenty acres of land; and such children as were under ten years of age, would receive an quarter section or one hundred and sixty acres of land. The reservations of the children were to adjoin the location of the parent. By the provisions of this fourteenth article, the Choctaw who desired to receive benefits thereunder was required to live on these reservations for five years after February 24, 1831. If he did so, he would then be entitled to receive a grant in fee simple from the government to the land, and he would after that time have a right to dispose of the tract in any manner that he chose. The last clause of the fourteenth article of the treaty provides that "Such Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." This clause means that if a Choctaw preferred to remain in Mississippi and become a citizen of the states, he did not forfeit his rights to citizenship in the Choctaw nation in Indian Territory should he afterwards move, except his rights to participate in the Choctaw annuities.

Q Do you think you thoroughly understand the provisions of the fourteenth article of the treaty of 1830 now,--Don't you understand all that I have read to you and explained to you? A Yes sir, I understand it.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830?

A Yes sir, I reckon so.

Q If you don't know, say so. If you have definite information, I want it? A Well, read it over again will you.

Q Did any of your Choctaw ancestors, the people that you are descended from, ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of 1830? A Yes sir.

Q How? A I am wrong there--I don't understand that.

Q You understood all that I have tried to explain to you about the provisions of this fourteenth article of this treaty? A What do you mean by treaty?

Q Don't you know what a treaty is? A No sir, I never did know.

Q Do you know what an agreement is? A No sir, I don't understand it.

Q Do you know what a contract is? A Yes sir, I reckon I do.

Well, a treaty is a contract, made between nations. When a contract is made between individuals or between companies or between firms doing business it is called a contract. Two people come together and contract to do certain things, now when two nations do that, it is called a treaty. This treaty between the Choctaw nation and the United States government in 1830 was made here in Mississippi and provided for the removal of the Choctaw Indians here in Mississippi to the Indian Territory. The fourteenth article of that treaty--that is the fourteenth section of the treaty--gave to those Choctaws who wanted to stay here in Mississippi the right to do so. But they must

Arabula Storee-----9.

go to the Indian Agent here, the representative of the United States government, and tell him they wanted to do what.

- Q Did any of your ancestors ever appear before this Choctaw agent in Mississippi and signify or tell him that they wanted to remain here and take advantage of the provisions of this fourteenth article of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors, the people that you are descended from, considered as members of the tribe and recognized as such here in Mississippi in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors own improvements on land here in Mississippi in 1830? A I don't know.
- Q Did any of your Choctaw ancestors ever remove from the state of Mississippi to the Indian Territory between the years 1833 and 1836? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land from the United States government under this fourteenth article of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors ever receive any land in the states of Alabama, Louisiana, Arkansas or Mississippi, from the United States government in satisfaction of any claim under this article? A I don't know sir anything about it.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government directed a Choctaw agent here in Mississippi to register the names of those Choctaws 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 really did signify to him their intention to remain. On this account, in many instances, land on which Indians had improvements and which they desired reserved for them under that fourteenth article of the treaty was sold by the government at public land sales. This action of the government caused many complaints by the Choctaws, and the matter was brought to the attention of Congress, and that body on March 3, 1837, enacted legislation providing for the appointment of a Commission whose duty it was to go to Mississippi and hear the claims of these Indians. This Commission acted, and on August 23, 1842, another Commission was empowered to hear and determine these claims of Choctaws who might have rights under the fourteenth article of the treaty of 1830.

- Q Did any of your Choctaw ancestors, or people from whom you derive your Choctaw blood, and under whom you claim this right at this time, ever appear before either of these Commissions, the one appointed under the act of March 3, 1837, and the other appointed under the act approved August 23, 1842, and attempt to establish their rights under this fourteenth article of the treaty of 1830? A I don't know sir.

The act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of the fourteenth article of the treaty of 1830 but that his land had been sold by the government, he should be entitled to a selection of land from vacant government land in the state of Mississippi, Alabama, Arkansas or Louisiana, and that a certificate to that effect

Arabula Stokes-----8.

should be given to him; these certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive from the United States Government any scrip in satisfaction of any claim arising under the 14th article of the treaty of 1830? A I don't know, sir.
- Q So far as you know, were any of your ancestors ever recognized members of the Choctaw Tribe of Indians? A I don't know, sir.
- Q Have you any witnesses here present whose testimony you desire to introduce at this time in support of your application? A My brother
- Q You don't know what your grandmother's husband's name was, the husband of Sylvia Ann Harris? A No sir, I don't know.
- Q Was your grandmother, Sylvia Ann Harris, a full sister to Benjamin LeFlore? A Yes sir.
- Q Have you any written evidence that you want to introduce at this time in support of your application for identification as a Mississippi Choctaw, any documentary evidence, any old deeds or patents or anything that would show that your people ever received any benefits under this 14th article? A No sir, I don't know of any.
- Q Do you know of the availability of such testimony? A No sir.
- Q Do you desire to offer any such documentary evidence within a reasonable time? A I don't know sir.

Reasonable time will be allowed this applicant in which to offer written evidence in support of her application, and the Commission will also hear the testimony of such persons as she may desire to present either at the office of the Commission at Meridian, Mississippi, prior to October 10, 1901, or after that date, before the Commission, at Atoka, Choctaw Nation, Indian Territory.

- Q Do you desire to say anything further at this time in support of your application? A No sir.
- Q Have you any relatives, any brothers or sisters or other descendants of this Sylvia Ann Harris, who have appeared before this Commission prior to this time as applicants for identification as Mississippi Choctaws? A Yes sir.
- Q What are their names? A My brothers?
- Q Your brothers or sisters or anybody who are descendant of Sylvia Ann Harris? A My brother Mige L. Moss, my brother William Moss.
- Q Have you any sisters who have made application to this Commission for identification? A Yes sir/
- Q What are their names? A Sylvia Ann Johnson, Lillie Augustus McMurray.
- Q Have you any others? A No sir, I haven't got any more sisters.
- Q These people are all the descendants of Sylvia Ann Harris? A Yes sir.
- Q Have they made application to this Commission for identification as Mississippi Choctaws? A Yes sir.
- Q Do you want their testimony and such evidence as they have submitted to be considered and made part of your application for identification? A Yes sir.
- Q Can you speak the Choctaw language? A No sir.
- Q Can you understand it? A No sir.

The applicant in this case is apparently a white person and has none of the characteristics or features of a Choctaw Indian. She is unable to speak and has no knowledge of the Choctaw language or of any compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830. She claims her rights as a descendant of Sylvia Ann Harris,

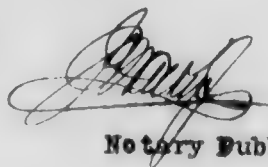
Arabella Sticher--- 9.

Whose maiden name was Leflore and a sister of Benjamin Leflore. There is no record of any Sylvia Ann Harris ever having complied with the provisions of the fourteenth article of the treaty of 1830, and as far as the records in the possession of the government show the claims of the Leflore family under the treaty of 1830 were satisfied under the fifteenth and nineteenth articles and the supplement of the treaty.

Ira S. Niles, being first duly sworn, upon his oath states: That as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings had in the above entitled cause on the 28th day of September, 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 28th day of September, 1901.



Notary Public.

COPY:

M.C.R. 3651

Muskogee, Indian Territory, August 5, 1903.

Arabula Stokes,

Stamper, Mississippi.

Dear Madam:

You are hereby advised that on the 5th day of August, 1903, the Commission to the Five Civilized Tribes, rendered a decision in the consolidated case of Samuel B. Long, et al., embracing the following applications for identification as Mississippi Choctaws:

Samuel B. Long, et al.	M.C.R. 1631
Lorenze S. Long, et al.	M.C.R. 1667
Presley Groves, et al.	M.C.R. 2109
Mignon Hutchins, et al.	M.C.R. 2130
Laura Peterson	M.C.R. 2154
Alpha Brantley, et al.	M.C.R. 2131
Iredell C. Groves	M.C.R. 2160
Lillie B. Gilbert, et al.	M.C.R. 2172
Mattie Leflore Johnson, et al.	M.C.R. 2114
Lewis A. Johnson, et al.	M.C.R. 2153
William C. Johnson, et al.	M.C.R. 2162
Mary M. Johnson	M.C.R. 2163
Rufus L. Johnson, Jr.	M.C.R. 2164
Sylvia A. Johnson	M.C.R. 2179
Minnie M. Thompson, et al.	M.C.R. 2180
Allen H. Moss, et al.	M.C.R. 2177
Charles M. Moss, et al.	M.C.R. 2178
Elijah L. Moss, et al.	M.C.R. 2184
Arabula Stokes, et al.	M.C.R. 3651
Solomon Leflore, et al.	M.C.R. 4701
William H. Marshall, et al.	M.C.R. 5009
James T. Marshall, et al.	M.C.R. 6117

Arabula Stokes, --2

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

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

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Samuel B. Long, Malcolm Long, Doc Ball, Halsey Ball, Percy Ball, Lorenzo S. Long, Olga Long, Matthews Long, Hinds Long, Presley Groves, Myrtle Groves, Mignon Hutchins, Orville Hutchins, Edna Hutchins, Clyde Hutchins, Emmette Hutchins, Frank Hutchins, Louie Hutchins, Jules Hutchins, Josephine Hutchins, Laura Peterson, Alpha Brantley, Colonel Brantley, Lucile Brantley, Elvie Brantley, Iredell C. Groves, Lillie B. Gilbert, Sir Walter Scott, George Darden Scott, John Sherrill Scott, Mattie Leflore Johnson, Rufus Barnett Johnson, Bennie Lewis Johnson, Irene Johnson, Lewis A. Johnson, Horace Johnson, Lewis Johnson, Rufus Johnson, William C. Johnson, Annie C. Johnson, Neva Johnson, Judith Johnson, Cauthen Leadbetter Johnson, William G. Johnson, Mary M. Johnson, Rufus L. Johnson, Jr., Sylvia A. Johnson, Minnie M. Thompson, Claude Thompson, Eunice Thompson, Zella Thompson, Jimmie Thompson, Allen H. Moss, Paul B. Moss, Charles M. Moss, Minnie Moss, Annie May Moss, Elijah L. Moss, Erin Moss, George Moss, Telmadge Moss, Kate Emma Moss, Arabula Stokes, Willie Alphonso Stokes, Ossie Ola Stokes, Arna Bertha Stokes, Ada Belle Stokes, Alice Bertie Stokes, Ella May Stokes, Solomon Leflore, Susan Leflore, Mary W. Leflore, Luvertus Leflore, Martha Leflore, William H. Mars all, Jonnie Evie Mars all, Lee Marshall, James T. Marshall, James P. Marshall, Mary E. Marshall, Eva E. Marshall, Johnnie T. Marshall, Clara Marshall and Ida Marshall, as Choctaw Indians entitled 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."

Arabula Stokes, --3

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. Needles.
Commissioner in Charge.

Registered.

MCR-3661

Muskogee, Indian Territory, February 20, 1907.

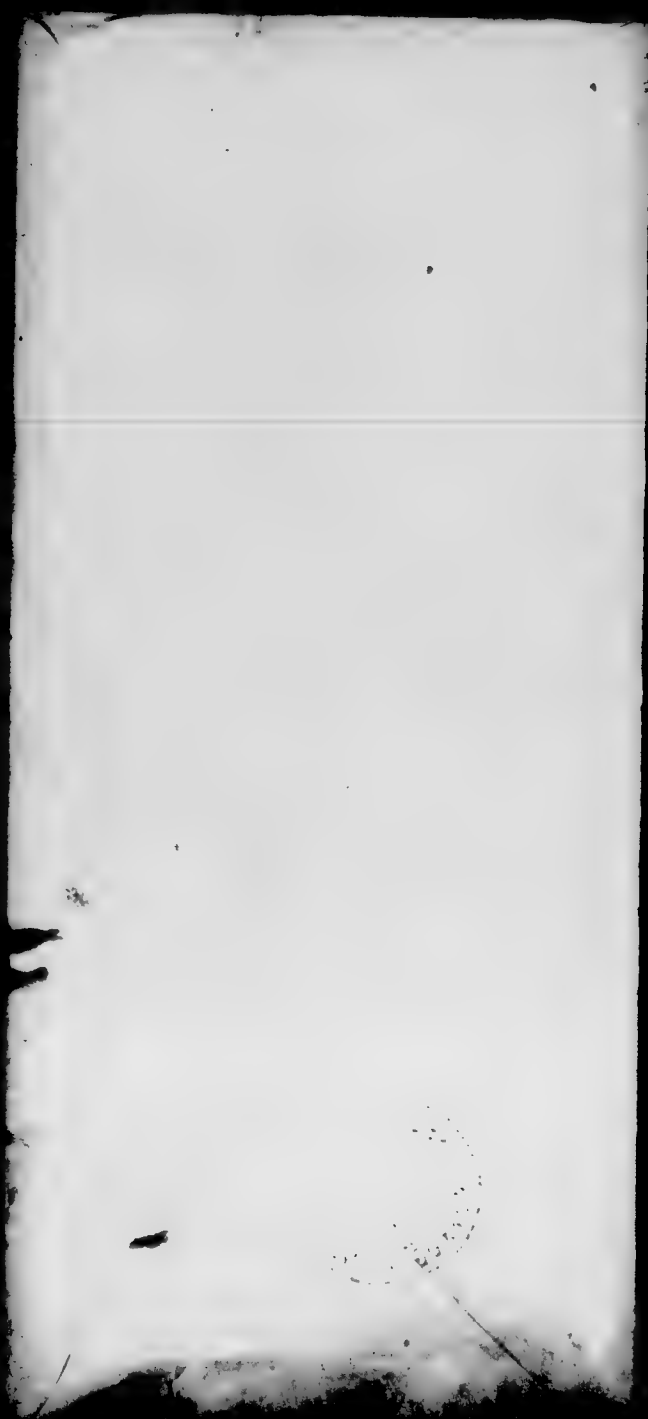
Arabula Stokes,
Stamper, Mississippi.

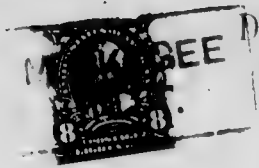
Dear Madam:-

You are hereby notified that on February 13, 1907, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes of August 5, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of Samuel B. Long et al.

Respectfully,

Commissioner.





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

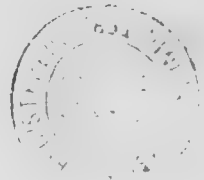


*Returned
Unclaimed*

~~Amelia Stokes,~~

~~Stamps, Indianapolis.~~

1/11/11



#1415

No. _____

For Identification as a Mississippi Choctaw.

Date SEP 28 1901

Name Arabula Stokes.

Age 93. Blood 1/8.

Post Office, Stamper, Miss

Father: Charles L. Moss - dead.

Mother: Martha O. Moss - dead.

Claims through mother.

HUSBAND: Samuel W. Stokes. - ✓

(no claim for husband).

Children:

- m. Willie A. Stokes 13
- Ossie Ota " 11.
- Arra Bertha " 7.
- Ada Belle " 6.
- Alice Bertie " 2.
- Bella May " 4 mo.

Claims for self and to children.
See M.C. card filed no Q 72.

Stenographer

Ira S. Hales

Choctaw MCR 3652

Richard V. LeGrand

See MCR 3663

MCR 3652

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. September 30, 1901.

3632

In the matter of the application for identification as Mississippi Choctaws of Cera LeGrand and her six minor children, Joseph M., Claude F., George W., Richard V. Jr., Edith V., and Annie W. LeGrand, and for the identification of her husband Richard V. LeGrand as an intermarried Mississippi Choctaw.

Not represented by attorney.

Richard V. LeGr and being first duly sworn testified as follows:

Examination by the Commission.

- Q Your name is? A Richard V. LeGrand.
Q What is your age? A I am forty-five.
Q What is your post-office address? A My post-office is Commanche
Q What place? A Indian Territory.
Q Where were you born? A Anderson, Texas.
Q How long did you live there? A Just a little while.
Q Two or three years? A Yes I suppose so.
Q Where did you go to from there? A From there to Seguin, Texas.
My father lived there for a number of years.
Q You lived there how long? A Probably six or seven years.
Q Then you went to where? A Hempstead.
Q How long did you live there? A I lived with relatives for a
few years after my father and mother died and then went to
Virginia and stayed there a good long time.
Q About how long did you live in Virginia? A About five years.
Q What place in Virginia? A Alexandria.
Q And then went to what place? A To Texas.
Q What place? A Well I was railroading and went all over the
Country, once to Mexico.
Q How long did you stay in Mexico? A I was in Mexico about one
year.
Q Then you went to where? A Arizona, In Arizona and New Mexico
I stayed about one year.
Q And then went back to Texas? A Yes sir.
Q And then came to the Indian Territory? A Yes sir.
Q When? A In Ninety-five.
Q And have been here since? A Yes sir.
Q What was your father's name? A Charles Washington LeGrand.
Q Is he living or dead? A He is dead.
Q When did he die, do you know? A He must have died in about
Sixty-six.
Q How old was he then? A I think about forty years old.
Q Is your mother dead? A Yes sir.
Q What was her name? A Before marriage?
Q No? A Her name was Virginia.
Q Through which parent do you claim Choctaw blood? A Neither.
Q Don't you claim through either of these? A No sir I claim
through marriage of my wife.
Q Are you making application for citizenship as a Choctaw? A Yes
sir.
Q Through marriage to your wife? A Yes sir.

#2

- Q You are a white man? A Yes sir.
- Q You have no Choctaw blood? A No sir.
- Q You come here to day to make application as an intermarried citizen? A Yes sir.
- Q Intermarried with a wife who has Choctaw blood? A Is that your understanding?
- Q Well she has got Choctaw blood has she not? A Well really she has not.
- Q Well neither you nor she? A No sir, the question is this, that this gentleman Mr. Doak was an adopted citizen, he had no blood he established this town of Doakville and returned to Mississippi. He had no Choctaw blood, neither did any of his children.
- Q Adopted into this Choctaw Nation? A No I think in Mississippi. In the treaty of Dancing Rabbit Creek it is stated that Joe Doak is recognized as a member of the Choctaw tribe of Indians, of course I would not like to swear here that my wife has Indian blood.
- Q You claim that your wife has a right to be identified as a Mississippi Choctaw under article fourteen of the treaty of 1830 because she is a descendant from Joe Doak who was an adopted citizen of the Choctaw Nation? A Yes that is right.
- Q Was he adopted in Mississippi or in this Indian territory? A I don't know.
- Q Have you any way to find out? A None that I know of.

By reference to the treaty of 1830 in the supplement of said treaty the name of Joe Doke appears as having received one-half section unoccupied and unimproved lands in the district where he at that time lived in the State of Mississippi.

- Q Now you a white man make this application as an intermarried citizen, intermarried through a woman who is descended from the Joe Doke mentioned in the supplement of the treaty of 1830? A Yes sir.
- Q That is your claim and her claim and the claim of your children? A Yes sir.

In reference to the claim that you make for identification as an intermarried Mississippi Choctaw by virtue of the fact that your wife is a descendant either of a Mississippi Choctaw or a person who claims rights and benefits under the supplement of the treaty of 1830 the Commission will read this authority to you taken from the twenty-first section of the "Curtis Bill":

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty and 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 Commission will say to you, you having testified that you a white person making claim to identification as a Mississippi Choctaw for yourself and your children and wife by virtue of the fact that your wife is the descendant of one Joe Doke whose name appears as a beneficiary under the supplement of the treaty of eighteen hundred and thirty, that this Commission has failed to find any authority vesting it with power to determine the identity or rights of applicants who have married claimants as Mississippi Choctaws or to identify any person as a Mississippi Choctaw under any other article or portion of the treaty than article fourteen.

- Q You don't claim any Choctaw blood through either your father or mother? A No sir.
- Q You claim as a white man intermarried to one, white, who you claim has a right to be identified as a Choctaw citizen, not by virtue of her Choctaw blood, but by virtue of being descended from one Joe Doke, whose name appears in the supplement of the treaty of 1830? A Yes sir.
- Q What is your wife's full name? A Cora LeGrand.
- Q How old is she? A She is thirty-nine.
- Q And her blood is what? A She is white.
- Q What is her father's name? A George W. Clarke.
- Q Is he living? A No he is dead.
- Q White man? A Yes sir.
- Q Her mother's name? A Malvina Clarke.
- Q She is dead? A Yes sir.
- Q White woman? A Yes sir.
- Q Then your wife claims nothing through father or mother? A Yes she claims through her mother?
- Q But her mother was a white woman? A Yes but she was the daughter of Joe Doke.
- Q What was her mother's maiden name? A Malvina Deluren Doke.
- Q What knowledge have you of the fact as to whether Joe Doke whose name appears in the supplement of the treaty, being her father? A No knowledge whatever.
- Q Do you know under what circumstances his name happened to appear in the supplement of the treaty of 1830 as a beneficiary? A No sir I do not.
- Q What evidence have you that this Joe Doke, through whom your wife claims her descent, is the same Joe Doke whose name appears in the treaty of eighteen hundred and thirty? A I have the evidence of A. V. Doke who is a son of Joe Doke.
- Q Will he appear here for identification? A Yes sir in a few days.
- Q When did Joe Doke die? A I don't know.
- Q Where did he die? A I really don't know that.
- Q You don't know his age then either when he died? A No but he was quite old.
- Q Beyond the fact that his name appears in the supplement of this treaty of 1830 do you know whether he was living in Mississippi or Alabama at the time of the treaty of 1830? A Well he was living in Mississippi but I don't know anything else about them.
- Q You have some documentary evidence to file now? A Yes we have evidence from some of the old parties who were here as well as his own son who will appear here.
- Q When did Joe Doke's daughter Malvina die, is that in these documents? A (by reference to documentary evidence) Her death occurred in Bexar County, Texas, October 23, 1864.
- Q You know what her age was at that time? A No sir I don't.
- Q Are you able to say anything further in reference to this claim you make for yourself, your wife and your children, than you have already stated in these affidavits that you have here? A No only I want to say this that Joe Doke's name is mentioned in several old law books, Choctaw law books. Governor Stanley has these books. He showed it to me. In one place at the head of the page it says the following Indians were given land etc.
- Q You want to introduce these papers? A These papers are only duplicates, the same as those my attorney Mr. Herbert will bring here.
- Q You say your attorney will bring papers similar ~~like~~ to these to file here? A Yes.
- Q You want to leave these here? A If you want to keep them.
- Q Are these signed by the original affiants? A No sir they are copies.

This applicant will be allowed a reasonable time in which to file documentary evidence in support of this application he makes for himself as a white man intermarried with a wife descended from Joe Doke a beneficiary under the supplement of the treaty of 1830, also the application for this wife and his minor children.

- Q gave you any children by your wife Cora under twenty-one years of age and unmarried for whom you wish to make application at this time? A Yes sir.
- Q What is the name of the oldest? A Joseph M. LeGrand.
- Q How old is Joseph? A He is fifteen. Claude F. LeGrand
- Q How old is Claude? A He is thirteen. George W. LeGrand, age eleven. Richard V. Jr., eight. Edith V. six. Annie W. three.
- Q Is Cora LeGrand the mother of these children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q These children are living with you at your home? A Yes sir.
- Q When and where were you married to your wife? A Hempstead, Texas, September 18, 1884.
- Q Married under a license and by a minister? A Yes sir
- Q gave you your marriage license and certificate and would like to introduce them? A Well it is with these papers that my attorney has.
- Q It will be introduced when you file the other papers? A Yes sir.
- Q What was the name of the husband of your wife's mother Malvina? A George W. Clark.
- Q How were they married? A By a minister at Boonesboro, Arkansas.
- Q Have you the marriage license and certificate of their marriage? A No sir I have not but they were married at Boonesboro Arkansas June 22, 1844.
- Q Can the marriage license and certificate of that marriage be produced? A No sir I don't think it can. We have a letter from some of the County Officials stating that the Court House had burned.
- Q Can you secure any evidence of that marriage? A yes sir I think we can.
- Q You are advised that such evidence should be introduced in support of this applicant.
- Q Is your name or the names of your wife, or your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Not that I know of.
- Q Did you or did any one for you ever make application to the Choctaw tribal authorities in the Indian Territory to have yourself or your wife or your children enrolled as citizens of that Nation? A Yes sir
- Q Where? A These same papers were sent to the Dawes Commission last year and returned.
- Q Did you or did any one for you or your wife or your children in the year 1896 make application to the Dawes Commission for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir we did not.
- Q Have you or your wife or your minor 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 time to either the Choctaw tribal authorities or the United States authorities to have yourself or your children or your wife admitted or enrolled as members of the Choctaw tribe? A I have not. My attorney presented these papers to the Dawes Commission but they would not receive them.
- Q You did not make any personal appearance before the Commission? A No sir.
- Q Did your wife or any one for your wife? A No sir only our

attorney he ~~appeared~~ appeared in person.

- Q The Commission took no action on that? A No sir.
- Q Do you appear before the Commission to day for the purpose of claiming rights in the Choctaw Nation Indian Territory for yourself your wife and your minor children under the provisions of the fourteenth article of the treaty of 1830? AA Yes sir.
- Q How can you claim under article fourteen when you claim through Joe Duke under the supplement of the treaty? A Under the supplement.
- Q You don't claim then under article fourteen? A I would not like to answer that.
- Q Now do you make any other claim? You have no Choctaw blood? A I am not quite well posted on the treaty. Can I answer that my lawyer will submit the papers.
- Q You are making your application now. I understand you to say that you will have submitted to this Commission certain papers in your case when your lawyer comes here properly qualified to practice. Any papers that he presents to the Commission in relation to this application will be accepted? A I will just that I claim through Joe Duke.
- Q Now the question has been asked you whether you claim anything for yourself your wife and your children under the provisions of the fourteenth article of the treaty of 1830. In order that you may understand what that question means a brief explanation will be given.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw Indians on the 27th day of September 1830 in Mississippi at a place called Dancing Rabbit Creek. It was made for the purpose of getting all the Choctaws who lived in Mississippi and Alabama to remove from the country then occupied by them to the New Choctaw Nation Indian Territory before the treaty was signed it became evidence that a great many Choctaws would not go to the New Choctaw Nation Indian Territory. And to protect their interest article fourteen was made a part of the treaty. Now this article is separate and distinct from the supplement. The supplement was added on to the treaty after it was made. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey: in like manner shall be entitled to one half that quantity for each unmarried child which 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 A I think that Joe Duke himself certainly claimed under that.
- Q You can testify anything you wish about that, it would be perfectly proper. Do you know whether he had any Choctaw blood at all? A No sir.

- Q Do you know whether he complied with the provisions of article fourteen or not? A I suppose he did.
- Q Did I understand you that you also wanted to claim under this article? A Yes sir.
- Q Do you want to claim under any other provision of this treaty than article fourteen? A I am not familiar with it. My lawyer will go over this ground.
- Q Yes but you will have to make a statement of what you claim? A I will not state anything further.
- Q Do you know whether Joe Duke through whom your wife claims her descent complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A I think I can produce evidence. It will be with the other papers.
- Q Do you know whether he was living in Mississippi in 1830 and was the head of a family in Mississippi in 1830? A Yes sir.
- Q Did any of your wife's Choctaw ancestors own any land with improvements in Mississippi in 1830? A I could not say.
- Q You think you can produce evidence of that fact? A Yes I have copies from the Interior Department.
- Q Did any of your wife's ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent and tell him that they intended to stay in Mississippi and set land there? A I think that Colonel Ward's name is mentioned in these papers to reserve rights for Joe Duke.
- Q Did I understand you to say that you make claim under article fourteen? A Yes sir.
- Q Did any of your wife's ancestors if Choctaw Indians go from Mississippi or Alabama to the Indian Territory with the other Choctaw Indians between 1833 and 1838? A Yes sir Judge Duke came here, I don't know what year it was though. He came here and the town of Doakville was named after him.
- Q Where is that town located? A In the Southwestern part of the Choctaw Nation. He himself founded it.
- Q You don't claim then for yourself, your wife and your children through any other persons than Joe Duke? A No sir.
- Q In 1837 a Commission was appointed to hear Choctaw claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed to hear similar claims but these were claims of Choctaw Indians whose claims had been denied or whose names had been admitted from the list made by Colonel Ward as having appeared before him within six months from the ratification of the treaty of 1830. You claim for your self your wife and your children, through your wife, through Joe Duke whose name appears in the supplement of that treaty, therefore I understand that you do not claim through any other ancestor as having appeared before Col. Ward or either of the Commission that of 1837 or 1842? A No I don't.
- Q Whatever became of this land that Joe Duke received from the government? A I don't really know sir.
- Q Have you any witnesses that you wish to introduce later in support of this claim you make for yourself, your wife and children? A Yes sir.
- Q They will be heard later on? A Yes sir.

A reasonable time will be given this applicant in which to introduce the oral testimony of witnesses in support of this claim.

- Q Is there anything further that you wish to say in support of this claim? A No sir I think not except that it will be made part of the evidence of A. V. Doak.
- Q That has not been introduced yet? A No sir.
- Q You are the only one of this line of people who claim through Joe Deke who has appeared here? A Yessir.
- Q And you wish to have A. V. Doak's testimony made a part of the record in this case? A Yes sir.

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 September 30, 1901 and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of September 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 25th day of November 1901.

Charles Mitchell Wood

Notary Public.

C O P Y.

Refer in reply to
the following:
Land
36889-1895.

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

WASHINGTON, October 31, 1895.

C.A. Doak, Esq.,

Ardmore, Indian Territory.

(Letter Box No. 198).

Sir:

I am in receipt by reference from the Commissioner of the General Land Office, of your letter of August 27, 1895, relative to the half section of land granted to "Jo Doke" under the 5th clause of the 2nd Art. of the supplement to the Choctaw treaty of September 27, 1830, and its definite location in the State of Mississippi as on lots 1, 2, 5, 6, 7, and 12, or the E. 1/2 of Sec. 21, T. 16 R. 1 W., and inquiring its present status, etc.

In reply I have to state that it was made the subject of a report from this office to the Secretary of the Interior on the 1st of June, 1889, from which it appears, as stated by you, that its first location was made on the S. 1/2 of Sec. 27, T. 16 R. 1 W., but in consequence of the prior selection of said land by Chief Mitaackachie, under the 15th Art. of the aforesaid treaty, the Secretary of the Interior made an adverse decision to the claim of said Jo Doke, but gave him the right to locate said tract or grant of land upon any unoccupied land within the Choctaw cession.

On the 8th of November, 1834, it was located on lots 1, 3, 5, 6, 7, and 12, embracing the N. 1/3 of Sec. 21, T.16, R.1 W., containing 308.77 acres, by Col. J.W. Martin, the locating agent of the Government, but as the claim was never presented by JODOKE, or his heirs or assignees, for the investigation of either of the Boards of Commissioners appointed to adjudicate claims under the provisions of said treaty, no definite action had been taken, up to that time, by the Department respecting the approval of the location as reported by Col. Martin. This location remained undisturbed, so far as this office had been advised, up to that time, and no adverse claim was ever presented prior to the introduction of the Chancery proceedings in the Supreme Court of Mississippi on the 16th of January, 1844, in a suit wherein Sarah Land et al, the heirs of Charles Land, deceased, were complainants, and Margaret Land et al, the heirs of Thomas Land, deceased, were respondents; and in the bill filed by the attorney in behalf of the complainants, it was represented that Charles Land, prior to his decease, had purchased the claim of an Indian woman known as Betsy Burns, to a section of land on which it was alleged she resided at the date of the aforesaid treaty, under the 14th Art. of which she was entitled to the same as a Choctaw head of a family. It was also represented

that the tract of land claimed by said woman, through her assignee Charles Land, embraced section 21 township 16, range 1 west.

Upon the testimony presented in this Chancery suit a final decree was given in favor of the claimant's alleged equitable title to said section of land, and a Commissioner was appointed to execute a quitclaim deed for the alienation of the interest or title of the respondents in said section, and a conveyance of the same to the complainants.

As this Chancery proceeding was inseparably connected with the Joboke case and presented the only objection to the approval of the location made in his behalf on Sec. 21, T.16 R.1 W., it was deemed important to a proper understanding of the facts involved in the controversy to examine the circumstances under which this suit in the Superior Court of Chancery in the State of Mississippi originated. The complainants and respondents in said suit are relatives and the material witnesses upon which the complainants rely for proof pertaining to the alleged settlement of Betsey Beams upon the aforesaid section 21 are her sons-in-law and relations, whose testimony is contradictory of the evidence presented to this office in 1834 by the Hon. F.E. Plummer, the attorney for said Betsey Beams, by which it was then claimed that she resided on and was

entitled to section 16 T.16, R.1 W.

From an examination of the bill filed by the solicitor for the complainants in connection with the answer of the respondents this office was of the opinion that the proceedings were, to some extent ex-parte, and should be so considered in the investigation of the facts pertaining to the location made in behalf of Jo Doke. The respective statements of Col. Martin and Mr. Armstrong, who were presumed to have been most familiar with the circumstances of the case, as well as the preponderance of the testimony presented in adverse to the claim of Betsy Beans. Col. Martin stated in his letter to the Secretary of War of the 23rd of October, 1835, in regard to the contest between Chief Nutackachie and Betsy Beans for Sec. 16 T.16 R.1 W., that "there has never yet been any showing brought to my notice which would justify the belief that these locations made for Chief Nutackachie or the one made on Sec. 16 T.16 R.1 W. has been improperly made, and in consequence of which you will see by a reference to the register prepared and made by me, which has been transmitted to the Department of War, on the 1st day of December last, that Nutackachie is there returned as a reservee for the section of land as above described. x x

This widow Beans has never made in person, and if she ever

applied to me through her proxy (Mr. Plummer) he certainly never produced such testimony as to induce me for one moment to believe that she was the individual alluded to in Col. Ward's register, nor has she or her proxy (Mr. Plummer) ever, at any time, presented any testimony to me that was calculated in my mind to induce the belief that she, the said Betsy Beams, was provided for as a reservee under any of the numerous articles of said treaty made at Dancing Rabbit creek".

From this statement of the locating agent of the Government it would appear that Betsy Beams, of Honey Island, was not entitled to a reservation of land under the treaty, as she did not make application within the six months specified therein, and in fact it does not appear that she ever made application at all; and as her attorney, Mr. Plummer, claimed that she was entitled to Sec. 16 T. 16 R. 1 W., which had been patented in favor of Nutaokachie, she could not, under the provisions of the treaty, acquire a right to locate on any other section, for the obvious reason that it would be impossible for her to reside on two separate sections at the date of the treaty, and the ex-parte proceedings in the court of Chancery in the State of Mississippi, could not, in the opinion of the of-

file at that time confer a right not authorized by the terms of the aforesaid treaty (which under the decision of the Supreme Court of the United States, in the case of *Fellows vs. Blacksmith et al.*, 19th Howard page 378) after ratification by the proper authorities of the Government becomes the supreme law of the land. At any rate, the decree of the court passed no other right than that which the complainants or their assignees had acquired from *Betsy Beane*.

The establishment of a precedent recognizing the authority of a State Court to interpret and execute treaties for the General Government so far as to assume the functions of the Executive Department, in order to decide who may be entitled to participate in the beneficial provisions thereof and set aside a location which appears to have been properly made in the name of Jo Doke, an Indian reserve, would completely nullify the action of the Executive in the proper execution of treaties, and tend to introduce a system of litigation calculated to harass those persons who are now in the peaceable possession of lands under existing treaty stipulations.

Referring again to the proceedings in the Court of Chancery in Mississippi, this office respectfully called the attention of the Department to the fact that the respondents in their answer

and cross bill waived all legal claims to any portion of said Sec. 21.

It was then claimed by the legal assignee of Jo Doke that application was made by him at the local land office at Jackson, Mississippi, in 1851, to locate for said reserve, Lot 13 in said section 3, the S. 1/2 of the S.E. 1/4 of Sec. 4, and Lots 3, 4, and 5, of Sec. 10, in T.16 R.1 W., and the certificate of Austin Morgan, dated the 17th of December 1858, in which he represented that application was made at the local land office, when he was Register, on the 28th of July 1851, by William A. Land, for the location of the above described tracts, but he being unacquainted with the nature of the claim, refused to make the location, and stated to Mr. Land that he would note his application upon the books of the office, and when satisfied that his claim was a valid one, he would permit the location to be made. This was the only testimony relied upon by the alleged assignee of Doke to establish his claim to the land referred to, as in sections 3 and 4, which it appears, were approved to the State of Mississippi as swamp land, on the 28th of March, 1848, under Act of Congress approved September—1841, and that section 10 was similarly approved as swamp land on the 29th

of March 1853, under the Act of 1850.

The office then held that there was no authority on the part of the assignee of Doke to lift the location in section 21, with a view to a re-location in section 10, for the reason that the approval to the State of Mississippi should not be disturbed.

In consideration of the views therein expressed in said report, this office respectfully suggested that with the approbation of the Department the location made in behalf of Jo Doke, of lots 1, 2, 5, 6, 7, and 12, in section 21 T.16 R.1 W., containing 308.77 acres, should be laid before the President with recommendation that the same be approved in the name of said reserve. In response to this report the Secretary of the Interior, Jacob Thompson, on the 5th of August, 1858, concurred in the views expressed in said report, being very decidedly of the opinion that the Doke float could not be located on the lots in sections 3, 4, and 10, T.16 R.1 W., Choctaw cession. He did not think, however, that the holder of the float should, under the peculiar circumstances of the case, be confined in its location to the tract originally selected and from which he had been ousted, and he therefore consented that Mr. Land should locate the float upon any unoccupied and unappropriated land

in the Choctaw cession, of which decision Mr. S.W. Land, State Springs, Mississippi, was informed on the 8th of August 1859, since which time the records of this office fail to show that any further definite action has been had on the case looking to the approval of any lands as the location of said float, that the same might be submitted to the President for his approval.

It would appear from the records of this office that Jo Duke disposed of his title to said grant of land, by deed to Messrs. Land and Bernard, and that Mr. Bernard subsequently conveyed his interest therein to said Land, who, it would appear, is the rightful owner of said grant, whenever and wherever it may be definitely located and the location approved by the President. I do not see, under the circumstances, that you as heir to said Jo Duke, have any right remaining in you to said land, should the same ever be definitely located and the location approved.

Very respectfully,

D.M. Browning,

Commissioner.

(R.F.T.)
Mcq.

M C R 3652
M C R 3663

Muskogee, Indian Territory, March 21, 1903.

W. A. Ledbetter,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing copy of letter of the Commission addressed to Mr. R. B. LeGrande, at Comanche, I. T., on February 7, 1903. You state "On behalf of Mr. LeGrande and the other applicants therein, we request that you transmit the record in their application for citizenship to the Secretary of the Interior for review."

In reply to your letter you are informed that the Commission, on February 24, 1903, forwarded to the Secretary of the Interior, the record in the case of Richard V. LeGrande, et al., applicants to this Commission for identification as Mississippi Choctaws. The applicants will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

M.O.R. 3602.

Muskogee, Indian Territory, August 27, 1902.

R.L. LeGrand,

At Mines P.O. Loos, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of July 23, 1902, enclosing certain documents which you offer for filing in support of the application made by you for the identification of yourself and your minor children as Mississippi Choctaws.

You state in your letter that A.V. Doak is an applicant for identification as a Mississippi Choctaw, and that he and yourself claim descent from the same common ancestor, Joe Doka.

In reply, you are informed that your case has been combined and will be considered with the case of A.V. Doak.

No decision has yet been reached nor opinion rendered relative to the right of these applicants to be identified as Mississippi Choctaws, but the Commission is now considering these cases and it is probable a decision will be rendered in the near future. The applicants will be duly notified of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

R L Loo B

The documents enclosed by you have been filed with the
record in this consolidated case.

Yours truly,

Acting Chairman.

M.O.R. 3652.

Wuskogee, Indian Territory, January 17, 1903.

R.V. Le Grand,

Looco, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you ask to be advised if any action has ever been taken in the Mississippi Choctaw case of A.V. Doak, and others.

In reply, you are informed that the Commission has not yet reached any opinion or decision in this case.

It is expected, however, that within the next few days a decision will be rendered, when due notice of the action of the Commission will be furnished the applicants.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 27, 1903.

Georgie Clarke,
Dallas, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 20th instant, in which you state "Your registered letter has just been received here for Richard V. Le Grand who is in Chicago. This does not give him the time allowed for filing papers in an appeal."

In reply to your letter you are informed that the fifteen days from February 7, 1903, heretofore granted the applicant in this case in which to file arguments in support of his claim to be forwarded to the Secretary of the Interior, expired on February 22, 1903. On February 24, 1903, the record in this case, together with the decision of the Commission, was forwarded the Secretary of the Interior. Mr. Le Grand will be duly notified of such action as may be taken by the Secretary.

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

Respectfully,

Chairman.

COPY.

M.C.R. 3652

Muskogee, Indian Territory, February 7, 1903.

Richard V. Le Grand,

Comanche, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander V. Doak, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander V. Doak,	M.C.R. 3663
Richard V. Le Grand, et al.,	M.C.R. 3652

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 Alexander V. Doak, Cora Le Grand, Joseph M. Le Grand, Claude F. Le Grand, George W. Le Grand, Richard V. Le Grand, Jr., Edith V. Le Grand, and Annie W. Le Grand as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under

Richard V. Le Grand,-2

the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Richard V. Le Grand for the identification of himself as an intermarried Mississippi Choctaw should, therefore be refused, and it is so ordered."

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

Respectfully,

SIGNED

Tamie Doby.

Acting Chairman.

Register.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Richard V. Le Grand,
Comanche, Indian Territory.

Dear Sir:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander V. Doak et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

C. R. Breckinridge.
Commissioner in Charge.

J .P.

DEPARTMENT OF THE INTERIOR,

FREE.

WASHINGTON.

D.C. 48518-06.
I. T. D. 20526-1906.
L. R. S.

November 1, 1906.

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

Sir:

The motion to "reopen and readjudicate" the Mississippi Choctaw case of Alexander V. Doak, et al, received with your letter of July 5, 1906, in which no recommendation is made, is hereby denied, as the motion presents no question of law or fact not considered in the decision of the Department of March 28, 1903, adverse to the claimants.

A copy of Indian Office letter of October 11, 1906, (Land 57997), submitting your report, is inclosed. The motion and other papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

(C O P Y)

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

Land
19927-1903.
57887-1906.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of March 23, 1903,
(I. T. D. 2730-1903), I have the honor to transmit herewith a
motion for the reopening and readjudication of the consolidated
Mississippi Choctaw case of Alexander V. Voaks, et al. There is
also inclosed the record in the case.

Very respectfully,

C. F. Larrabee.

KRM-KRM.

Acting Commissioner.

M C R 3682

COPY

Muskogee, Indian Territory, November 12, 1906.

Richard V. LeGrande,
Comanche, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 1, 1906, denied the motion filed in this office June 25, 1906, by Chilion Riley, attorney at law, Ardmore, Indian Territory, to reopen and readjudicate the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

Respectfully,

SIGNED: *Van S B...*
Commissioner.

REFER IN REPLY TO THE FOLLOWING:

N C R 3652

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

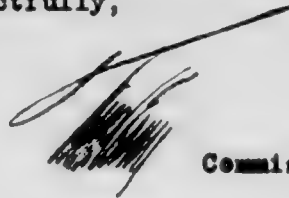
Muskogee, Indian Territory, February 6, 1907.

Richard V. Le Grand,
Comanche, Indian Territory.

Dear Sir:

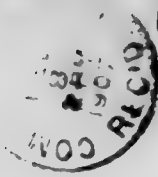
You are hereby notified that the Secretary of the Interior on January 26, 1907, denied the motion filed with this office December 6, 1906, by Chilion Riley, attorney, for review in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

Respectfully,



Commissioner.

MEM



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

FILED



Com. [illegible]

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

Muskogee



U. S. P. O.



For Identification as a Mississippi Choctaw.

Date SEP 30 1901

Name Richard V. Le Grand

Age 40 Blood W

Post Office, Comanche, I. T.

Father: Charles W. Le Grand^(W) d

Mother: Virginia " " d

Claims through

Cora ~~to~~ Le Grand^(W) (wife) 39
 father, George W. Clarke - (d) W
 mother, Malima " - (d) W

Children.

Joseph M. Le Grand - W 15
 Claude F. " - " 13
 George W. " - " 11
 Richard V. Jr. " " 8
 Edith V. " " 6
 Annie W. " " 3

Claims for self, wife
and children.

Stenographer G. Roumoussel

Choctaw MCR 3653

Mary J. Dutton

See MCR 3601

MCR 3653

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATEKA, INDIAN TERRITORY, SEPTEMBER 30, 1901.

3653

In the matter of the application of Mary J. Dutton for the identification of herself and her five minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Mary J. Dutton being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary J. Dutton.
Q What is your age? A Thirty three last January.
Q What is your post office address? A Birdville, Tarrant County, Texas.
Q Where were you born? A In East Texas. Cherokee County, Texas.
Q How long did you live there? A I was so small that I don't remember.
Q Where did you go to from there? A Jones County, Texas.
Q How long did you live there? A Two years; I don't remember.
Q From there you went to what place? A Wise County, Texas.
Q Have you always lived in the State of Texas? A Yes sir.
Q Never lived outside of the State? A No sir.
Q How long have you been at Birdville? A Five years.
Q What is your father's name? A T.J. Odom. O-d-o-m.
Q Is he living? A Yes sir.
Q What is your mother's name? A M.J. Odom.
Q Is she living? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A Well, I don't know exactly what it would be.
Q How much did your mother have? A She claimed an eighth.
Q You claim a half of that don't you? A Yes.
Q You claim one sixteenth then don't you? A Yes sir.
Q Has your father made application for identification before the Commission? A Yes sir.
Q When, do you know? A No I don't.
Q Here at Ateka? A Yes sir. I think it was a week ago Monday.
Q What does the "M" in her name stand for? A Margaret.
Q Do you want to have her testimony considered as a part of your testimony? A Yes sir.
Q Have any other relatives of yours come before the Commission?
A No.
Q Has your mother ever been recognized in any way or enrolled as a

member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory?

A I don't know whether it is up to now or not; not that I have any knowledge of, it hasn't.

Q Were your father and mother married by a minister and under a license? A Yes I suppose they were.

Q Do you know when and where? A No sir, I don't.

Q You are married? A Yes sir.

Q What is your husband's name? A E.J. Dutton.

Q Is he a white man or Indian? A White man.

Q You don't make any claim for him? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your father's and mother's marriage; reasonable time will be allowed for you to do so.

Q You claim through your mother; through which parent does she claim her Choctaw blood, father or mother? A Her father's side.

Q Through her father; what is his name? A Sam Hughes.

Q Do you know through which parent he claimed, through his father or mother? A No, I don't, I don't believe.

Q Was Sam Hughes the ancestor that lived in Mississippi in 1830, seventy years ago? A I can't tell you for I don't know that far back.

Q You don't know his father's or mother's name? A I don't believe I do.

Q When and where were you married to E.J. Dutton? A In Wise County, Texas, April 1st., 1894.

Q Were you married by a minister and under a license? A Married by Squares. (Squire.)

Q Justice of the Peace? A Yes sir; Cottondale, Texas.

Q Have you any children you want to make application for? A I have five children under age; I have been married twice.

Q Give me the name of the eldest one of your children? A Levin C. Netherlain (N-e-t-h-e-r-l-a-i-n.)

Q How old is he? A He was sixteen years old the 29th last August.

Q Next? A Clarence Netherlain.

Q How old is he? A He was eleven years old in August.

Q Next? A Pearlle Dutton.

Q Is that a boy or girl? A Girl.

Q How old is she? A Six years old last July.

Q Next? A Roy Dutton.

Q How old? A Two years old last July, November I should say.

Q Next? A Harvey Dutton.

Q How old? A Eight months.

Q These children are all living with you at your home? A Yes sir.

Q What is the name of your first husband, the father of these two first children? David Netherlain.

Q He is dead now is he? A Yes sir.

Q What was he; a white man? A Yes sir.

Q Were you married to him by minister under a license? A Yes sir.

Q When and where were you married to your husband, David Netherlain? A In Wise County, Texas.

Q Do you remember when? A October 5, 1884.

Q These children are all living with you at your home are they?

A Yes sir.

Department of the Interior.

3

- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw nation in the Indian Territory? A No sir.
- Q Did you or any one for you or your children ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as members of that tribe? A No sir; we haven't.
- Q Did you or any one for you or your children in 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir; not that I know of.
- Q You didn't make application- five years ago? A No sir.
- Q Have you or your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
- Q Have you ever made application before this time for yourself or children either to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you now come before the Commission for the purpose of claiming rights for yourself and children in the Indian Territory under the provisions of article fourteen of the treaty of 1830? A Yes sir.

The Treaty of Dancing Rabbit Creek was entered into in Mississippi on September 27, 1830 between the United States Government and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws occupied a portion of the State of Mississippi and a small portion of the State of Alabama along the Western boundary line. The object of the treaty was the removal of the Choctaws from the country occupied by them to the new country, part of which is now occupied by the main portion of the Choctaw tribe of Indians. Before the treaty was signed it became apparent that a great many Choctaws would refuse to go to the Indian Territory; in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months after the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which may be living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to remain and become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

- Q You think you understand that, do you? A I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with any of the provisions of article fourteen of the treaty of 1830? A Not that I have any knowledge of they never.

Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi or Alabama in 1830? A (No answer).

Q Can't you give the name of any Choctaw people, kin, that lived in Mississippi or Alabama in 1830? A I don't believe I can.

Q You claim through what ancestor? A Through my mother's father and her grandfather.

Q What was your grandfather's name? A Well, I have heard her call his name several times-

Q Well, was that your mother's father's name? A My mother's grandfather.

Q Your mother's maiden name was-? A Hughes.

Q And her father was? A Sam Hughes.

Q And his father's name was-? A I don't know.

Q It was a Hughes, but what was his first name? A I don't know.

Q Do you know when or where he died? A No sir; my mother's father, he died in Johnson County, Texas.

Q How long ago did he die? A I don't know just exactly the date; its been some fifteen- no, about eight years, I suppose.

Q That's your grandfather? A Yes sir.

Q Sam Hughes? A Yes sir.

Q How old was he when he died? A I don't know; he was getting tolerably old.

Q Seventy? A I guess.

Q Where was he born? A He was born before 1830.

Q Where was he born; in Texas? A I don't know; but I don't much think he was.

Q You don't know where he came from? A No.

Q And you don't know the names of any ancestors who lived in Mississippi do you? You can't tell whether any of your kin lived in Mississippi? A Well, yes; Spencers I think was kin.

Q Well, by ancestors or kin I mean your father or mother, grandfather or grandmother or great grandparents. A I don't know.

Q Did any of your ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know whether they did or not.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent Col. Ward that they intended to live in Mississippi, take land there and become citizens of the States? A Not that I have any knowledge of.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama with the other Choctaw Indians to the Indian Territory between 1835 to 1838 that you know of? A No sir, I can't tell whether they did or not.

Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government under the provisions of the fourteenth article of the treaty of 1830? A Not that I have any knowledge of.

Q Did any of your ancestors if Choctaw Indians ever receive any land or benefits from the Government under any other article of the treaty of 1830 than article fourteen or under the supplement of that treaty? A Not that I have any knowledge of.

In accordance with the provisions of article fourteen of the treaty of 1830 the Government required the Indian agent who lived in Mississippi at that time whose name was Col. Ward to make a list of the names of all Choctaw Indians who claimed rights before him within six months after the treaty of 1830 and under article fourteen of that treaty. The Indian agent failed to do this, comparatively few of the Indians who did make such application having their names

recorded on his list known as Ward's Register. This neglect on the part of the agent caused a great many Indians to lose their lands and the improvements on that land; this led to many complaints on the part of the Indians, so that in 1837 a Commission was appointed March 3rd of that year, which Commission went to Mississippi and heard a great many Choctaw claimants who claimed rights under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose; these two Commissions made lists of Choctaw claimants claiming rights under article fourteen.

Q Do you know if any of your ancestors appeared before either of these Commissions and claimed benefits under article fourteen of the treaty, of 1830? A Not that I have any knowledge of.

Q You claim through Sam Hughes, is that right? A Yes sir.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with all the provisions of 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 in Mississippi, Alabama, Arkansas or Louisiana to be taken from vacant Government land and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your ancestors get any such scrip from the Government as Choctaw Indians? A I don't know.

Q Have you any witnesses before the Commission now whom you desire to introduce in support of your claim; anybody here who knows any more than you about that? A Nothing only my father and sister.

Q Your sister is going to make application? A Yes sir.

The father of this applicant is before the Commission and he is asked: "Do you know anything more about this; do you want to testify in her case? A No.)

Q You have no documentary evidence you want to introduce now? A No.

Q A reasonable time will be allowed you to produce it. Do you speak the Choctaw language? A No sir.

Q Have you any knowledge of it? A No sir.

Q Has any other member of your family appeared before the Commission here for identification except your mother? A No sir; not that I ever knew of.

Q Are there any other Statements you want to make now in support of your claim; anything further you want to say? A No, not that I knew of right now.

This applicant has the appearance and physical characteristics of being a white woman; light complexion, brown eyes brown hair; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenograph-

Charles H. Johnson

CHARLES H. JOHNSON

AMERICAN PAPER CO. H.

COPY,

H.C.R.3653

Muskogee, Indian Territory, August 7, 1902.

Mary J. Dutton,
Birdville, Texas.

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

Margaret Jane Odom, et al.,	H.C.R. 3601
Mary J. Dutton, et al.,	" 3653
Della Vernon, et al.,	" 3654

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

E J D

Margaret Jane Odon, Elizabeth Odon, Mary J. Dutton, Levin C. Netherland, Clarence Netherland, Pearlie Dutton, Roy Dutton, Harney Dutton, Della Vernon, Gethbiri Vernon and Richard Vernon, 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,

Samuel D. Dutton
Acting Chairman.

Registered.

COMMISSIONERS

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

ALFRED L. AYERSWORTH.
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

M.C.R.5653.

Muskogee, Indian Territory, November 7, 1902.

Mary J. Dutton,
Birdville, Texas.

Dear Madam:

You are hereby advised that on the 20th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Odom, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

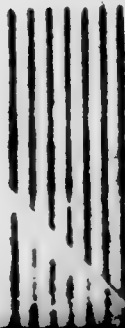


Acting Chairman.

3653

File

OFFICE OF THE INSPECTOR
OF THE BUREAU OF REVENUE
FILED
DEC 9 1902



Returned to writer
unclaimed
from this office

Left near last winter
where abouts with some

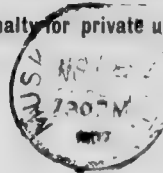
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Mary J. Dutton,

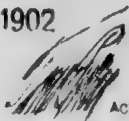
Birdville, Texas.

3633

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

SEP 12 1902



ACTING CHAIRMAN

The Party has moved a
way from this office
but I do not know where
they moved to, W.D. Neal Sr

Aug 15 1897

ADVISORY
TEXT

MUSKOGEE, IND.
AUG 9
3:30 PM
1907

Return to
Wm & J. Wilson,
Bridgville,

Spencer

1833
889

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

The Party has moved, a
way from this office
and do not know where
they moved to. W.D. Neal PM

MUSKOGEE, IND.
AUG 9
3:30 PM
1892



Return to
Wm J. Brown,
Lawrence,
Texas

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

1892

No. 3653

For Identification as a Mississippi Choctaw.

Date SEP 30 1901

Name Mary J. Lutton,

Age 33 Blood 1/16

Post Office, Birdville, Texas.

Father: E. J. Odom, l

Mother: M. J. Odom l

Claims through mother
husband

E. J. Lutton w.
No claim for husband

Children:

Levin C. Netherlain, 16

Clarence " "

father David Netherlain (d. - w.)

Pearlie Lutton (pic) 6

Roy " 2

Harvey " 8 m

Claims for self &
children -

Stenographer H. G. Harris

Choctaw MCR 3654

Della Vernon

See MCR 3601

MCR 3654

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

ATOKA, I.T. SEPTEMBER 30, 1901.

3654

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

Applicant not represented by attorney.

Della Vernon being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Della Vernon.
Q V-e-r-n-o-n? A Yes sir.
Q What is your age? A Twenty six years old.
Q What is your post office address? A Powell, I.T.
Q Where were you born? A In Texas.
Q Where in Texas? A Wise County; no, in Johnson County.
Q How long did you live in Texas before you came to the Indian Territory? A Up to last Fall.
Q Always lived in Texas till then? A Yes sir.
Q What is your father's name? A Charles J. Odom.
Q Is he living? A Yes sir.
Q What is your mother's name? A Margaret J. Odom.
Q Is she living? A Yes sir.
Q Has she appeared before the Commission for identification as a Mississippi Choctaw? A Yes sir.
Q When did she come here? A Yes a week ago today.
Q Do you want to have her testimony considered with yours and made a part of yours? A Yes sir.
Q Through whom do you claim; your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth I reckon.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Territory? A No sir; I suppose not.
Q Were your father and mother legally married? A Yes sir.
Q Where were they married, do you know? A No sir.
Q When were they married? A I don't remember the year.
Q Were they married under a license and by an ordained minister?
AA Yes sir.
Q Have you the marriage license and certificate with you? A No sir.

It will be necessary that you furnish the Commission with proof of the marriage of your father and mother; reasonable time will be allowed you in which to do so.

- Q Are you married? A Yes sir.
 Q What is your husband's name? A G.W.Vernon.
 Q White man or Indian? A White man.
 Q Do you make any claim for him? A No sir.
 Q Have you any children you want to make claim for? A I have two.
 Q What is the name of the eldest? A Guthbirt Vernen; G-u-t-h-b-i-r-t
 Q How old is he? A Ten years old.
 Q Next? A Richard Vernon.
 Q How old is he? A Eight years.
 Q Is that all? A Yes sir.
 Q Is D.W.Vernon the father of these children? A Yes sir.
 Q You are the mother? A Yes sir.
 Q Where are they living now; with you? A Yes sir.
 Q Were you married to your husband under license and by a minister?
 A Yes sir.
 Q When and where were you married to him? A In Wise County, October 18, 1889.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory; or the name of your children? A No sir.
 Q Did you ever make application for yourself and children for enrollment as a Choctaw Indian to the Choctaw tribal authorities?
 A No sir.
 Q Did you ever make application for membership in the Choctaw Nation for yourself and children to the Dawes Commission under Act of Congress of June 10, 1896? A No sir.
 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 United States Court in Indian Territory?
 A No sir.
 Q Did you ever make application for yourself and children before this time for citizenship to either the Choctaw tribal authorities or the United States authorities? A No sir.
 Q Do you claim now the right to be identified as Mississippi Choctaw for yourself and your children under article fourteen of the treaty of 1830? A Yes.
 Q Do you understand that article of that treaty? A Yes sir.

The Treaty of Dancing Rabbit Creek was entered into between the Choctaw tribe of Indians and the United States Government on the 27th day of September, 1830, at a place called Dancing Rabbit Creek in Mississippi; it is sometimes called the Treaty of Dancing Rabbit Creek. The object of the treaty was the removal of all the Choctaw Indians who then lived in portions of the State of Mississippi and the State of Alabama, from the old Choctaw Nation in those States to the new Choctaw Nation in Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians would refuse to go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty. An article of a treaty is a subdivision or part of it. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratifica-

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

Q You understand that do you? A Yes sir.

Q Did any of your ancestors ever comply or attempt to comply with any of the provisions of the fourteenth article of the treaty of 1830? A Not that I knew of.

Q What was the name of your ancestor that lived in Mississippi in 1830? A I don't know.

Q Through whom do you claim Choctaw blood? A My mother.

Q And she claims through whom? A Her father.

Q What is his name? A Sam Hughes.

Q And he claims through whom? A I think it is on the father's side.

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

Q Did Sam Hughes live in Mississippi in 1830? A I don't know.

Q Or did his father or mother live in Mississippi in 1830? A I don't know.

Q Were any of your ancestors or your mother's ancestors recognized members of the Choctaw tribe of Indians in 1830? A I don't know that either.

Q Did any of your ancestors, if Choctaw Indians, own any improvements on land in Mississippi or Alabama in 1830? A I don't know.

Q Did Sam Hughes have any Choctaw blood? A Yes I suppose so, he claimed to have.

Q How do you know he had? A I don't know.

Q When did you ever hear say that he had? A Well, I have heard my mother speak of it.

Q And other members of the family? A Yes sir.

Q How much did you understand Sam Hughes had? A I never did hear them say.

Q Could he speak the Choctaw language? A I don't know.

Q Can you speak it? A No sir.

Q Can you understand it? A No sir.

Q Did Sam Hughes have any Choctaw name? A I don't know.

Q When and where were your father and mother married? A Well, they were married in East Texas I think; I don't know the name of the County.

Q Do you know when? A No, I don't remember how many years.

Q Have you the marriage license and certificate to file? A No sir.

Q Have you any documentary evidence at all you would like to file in this case? A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this application; also marriage license and certificate of herself and also of her father

and mother.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi and take land there? A I don't know.

Q Did any of your Choctaw ancestors, if Choctaw Indians, ever claim or receive any land under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors receive any benefits or claim any under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't know.

Q Is Mary J. Dutton your sister? A Yes sir.

Q She appeared on this date, did she, September 30, for identification? A Yes sir.

Q Do you want to have her testimony considered as a part of yours?

A Yes sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed the agent to register the names of those Choctaw Indians who desired to remain in Mississippi and become citizens of the States; the records of the Government show that the United States Indian agent recorded only a very few of the names of applicants who appeared before him and claimed under article fourteen; this neglect on the part of the United States Indian agent caused many complaints on the part of the Indians because the land upon which some of these Indians were living was taken from them and sold; these complaints finally led to the appointment of a Commission in March 3, 1837, by Act of Congress approved in that year, and this Commission went to Mississippi and heard claimants under that treaty. In 1842 another Commission was appointed for the same purpose.

Q Did any of your Choctaw ancestors go before either of these Commissions that of 1837 or 1842 and claim benefits under article fourteen of that treaty? A Not that I know of.

The Act of Congress approved August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with 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 lands elsewhere in the States of Mississippi, Arkansas, Alabama or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

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

Q Is there anything further you want to say now in support of this claim? A No sir.

The applicant has the appearance and physical characteristics of a person descended from white parentage; brown hair, brown eyes and light complexion; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on September 30, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 18 day of October, 1901.

Charles Kesauyer

Notary Public.

COPY.

Muskogee, Indian Territory, August 7, 1902.

Della Vernon,

Powell, 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 Margaret Jane Odom, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Odom, et al.,	M.C.R. 3601
Mary J. Dutton, et al.,	" 3653
Della Vernon, et al.,	" 3654

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

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

Said decision concludes as follows:

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

D V _____ 2

Margaret Jane Odom, Elizabeth Odom, Mary J. Dutton, Levin C. Netherlain, Clarence Netherlain, Pearlie Dutton, Roy Dutton, Harvey Dutton, Della Vernon, Guthbert Vernon and Richard Vernon 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. Doby

Acting Chairman.

Registered.

H.C.R. 3654.

COPY.

Muskogee, Indian Territory, November, 7, 1902.

Mella Vernon,

Powell, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Odom, et al., of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

Yours

James H. Hasty

Acting Chairman.

No. 3654

For Identification as a Mississippi Choctaw.

Date SEP. 1901

Name *Hella Vernon*

Age 26 Blood $\frac{1}{16}$

Post Office, *Powell, L.I.*

Father: *Charles J. Odom. l*

Mother: *Marquet J. " l*

Claims through *mother*

husband

Es. W. Vernon, w. -

No claim for husband,

Children:

Guthbert Vernon, 10

Richard " 8

Claims for self

& children -

Stenographer *H. Y. Harris.*

Choctaw MCR 3655

Harrison S. Gardner

See MCR 4366

MCR 3655

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

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In the matter of the application of Harrison Stanley Gardner, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Harrison Stanley Gardner, et al M.C.R. 3655
Thomas Bryan Gardner, et al " 4366

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Harrison Stanley Gardner, et al.

	(Page)
Original application of Harrison Stanley Gardner, et al., before the Dawes Commission for identification as Mississippi Choctaws	1
Original application of Thomas Bryan Gardner, et al., before the Dawes Commission for identification as Mississippi Choctaws	7
Decision of the Commission denying the application of Harrison Stanley Gardner, et al., for identification as Mississippi Choctaws	15

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. SEPTEMBER 20, 1901.

3655

In the matter of the application of Harrison Stanley Gardner for the identification of himself and his four minor children as Mississippi Choctaws.

No attorney for applicant.

Harrison Stanley Gardner being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Harrison Stanley Gardner; G-a-r-d-n-e-r.
Q What is your age? A Fifty two years old; born in 1849.
Q What is your post office address? A Sherman, Texas.
Q Do you live at Sherman? A Yes sir.
Q What is the street number? A #303 South Elm St.
Q How long have you lived at Sherman? A I have been in Grayson County about twenty four years.
Q Sherman is in Grayson County? A Yes.
Q Where did you live before that? A I went from Colorado to Grayson County, Texas in '77.
Q Where were you born? A In Arkansas on the Mississippi River.
Q What place in Arkansas? A Warren; that is, near the Mississippi River.
Q How long did you live there? A Till I was something like twenty two years old; I was born there and went from there to Colorado stayed there till August 1877.
Q Then where did you go? A Sherman, Texas.
Q Have you stayed there ever since? A Yes sir.
Q What is your father's name? A William Gardner.
Q Is he living? A No sir; dead.
Q What is your mother's name? A Tabitha Gardner.
Q Is she living? A Dead.
Q Through which parent do you claim Choctaw blood? A Through my grandmother and grandfather both.
Q Through which parent? A My father; don't claim any on my mother's side.
Q How much Choctaw blood do you claim? A That I don't hardly know. My father was about a quarter my grandmother was about a quarter.
Q Your father claims through his mother? A Yes sir.
Q But if your father had a quarter-? A I wouldn't be positive what my grandfather had; I will have to have some time to get evidence of it.
Q But you don't know now? A No sir.

- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir; not that I know of.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A I married twice.
- Q What is your first wife's name? A Pocahontas Gardner.
- Q Was she a white woman? A Yes sir.
- Q You make no claim for her then? A No sir.
- Q Have you any children you want to make claim for? A Yes sir.
- Q Give me the oldest one. A William Gardner is the oldest.
- Q Is Pocahontas the mother of William? A No sir.
- Q Who is? A Laura Gardner.
- Q Have you any other children by Laura? A Yes; there's Laura Eugenia Mayfield now.
- Q Well she would have to make application for herself; have you any other children by Laura Gardner, under age and single? A No sir.
- Q What is the name of your first wife? A Laura W. Gardner.
- Q She is dead? A Yes sir.
- Q Was she a white woman? A Yes sir.
- Q How the other children? A The oldest is Elnora Gardner.
- Q Is she married? A No sir.
- Q Under age? A Under twenty one.
- Q How old? A Twenty years; not twenty one.
- Q How old is this William you mentioned? A Thirty years old.
- Q Was Pocahontas the mother of Elnora? A Yes sir.
- Q Next child? A Maggie T. Gardner is the next.
- Q How old is Maggie T. Gardner? A She is eighteen.
- Q Next? A Harrison S., Jr; that's my name you know; he is sixteen years old.
- Q Next? A Lewis.
- Q How old? A Thirteen years old.
- Q Any others? A That's all.
- Q Four? A Minors; yes, four.
- Q Is Pocahontas Gardner the mother of these four children? A Yes sir.
- Q And you are the father? A Yes sir.
- Q They all live with you at your home? A Yes sir.
- Q Were you married to your wife under a license and by a minister? A No sir, under a license by a Justice of the Peace.
- Q Have you the marriage license with you? A No sir, I didn't think of it.

A reasonable time will be allowed this applicant in which to produce marriage license and certificate or certified copies of the marriage with his second wife, the mother of these children.

- Q Is your name or the name of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir. Yes I see that they are.
- Q If you and your children are enrolled you don't have to make application at all here. A Well, I don't know only that I see in a book that was in the possession of a party at Sherman; I see William Gardner's name in that book.
- Q Well, I asked you about your name and the name of your children. A No; I don't know whether my name is on the record at all.

Q Have you any relatives that are admitted as Indians in the Choctaw Nation? A I can't say positively that I have; there is a good many Gardners that are Choctaws; Zachary Gardner who was a half Choctaw; I didn't ask him.

Q Is H.S. Gardner- that's you- are you on the rolls? A I don't know.

Q How about your children? A I don't know.

Q Did anybody ever make application for you or your children to the Choctaw tribal authorities to be enrolled? A There was a man down there that wanted to make an application but it was never sent in; I thought he was a fraud and I wouldn't deal with him.

Q Then no application has been made? A No sir.

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

Q Have you or any one of your minor children been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.

Q Have you ever made application before this time for yourself or children to either the Choctaw tribal authorities or the authorities of the United States to be admitted or enrolled as citizens of the Choctaw Nation? A No sir.

Q Do you come before the Commission at this time for the purpose of claiming rights in the Choctaw lands, Indian Territory, for yourself and children under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

That treaty of Dancing Rabbit Creek sometimes called the treaty of 1830 was entered into between the United States Government and the Choctaw Indians in Mississippi at a place called Dancing Rabbit Creek on the 27th day of September, 1830, for the purpose of the removal of all the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation in Indian Territory. Before the treaty was signed it became evident that a great many Choctaw Indians would not go to the Indian Territory and so in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q You, think you understand that? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?
- A Not that I know of.
- Q You claim through your father, William Gardner? A Yes sir.
- Q He claimed through which parent, father or mother? A Through his father.
- Q What was his name? A Bryan Gardner.
- Q And he claimed through whom; this Bryan? A I don't know.
- Q Did Bryan Gardner ever live in Mississippi? A Yes sir.
- Q Did he live there in 1830? A Yes sir; prior to that.
- Q Was he the head of a family at that time? A He married Billie Scarborough.
- Q Was he married at the time of the making of the treaty of 1830?
- A Yes I think so.
- Q Was he a recognized member of the Choctaw tribe of Indians at that time, do you know? A I can't say positively.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi in 1830? Or any time before that? A I think so; I am not positive.
- Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, between 1833 to 1838 to the present Choctaw Nation? A My grandmother told me that they moved the same time the Choctaws did and landed at Gaines Landing in Arkansas; they didn't go any further.
- Q They didn't go down to the Territory, then? A No sir.
- Q Did any of your ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi, Sol. Ward, that they intended to take land in Mississippi and become citizens of the States? A I don't know sir.
- Q Did any of your ancestors ever claim or receive land in Mississippi under article fourteen of that treaty? A I don't know.
- Q Did they claim benefits or lands under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I don't think they did.
- Q Did your Choctaw ancestors, Bryan Gardner, or any other Choctaw ancestor of yours have any Indian name that you know of? A No sir.
- Q Did he speak the Choctaw language? A No sir.
- Q Do you? A No sir; but his children, my grandfather's children, a great many, have Choctaw Indian names and it is kept up in my folk's family; my own sister is Osceola; I had one sister that was an Ophelia; my father's sister was Billie; Elmira and Silena.
- Q Did any of these speak the Choctaw language? A I think not.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the Government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in Mississippi and become citizens of the States. The records of the Government show that this agent failed to register or record or report to the Government the names of many Choctaws who did signify their intention to remain in Mississippi and take advantage of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek; on this account in many instances the land upon which the Indians had improvements and which they desired to have reserved for them under article fourteen was sold by the Government at its Public Land Sale. This led to a great many complaints on the part of the Choctaw Indians and in 1837, Congress by Act of March 3, 1837, appointed a Commission to go to Mississippi and hear claimants under article fourteen. In 1842 another Commission was appointed for

the same purpose. These two Commissions made lists of the names of Choctaw Indians who claimed under article fourteen of the treaty of 1830.

Q Did any of your Choctaw ancestors appear before either of these Commissions and claim benefits under article fourteen of that treaty?

A Not that I know of.

Q Did they ever claim any benefits or rights to lands or money or scrip or any benefits as Choctaw Indians either under article fourteen of the treaty of 1830 or under the supplement? A Not that I know of.

The Act of Congress of August 23, 1842, provided that in case it should be finally determined that a Choctaw had complied with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek and it further appeared that his land had previously been taken from him that he should have the right to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that certificates should be issued to them to that effect; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip?

A Not that I know of.

Q Have you any documentary evidence you would like to produce now?

A No sir; not at present.

A reasonable time will be allowed this applicant in which to produce documentary evidence; also marriage license and certificates or certified copies of the same of the marriage of his father and mother and also of the marriage between himself and his wife, Pochontas in support of the application he makes for his minor children.

Q Have you anything further you want to say about this claim? A No sir.

Q Do you claim through your grandmother, Scarborough; your father claims through whom? A Bryan Gardner.

Q And Bryan claims through whom? A I don't know.

Q Where does your grandmother come in? A I don't know- from Scarborough; I claim through both.

Q Through which one on the maternal side do you claim; you claim through Bryan Gardner and whom else? A Zillie Scarborough.

Q That's your--? A My grandmother.

Q On which side? A On my father's side; that's my father's mother.

Q Was she Choctaw Indian? A Yes; so they claimed.

Q You don't know how much you claim? A No sir; I am not positive.

Q Now, have any of your grandmother's ancestors been recognized as Choctaw Indians? A I can't say, but the Scarboroughs have been recognized.

Q I mean lived and ate and slept with them, associated with them, danced with them? A I don't know.

Q You know there is a difference in being a white man having Choctaw blood and being Indian and living with them? A I can't say that she was; 'cause that's before my memory.

Q Did any of Zillie Scarborough's ancestors ever comply with the article fourteen of the treaty of 1830, -? A I can't say.

Q -er own land in Mississippi? A Yes sir.

Q In 1830? A Yes sir.

Q Got it from the Government? A Well, that's the presumption.

Q Have you any proof of that fact? A Not yet.

Q You think you can prove that? A Yes sir.

Q Did any of her ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1938? AI don't know.

Q Did they ever comply in any way with the provisions of article fourteen of the treaty of 183? A I can't say.

Q Did they ever claim any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A I haven't heard.

Q Did Zillie Scarborough or any of her ancestors speak Choctaw?

A I can't say.

Q You don't speak Choctaw? A No sir.

Q Is there anything further you would like to say about this claim anything you can think of now? A I don't know as there is.

This applicant has the appearance and physical characteristics of a white man; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the commission to the Five Civilized Tribes he reported in full proceedings had in the above entitled cause on September 30, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

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

Charles H. Lawrence

Notary Public.

J. F. H.
C. W. U.

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

---o---

In the matter of the application of Harrison Stanley Gardner, et al., for identification as Mississippi Choctaws, consolidating the applications of-

Harrison Stanley Gardner, et al M.C.R. 3656
Thomas Bryan Gardner, et al " 4366

--: 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 Harrison Stanley Gardner for himself and his four minor children, Elnora, Maggie T., Harrison B. Jr., and Lewis Gardner; and by Thomas Bryan Gardner for himself and his six minor children, Thomas Guy, Jennie Ross, Oocela Lee, Mary Kendall, James Daniel and William Addison Gardner, 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."

(2).

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Zillie (or Zilla or Zella) Scarborough, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty, and of one Bryan Gardner, who is alleged to have been a Choctaw Indian (degree of blood not stated) and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that 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 Zillie (or Zilla or Zella) Scarborough, or Bryan Gardner or a less remote ancestor of the appli-

(3).

cants 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.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 Harrison Stanley Gardner, Elnora Gardner, Maggie T. Gardner, Harrison S. Gardner Jr., Lewis Gardner, Thomas Bryan Gardner, Thomas Guy Gardner, Jennie Ross Gardner, Occola Lee Gardner, Mary Kendall Gardner, James Daniel Gardner and William Addison Gardner as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.


THE COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Muskogee, Indian Territory.

AUG 29 1902


Commissioner.

M.C.R.3035.

COPY.

Muskogee, Indian Territory, August 29, 1902.

Harrison S. Gardner,
303 South Elm Street,
Sherman, Texas.

Dear Sir:-

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

Harrison Stanley Gardner, et al., M.C.R.3035;
Thomas Bryan Gardner, et al., M.C.R.4306.

These applications were made under the provision of the act of Congress of June 28, 1900, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and 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 Harrison Stanley Gardner, Elvora Gardner, Maggie T. Gardner, Harrison S. Gardner, Jr., Lewis Gardner, Thomas Bryan Gardner, Thomas Guy Gardner, Jennie Ross Gardner, Cecelia Lee Gardner, Mary Kendall Gardner,

H. S. O., 2.

James Daniel Gardner and William Addison Gardner 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)

Acting Chairman.

Registered.

M.C.R. 3656

Muskogee, Indian Territory, August 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Harrison Stanley Gardner, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of August 29, 1902.

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

Harrison Stanley Gardner, et al., M.C.R. 3655
Thomas Bryan Gardner, et al., M.C.R. 4366.

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,

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

Muskogee, Indian Territory, August 29, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

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

Harrison Stanley Gardner, et al., M.C.R. 3655
Thomas Bryan Gardner, et al., M.C.R. 4366.

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

M M & C -----2-

Harrison Stanley Gardner, Elnora Gardner, Maggie T. Gardner, Harrison S. Gardner, Jr., Lewis Gardner, Thomas Bryan Gardner, Thomas Guy Gardner, Jennie Ross Gardner, Ocoola Lee Gardner, Mary Kendall Gardner, James Daniel Gardner and William Addison Gardner 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.

Land
51963--1902.

C O P Y
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Oct. 4, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated August 29, 1902, forwarding the record relative to the application of Harrison Stanley Gardner, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Harrison Stanley Gardner applies for the identification of himself and his four minor children, Elnora, Maggie T., Harrison S. Jr. and Lewis Gardner; and Thomas Bryan Gardner applies for himself and his six minor children, Thomas Guy, Jennie Ross, Ocoola Lee, Mary Kendall, James Daniel and William Addison Gardner.

August 29, 1902, the Commission held that the parties above named were not entitled to identification.

The record in the case shows that the applicants claim descent from Zillie, Zilla or Zella Scarborough, paternal

grandmother of Harrison Stanley Gardner, or Bryan Gardner, paternal grandfather of said principal applicant, through William Gardner and Tabitha Gardner, patents of said Harrison Stanley Gardner.

The applicants are not of full blood, and the records of this office do not show that the alleged ancestors, Zillie, Zilla or Zella Scarborough, or Bryan, William or Tabitha Gardner, or either of them, received a patent of land under article 14 of the treaty of 1830, or that they complied or attempted to comply with the provisions of the said article of the treaty; or that they applied to the commissions appointed under the acts of March 3, 1837, and August 23, 1842, for an adjudication of their rights, if any they had.

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

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G.A.W.(S)

C O P Y

D. C. 18727-1902.

EAF.

DEPARTMENT OF THE INTERIOR.

Washington.

ITD.6109-1902.

October 11, 1902.

L.R.S.

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

Gentlemen:

August 29, 1902, you transmitted the record in the consolidated case involving the applications for identification of the following named persons as Mississippi Choctaws, to-wit: Harrison Stanley Gardner and his minor children, Elnora, Maggie T., Harrison S. Jr., and Lewis Gardner; Thomas Bryan Gardner and his minor children, Thomas Guy, Jennie Ross, Ocoola Lee, Mary Kendall, James Daniel and William Addison Gardner.

The applicants claim to be descendants of one Zillie (or Zilla or Zella) Scarborough, alleged to have been a half blood Choctaw Indian, and of one Bryan Gardner, alleged to have been a Choctaw Indian, both of whom are said to have resided in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a Choctaw citizen, or

-2-

that either of the alleged ancestors above named, 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 29, 1902.

Forwarding the papers October 4, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

After a careful review of the whole record, the Department affirms your decision.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

BMD.

1 inclosure.

Clerk

M.C.R. 3655.

Muskogee, Indian Territory October 20, 1902.

Harrison S. Gardner,
#303 South Elm St.
Sherman, Texas.

Dear Sir:-

You are hereby advised that on the 11th 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 Harrison Stanley Gardner, et al., of which decision you were advised by registered mail on the 29th day of August, 1902.

Respectfully,

(SIGN)

James Binney.
Acting Chairman.

M.C.R. 3655.

Muskogee, Indian Territory October 20, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of 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 Harrison Stanley Gardner, et al., of which decision you were advised by mail on the 29th day of August, 1902.

Respectfully,


Acting Chairman.

Consolidated Case
of
Harrison S. Gardner
1855

(2011.10)
Zilla Scarborough $\frac{1}{2}$
married
Bryan Gardner

William Gardner 73- $\frac{1}{4}$
dead
married
Tobitha Burkett ^(MORTON) w.
dead

¹⁸⁸⁷
Harrison Stanley Gardner 52
Wife

- ① Laura E. Gardner ^{dead}
- ② Pocahontas Gardner

¹⁸⁸⁷
Thomas Bryan Gardner 50- $\frac{1}{2}$
married

- ① Alis Coward w.
- ② Sallie B. Kendall

Oceola Gardner
married
— Mills
— Robinson

William G. 1

William Gardner 30
Laura Eugenia Gardner "
married
— Mayfield

Elnora Gardner 20
Maggie J. " 18
Harrison S. " Jr. 16
Lewis " 13

¹⁸⁸⁷
Thomas Guy Gardner 16
Jennie Ross " 12
Oceola Lee " 10
Mary Kendall " 7
James Daniel " 4
William Addison " 2

Idyll Mills
^(Robinson)
Howard Mills

Myra Gardner
married
John Handley

John Handley Jr
Mattie Handley
married
— Dyer

William Handley
Melvin Handley
Ruth Handley

<sup>(Zella
or Zillie)</sup>
Zilla Scarborough
married

Martha Gardner
married
— Wilson

Bryan Gardner

John Gardner

Thomas B. Gardner

—
—
dead

—
—
dead

Benjamin Franklin Gardner

William Sheby Gardner

Mattie Gardner
married
— Moran

Mollie Gardner
married
— See

For Identification as a Mississippi Choctaw.

Date 2nd 1901

Name Harrison S. Gardner

Age 52 - Race don't know

Post Office, Sherman, Tex.

Father, William Gardner, 303 South Elm St.

Mother Tabitha " " "

Claims through father, and

wife, Pocahontas

~~Pocahontas~~
Pocahontas, " W-

No claim for wife

Children:

~~William Gardner~~

~~Lewis S. Gardner~~ II

~~181- ~~William Gardner~~ ~~and~~ ~~children~~~~

~~William Gardner~~

~~children~~

Elnora Gardner - 20

Maqqie J. " 18

Harrison S. " Jr. 16

Lewis S. O. " 13

Claims for self & wife ^{children}

Stenographer H. G. H. H. H.

Choctaw MCR 3656

James Phillips

See MCR 3659, 4697

MCR 3656

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

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

James Phillips,	M C R 3656
Julian Phillips, et al.,	M C R 4697
Levi B. Phillips, et al.,	M C R 3659

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 James Phillips for identification as a Mississippi Choctaw.	1
Original application of Julian Phillips, et al., for identification as Mississippi Choctaws.	6
Affidavit of James Phillips.	12
Original application of Levi B. Phillips, et al., for identification as Mississippi Choctaws.	13
Decision of the Commission denying the applications of James Phillips, Julian Phillips, et al., and Levi B. Phillips, et al., for identification as Mississippi Choctaws.	18

Department of the Interior.
Commission to the Five Civilized Tribes.
Atoka, I.T. October 1, 1901.

3656

In the matter of the application of James Phillips for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

James Phillips being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A James Phillips.
Q P-h-i-l-l-i-p-s? A Yes sir.
Q What is your age? A I was seventy-two last August.
Q What is your post-office address? A Goodland, I.T.
Q That is all one word? A Yes sir.
Q Where were you born? A In Mississippi.
Q Where in Mississippi? A Close to Columbus, in the Choctaw Nation.
Q How long did you live there? A I lived there and went to Alabama when I was quite small with my father.
Q About how old? A I suppose about three or four years old.
Q Where in Alabama? A In Tuscaloosa County.
Q And from there you went to where? A Tennessee.
Q How long did you stay in Tennessee? A About twenty-four years close to Adamsville.
Q Then you came to where? A To Texas and the Territory.
Q And have lived since then where? A Here in the Territory and partly in the Texas. My home has been in the Territory for the last five years.
Q Have you lived at Goodland for the past five years? A No sir I have moved around and have been in Goodland about one year. The balance of the time I have been knocking around over the Territory before that. My family was in Tennessee until two years ago when they all came out here.
Q What is your father's name? A Levi Phillips.
Q Is he living? A No sir.
Q Is your mother living? A I don't know whether she is or not.
Q What was her name? A R Julia A. Phillips.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A One-fourth.
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 don't know that he ever has he never was in this part of the country. I don't know what he did in Mississippi.
Q Are you married? A Yes I am married the second time.
Q What is your wife's name? A This here one now?
Q Yes? A Her name is Nancy.
Q Is she a white woman? A Yes sir.
Q You make any claim for her? A No sir she is a white woman.
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 sir.
Q You make this claim for yourself alone? A Yes sir my children is all of age.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know whether they are or not. Mr. Ratoliff said he would put it on.
- Q Did you ever hear that he did put it on? A No sir I don't know.
- Q Who is he? A The Sheriff of the County that I live in.
- Q Did you or any one for you ever make application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? Never before.
- Q Did you or did any one for you ever make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir they passed me as a citizen, they claimed me to be a citizen but I have not been recognized any further.
- Q Who claimed you to be a citizen? A All the neighbors and friends
- Q Have you ever made application before this time for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the authorities of the United States? A No sir.
- Q Do you know come before the Commission for the purpose of being identified as a Mississippi Choctaw under the Fourteenth article of the treaty of eighteen hundred and thirty? A Yes sir.
- Q Do you understand that treaty or that article of the treaty? A No sir I was going to say----

The treaty of Dancing Rabbit Creek or more often called the treaty of 1830 was entered into between the United States government and the Choctaw tribe of Indians who at that time lived in Mississippi and Alabama. The object of the treaty was to secure the removal of all the Choctaws from the old Choctaw Nation in Mississippi and Alabama to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that a great many Choctaws would not come to the New Choctaw Nation and in order to protect the interests of these Indians this article was made a part of the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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."

- Q You think you understand that article? A Yes Now my pappy was one of those Choctaws who would not come but stayed there in Alabama.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know whether they did or not I was young and small I don't know I reckon that my Pappy did, but I don't know.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A Well my Pappy lived there in 1830.
- Q What was his name? A Levias Phillips.

- Q Do you claim your Choctaw blood through him? A Yes sir.
- Q What was his mother's name? A Betsy Phillips.
- Q She was a Choctaw Indian? A Yes sir.
- Q Did Levi Phillips live in Mississippi in 1830? A I reckon he did. I was small.
- Q You're seventy-two now? A Yes sir.
- Q And were born in Mississippi? A Yes sir.
- Q In 1830 he was living? A Yes sir.
- Q And had a family at that time? A Yes sir.
- Q Did you have any older brothers and sisters? A Yes I had two older sisters.
- Q They were born in Mississippi? A Yes I reckon.
- Q When you were born they were living? A Yes sir.
- Q Was your father living in Mississippi and was he the head of a family in 1830? A Yes so I have been told.
- Q Well you know you were born then? A Yes sir.
- Q And you know that your father was living at that time? A Yes sir.
- Q Do you know whether your father at that time was a recognized member of the Choctaw tribe of Indians? A I don't know I can't tell. That he was there amongst them.
- Q Did he own any improvements on land in Mississippi at that time? I don't know whether he did or not.
- Q Did he take land there and put up a house and other buildings? A I don't know.
- Q Did he go with the other Indians from Mississippi or Alabama to the Present Choctaw Nation between the years 1833 and 1838? A No sir he did not go, he remained there.
- Q If he stayed there do you know if within six months after the ratification of the treaty of eighteen hundred and thirty he went to the United States Indian Agent and told him that he wanted to stay there and take land? A No sir I don't know that.
- Q You never heard about that? A No sir.
- Q Did he or any of your Choctaw ancestor ever receive or claim any land under article fourteen of the treaty of 1830? A I can't say that they did. Grandfather was in there.
- Q Do you know whether any of them came to the Indian territory? A I don't know.
- Q Did any of your Choctaw ancestors claim or receive any land or any benefits under any other article than article fourteen of the treaty or under the supplement of that treaty? A I don't know.

In accordance with the provisions of article fourteen of the treaty of eighteen hundred and thirty the government directed an Indian Agent Col. Ward who lived at that time in Mississippi to record the names of all the Choctaw who appeared before him within six months after the ratification of the treaty of 1830 and declared their intention of remaining in Mississippi. Col Ward neglected to record the names of all the Indians who appeared before him and on account of this neglect a great many Indians who occupied land in Mississippi had their land taken away from them by the government and sold. This caused a great many complaints on the part of the Indians so that in 1837 Congress appointed a Commission, which Commission went to the State of Mississippi and heard claimants under article fourteen of the treaty 1830. In 1842 another Commission was appointed for a similar purpose. Both these Commissions made lists of successful claimants who appeared before them.

- Q Do you know whether any of your Choctaw ancestors, Levi Phillips or Betsy Phillips his mother, appeared before either of these Commissions and claimed 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 with all the provisions of article fourteen of the treaty of, eighteen hundred and thirty and that his land had been taken from him, he should be entitled to select land elsewhere, either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A No sir, not that I know of.
 Q Have you any documentary evidence that you want to file now with this Commission? A No sir.

A reasonable time will be allowed this applicant in which to file necessary documentary evidence in support of this application.

- Q Have you any relatives who have appeared before this Commission for identification as Mississippi Choctaws? A No sir.
 Q Have you any who will appear? A My son will appear.
 Q What is his name? A L. B., Levi B. Phillips.
 Q And do you want your case and his case considered together? A Yes sir.
 Q Is there anything further that you want to say in support of this application? A I don't know what to say about it.
 Q Did your father Levi Phillips speak Choctaw? A Yes sir.
 Q Can you speak Choctaw? A No sir not enough to do any good. *
 Q How much Choctaw ~~could~~ did Levi Phillips speak? A I don't know.
 Q Could he carry on a conversation in Choctaw? A Yes he could count.
 Q Is that all he could do? A I don't know just what he could do.
 Q Could his mother Betsy speak Choctaw? A I think she could.
 Q I don't want you to think. Do you know? A I have heard her talk.
 Q To who? A To my mother.
 Q Well your mother was white? A Yes sir.
 Q Could she talk? A No sir.
 Q How could your mother understand Betsy talking Choctaw? A She would only talk to her let her hear her.
 Q Did your father talk in the family? A No sir I never heard him.
 Q Did your father have any Choctaw Indian name? A Not that I know of.
 Q Did his mother have? A No sir she was a Colbert before she was married to grandfather Phillips.

This applicant has the appearance and physical characteristics of a white man, his eyes are brown, complexion is that of a white man. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 1, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause.

Subscribed and sworn to before, at Muskogee Indian Territory,

G. Rosenwinkel

#6

this 25th day of November A. D. 1901.

Charles Mitchell Wood
Notary Public.

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

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

James Phillips,
Julian Phillips, et al.,
Levi B. Phillips, et al.,

M C R 3656
M C R 4697
M C R 3659

--: 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 James Phillips for himself; by Julian Phillips for himself and his two minor children, Leola and Mackie Phillips; and by Levi B. Phillips for himself and his four minor children, Clarence, Lola, Russell Sage and James Gordon Bennett Phillips, 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

(2).

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It 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 Levi Phillips, 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 either Levi Phillips, or the principal applicant herein, signified (in person or by proxy) to Colonel

(3).

Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513).

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Phillips, Julian Phillips, Leola Phillips, Mackie Phillips, Levi B. Phillips, Clarence Phillips, Lola Phillips, Russell Sage Phillips and James Gordon Bennett Phillips, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,


Acting Chairman.


Commissioner.


Commissioner.

COPY.

M.C.R. 3656.

Muskogee, Indian Territory, July 12, 1902.

James Phillips,

Goodland, Indian Territory.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

James Phillips,	M.C.R. 3656
Julian Phillips, et al.,	" 4697
Levi B. Phillips, et al.,	" 3659

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

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

Said decision concludes as follows:

J P 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Phillips, Julian Phillips, Leola Phillips, Mackie Phillips, Levi B. Phillips, Clarence Phillips, Lola Phillips, Russell Sage Phillips and James Gordon Bennett Phillips, 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,

James H. ...

Acting Chairman.

Registered.

COPY.

M.C.R. 3656.

Muskogee, Indian Territory, July 12, 1902.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

James Phillips,	M.C.R. 3656
Julian Phillips, et al.,	" 4697
Levi B. Phillips, et al.,	" 3689

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:

M NoM & C 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Phillips, Julian Phillips, Leola Phillips, Mackie Phillips, Levi B. Phillips, Clarence Phillips, Lola Phillips, Russell Sage Phillips and James Gordon Bennett Phillips, 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,

Wm. D. Dix
Acting Chairman.

M.C.R. 3656.

Muskogee, Indian Territory, July 12, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James Phillips, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1902.

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

James Phillips,	M.C.R. 3656
Julian Phillips, et al.,	" 4697
Levi B. Phillips, et al.,	" 3659

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.

Acting Chairman.

1 enclosure.

Land
50985-1902

J F H

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, Sept. 20, 1902 .

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

Sirs:

Upon request of Messrs. Dudley & Michener, attorneys at law, Washington, D. C., the office has decided to defer action in the Mississippi Choctaw cases of James Phillips, Julian Phillips, et al., and Levi B. Phillips, et al, until November 20, next.

The gentlemen have been so informed and further advised that the records in the cases have been forwarded to you with request that you retain them until November 20, 1902 and again return them, together with such further evidence as may be filed, and your decisions in the premises.

The papers are herewith enclosed.

Very respectfully,

(signed)

W. A. JONES,
Commissioner .
N.C.T.

WCV
D

11/15/02

Washington, D. C., November 4, 1902.

The Secretary of the Interior.

The Secretary of the Interior.

Sir:

The Commissioner of Indian Affairs, with his letter of September 20, 1902, returned to this Commission the record thereon forwarded the Department in the consolidated Mississippi Circuit case of James Phillips, et al., with instructions that said record be held until November 20, 1902, for the purpose of allowing the applicants to file additional evidence in support of their claims.

On October 15, 1902, there were filed with the record in this consolidated case two affidavits of James Phillips, the principal applicant, and one affidavit of Julian Phillips.

The record in this case shows that James Phillips, the principal applicant, traces his descent only to his father, Levi Phillips. On the 15th day of October, 1902, he alleges that Levi Phillips is the son of Andrew Phillips, who married Betsey or Elizabeth Colbert; that he knew his grandfather,

Sub

or Elizabeth Colbert, that he knew his grandmother, Betsey Colbert Phillips, well in his childhood days; "that his said grandmother often told him she was a Choctaw Indian."

It does not appear from records in possession of this Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, and to persons who were heretofore claimants thereunder, that any person by the name of Betsey or Elizabeth Colbert, or Betsey Colbert Phillips, signified in person (or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of article fourteen of the Choctaw treaty of 1830; or presented a claim to rights thereunder to either of the two 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).

The additional evidence filed in the consolidated Mississippi Choctaw case of James Phillips, et al., is therefore herewith transmitted, together with the original record in the case.

Respectfully,

Acting Chairman,

Commissioner,

Commissioner.

M C R 3656.
Through the Commissioner of
Indian Affairs.

be approved.

Respectfully,

Acting Chairman.

Commissioner.

M.C.R. 3656.

Commissioner.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, December 11, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Commissioner of Indian Affairs, with his letter of September 30, 1902, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of James Phillips, et al., with instructions that said record be held until November 20, 1902, for the purpose of allowing the applicants to file additional evidence in support of their claims; and that the record again be returned, together with such additional evidence, and the decision of the Commission in the premises.

On October 15, 1902, there were filed with the Commission two affidavits of James Phillips, the affidavit of North Hill and the affidavit of Julian Phillips, for consideration in connection with this case.

James Phillips in his affidavit alleges that his father, Levi Phillips, was the son of Thomas Phillips, who married Betsey

or Elizabeth Colbert, that he knew his grandmother, Betsey Colbert Phillips, well in his childhood days; "that his said grandmother often told him she was a Choctaw Indian."

It does not appear from the records in possession of this Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the Choctaw treaty of 1830, and to persons who were heretofore claimants thereunder, that any person by the name of Betsey or Elizabeth Colbert, or Betsey Colbert Phillips, signified in person (or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of article fourteen of the Choctaw treaty of 1830; or presented a claim to rights thereunder to either of the two 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).

The additional evidence filed in the consolidated Mississippi Choctaw case of James Phillips, et al., is therefore herewith transmitted, together with the original record in the case, with the recommendation that the decision of the Commission

refusing the applications of the several persons included therein
be approved.

Respectfully,

Acting Chairman,

Commissioner,

Commissioner,

M C R 3856.

Through the Commissioner of
Indian Affairs.

Land
74161---1902.

C O P P.

Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 28, 1903.

The Honorable,

The Secretary of the Interior

Sir:

There is transmitted herewith for your consideration the record of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following parties: Thomas Phillips for himself; Julian Phillips for himself and his two minor children, Leola and Mackie Phillips; Levi B. Phillips for himself and his four minor children, Clarence, Lola, Russell Sage and James Gordon Bennett Phillips, claiming rights as such under the provisions of the 14th article of the Choctaw treaty of 1830.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from Betsy Phillips, nee Colbert, and Levi Phillips, her son who it is alleged were Choctaw Indians and residents in the Choctaw Nation in 1830.

The Commission rejected the applicants July 12, 1902, because the names of their ancestors through whom they claim do not appear among those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, and for the additional reason that the applicants have never been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Betsy Phillips, nee Colbert, and Levi

--2--

Phillips, and it is discovered that their names do not appear among those who complied or attempted to comply with the provisions of the 14th article of said treaty. Neither does it appear that they applied to the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights if they had any as Choctaw Indians.

These being the facts it is recommended that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

A. C. Tonner,
Acting Commissioner.

C.T.C. (S)

D.C. 8799

C O P Y.

FHE.

DEPARTMENT OF THE INTERIOR.

W A S H I N G T O N.

I.T.D. 2306-1903'

March 7, 1903.

L R S

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

Gentlemen:

July 12, 1902, you submitted the consolidated Mississippi Choctaw case involving the applications of James Phillips, Julian Phillips, et al., and Levi B. Phillips, et al., having found the parties not entitled to rights in the Choctaw Nation as Mississippi Choctaws.

It appears that on September 20, 1902, "Upon request of Messrs Dudley and Michener, attorneys at law," the papers were returned to you by the Indian Office with instructions to retain them until November 20, 1902, and again return them, together with such further evidence as may be filed and your decision in the premises.

Upon what the request of said attorneys was based does not appear. Certain affidavits were filed with you on October 15, 1902. These affidavits throw no new light of any importance upon the matter. December 11, 1902, you submitted the case.

The evidence is insufficient, as held by you, to determine the identity of the applicants James Phillips, Julian Phillips, Leola Phillips, Mackie Phillips, Levi B. Phillips, Clarence Phillips, Lola Phillips, Russell Sage Phillips and James Gordon Bennett Phillips, as Mississippi Choctaw Indians entitled to rights under the article 14th of the treaty of 1830.

-2-

Submitting the case February 28, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

Your decision is hereby affirmed.

Respectfully

F. L. Campbell,

Acting Secretary

1 inclosure.

M.O.D. 3650

624
Muskogee, Indian Territory, March 19, 1903.

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

Gentlemen:

You are hereby notified that on the 7th 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 James Phillips, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

James L. ...
Chairman.

COMMISSIONERS
TAMM BINGBY
THOMAS B. NEEDLES
C. R. BREGENTHALER
W. F. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 3656


Muskogee, Indian Territory, March 19, 1903.

James Phillips,
Goodland, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th 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 James Phillips, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,



Chairman.

Consolidated Case
of
James Phillips

REF TO M O R

(B. Lewis Phillips
med call)

Lewi Phillips -
Dead
Wife
Julia A. Phillips

3656
James Phillips 72 1/4
wife
1. Elizabeth Phillips - Dead
2. Nancy E. Phillips - Dead

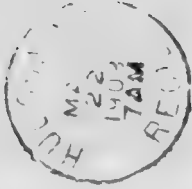
3659
B. Phillips 18 1/2
wife
Mary A. Phillips
Mack
4697
Julian Phillips 39 1/2
wife
Mary Alice Phillips

3659
Charles Phillips 20
" Lola Phillips 17
" Russell S. Phillips 9
" James G. B. Phillips 13 m

Mack
4697
Leola Phillips 9
" Mackie Phillips 8

5

3656



MISSION TO THE ...

FILED

MAY 4 1903



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Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

For Identification as a Mississippi Choctaw.

Date OCT - 1 1901

Name James Phillips -

Age 72 Blood 1/4

Post Office, Goodland, I. T.

Father, Levi Phillips, d.

Mother: Julia A "

Claims through father

wife

Nancy -

w -

No claim for wife

~~None~~

Claims for self alone.

Stenographer J. Rosenwald -

Choctaw MCR 3657

Rufus M. Johnson

See MCR 3796

MCR 3657

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. October 1, 1901.

3557

In the matter of the application of Rufus M. Johnson for identification as a Mississippi Choctaw; and also for the identification of his minor child as a Mississippi Choctaw.

Applicant not represented by attorney.

Rufus M. Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Rufus M. Johnson. J-o-h-n-s-o-n.
Q What is your age? A Twenty eight.
Q What is your post office address? A Gober, Texas.
Q Where were you born? A Mississippi.
Q In what place? A Near Grinth.
Q How long did you live in Mississippi? A About five years.
Q Then you went where? A To Texas.
Q And you have lived in Texas since; different places? A Yes sir.
Q What is your father's name? A William H. Johnson.
Q Is he living? A No sir.
Q What is your mother's name? A Nancy E. Johnson.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A One eighth.
Q Was your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States? in Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Ola V. Johnson.
Q Is she Indian or white woman? A White woman.
Q Do you make any claim for her? A No sir.
Q Have you any children? A Yes, I have one, Percy-- P-e-r-c-y;
Q A boy? A Yes sir.
Q How old is Percy? A About one month old.
Q This is all the children you have? A Yes sir.
Q Is Ola V. Johnson the mother of this child? A Yes sir.
Q And you are the father? A Yes sir.
Q When and where were you married to Ola V. Johnson? A At Gober, Texas, 27th. January, this year.
Q And were you married by a minister under a license? A Yes sir.
Q Have you your marriage license with you? A No sir; I haven't I can get them.

A reasonable time will be allowed this applicant in which to file license and certificate or certified copies of the same in sup-

part of this claim for his son.

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.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and this child to the Choctaw tribal authorities in the Indian Territory? A No sir.

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

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Daves Commission or United States Court in Indian Territory? A No sir.

Q Is this the first application that has ever been made of any kind for yourself and child~~ren~~ either the Choctaw tribal authorities or United States authorities for citizenship in the Choctaw Nation? A Yes sir.

Q Do you now come before the Commission for the purpose of being identified, yourself and child, as Mississippi Choctaws under the provisions of article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I don't thoroughly understand it; I heard you read it a while ago and before.

The treaty of 1830 was made between the United States Government and the Choctaw Indians and was for the purpose of removing all the Choctaw Indians who lived in Mississippi and Alabama in 1830 to the Choctaw Nation, Indian Territory. Before it was signed it was discovered that quite a good many Choctaw Indians would refuse to go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty. This article was satisfactory to these Indians and about all the others and the treaty was then signed. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so ~~as~~ 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 a citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think you understand that? A Yes sir.

Q Did any of your ancestors, if Choctaw Indians, ever comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A My great-grandfather did I reckon; that's what I have been taught.

- Q Did he live in Mississippi in 1830? A Yes sir.
- Q Was he head of a family at that time? A I can't say positively; reckon he was.
- Q What was his name? A Samuel Johnson.
- Q You claim through your father? A Yes sir; William H. Johnson.
- Q And he claimed how much Choctaw blood? A About a quarter.
- Q He claimed through whom? A His father.
- Q And his father claimed through whom? A His father.
- Q Samuel Johnson? A Yes sir.
- Q Which one of these was it was the head of a family and lived in Mississippi in 1830? A Now my grandfather lived in Mississippi then; he was living there a long time.
- Q What was his name? A Rufus Johnson.
- Q Was he the head of a family there at that time? A Yes sir.
- Q Well, then, he is the one the ancestor you want to claim through, isn't he? The one who as stated in article fourteen was the head of a family in Mississippi in 1830? A Yes sir.
- Q Now, did he to your knowledge own any land or improvements on land in Mississippi at that time? A I don't know.
- Q Did he or any others of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 to 1838? A I don't know.
- Q Did he or any other of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that he intended to stay in Mississippi, take land there and become a citizen of the United States? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A Great grandfather, Samuel, did.
- Q Did he receive land from the United States Government? A Yes sir.
- Q What evidence have you of that? A Well, my mother has always taught me that.
- Q Did you ever see any deed or patent to that land? A No sir, I haven't.
- Q Do you know of anybody who did? A My father and mother.
- Q Have they ever appeared before the Commission? A No sir.
- Q Where is that land situated? A I can't say.
- Q What became of it, do you know? A No sir.
- Q All that you are able to say now, then is that your father and mother told you about it? A Yes, that's all.
- Q Do you know when he got that land from the Government? A No sir I don't.
- Q Do you think if time is allowed you you will be able to prove that Samuel ~~Hardman~~, your ancestor, got land from the Government? A Yes, I think I will if I have sufficient time I will be able to prove it I think.
- Q You have no documentary evidence now? A No sir.

Reasonable time will be allowed this applicant in which to file documentary evidence in support of the claim which he makes for himself and child; also proof of the possession of land from the Government of his great grandfather, Samuel Johnson, or any other proper evidence which he desires to submit; also marriage license and certificate or certified copies thereof.

- Q Of me and my wife? A Yes.
- Q Do you know whether Rufus Johnson or any ancestors were recognized members of the Choctaw tribe in 1830? A My great grandfather was; I have been told.

Q Did he live with them, take part in their councils, meetings, dances and so on? A I can't answer that.

Q The Indians in Mississippi did live and live now separate and apart from the white people, more so then than now; but now they live entirely away from the white people? A Yessir.

Q You don't know about that? A No sir.

Q Did Rufus Johnson or his father, Samuel, or any of your Choctaw ancestors go from Mississippi or Alabama to the present Choctaw Nation with the other Choctaw Indians between 1833 to 1838? A I don't know that.

Q Did any of your Mississippi ancestors, if Choctaw Indians, within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that they intended to stay in Mississippi? A I don't know.

Q Did any of them receive any land or any benefits whatever under article fourteen of the treaty of 1830? A Well, my great grandfather did.

Q Did he receive any land under article fourteen do you know?

A I reckon he did.

Q You think you can prove that by your affidavits? A I think I can.

Q Do you know whether any of your ancestors received any lands or benefits whatever under any other article of the treaty of 1830 than article fourteen or under the supplement to that article?

A No sir, I don't.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the United States Indian agent, Col. Ward, was required by the Government to make a list of the names of all Choctaw Indian claimants who came before him within six months after the ratification of the treaty of 1830 and claimed benefits as Choctaw Indians under that article of that treaty. This Indian agent didn't record the names of all the Choctaw Indians who came before him, in fact he neglected to take the names of a great many Choctaw Indians and the result was that in the years following the 1830 the Indians who lived on land in Mississippi had that land taken from them and sold by the Government at its Public Land Sale. This caused a great many complaints on the part of the Choctaw Indians and as a result of these complaints a Commission was appointed in 1837 by Act of Congress of March 3, 1837, and this Commission went to the State of Mississippi and heard a great many Choctaw claimants under article fourteen. In 1842 another Commission was appointed for the same purpose; these two Commissions made lists of the names of a great many Choctaw Indians whose claims were allowed under these two Commissions.

Q Did any of your ancestors, if Choctaw Indians appear before either of these two Commissions and claimed benefits under article fourteen of that treaty? A I don't know.

Q Where it appeared that a claimant who went before the Commission of 1842 had rights under article fourteen of that treaty and where it also appeared to the Commission that his land had been taken from him previously it was decided that these claimants should receive land either in Mississippi, Alabama, Arkansas or Louisiana and that certificates should be issued to him to that effect; these certificates were called scrip.

- Q Do you know if any of your ancestors received any subscription from the Government? A I have been told that my great grandfather did.
- Q From the Government under that Act of Congress of 1842? A I don't know whether it is under that Act or not.
- Q You don't know anything further than what you have heard in the family? A That's all.
- Q Have you any relatives who have previously come before the Commission to be identified? A No sir.
- Q You are the first of your family? A Yes sir.
- Q You have a brother who will appear today? A Yes sir.
- Q What is his name? A Lone D. Johnson.
- Q You want his evidence to be considered with yours--? A Yes sir.
- Q Have you anything further to say now about this claim? A No sir, I reckon not.
- Q You don't speak Choctaw? A No sir.

This applicant has the appearance and general characteristics of a white man; his eyes are brown, hair dark, Caucasian features. He does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of 1830. Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 1, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date. *Henry G. Hains*
 Subscribed and sworn to before me this 22 day of October, 1901.

Charles H. Sawyer

Notary Public

COPY.

M C R 3657

Muskogee, Indian Territory, July 24, 1902.

Rufus M. Johnson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Elizabeth Slade, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Elizabeth Slade, et al.,	M C R	3796
Rufus M. Johnson, et al.,	"	3657
Kellie H. McLaughlin, et al.,	"	3771
Lone D. Johnson, et al.,	"	3658

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 Elizabeth Slade, Rufus B. Slade, William C. Slade Samuel A.

Rufus M. Johnson-2

Slade, Verda E. Slade, Jewel Slade, Valner Slade, Rufus M. Johnson, Percy Johnson, Nellie B. McLaughlin, Arthur G. McLaughlin, William R. McLaughlin, Charlie C. McLaughlin, Harman G. McLaughlin, Lane D. Johnson, and John E. Johnson, as Choctaw Indians entitled 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,


Commissioner in Charge.

Registered.

M C R 3657

Muskogee, Indian Territory, September 5, 1902.

Rufus M. Johnson,
Gober, 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 Sarah Elizabeth Glade, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

Edwin D. Wiley
Acting Chairman.

No. 3657

For Identification as a Mississippi Choctaw.

Date OCT 1901

Name Rufus M. Johnson

Age 28 Blood 1/8

Post Office, Gober, Texas -

Father: William H. Johnson, d

Mother: Nancy E. " d

Claims through father
wife, Ola V. " W.

No claim for wife -

Children:

Percy Johnson (boy) 1 m.

Claims for self
& son - - -

Stenographer H. Y. Harris

Choctaw MCR 3658

Lone D. Johnson

See MCR 3796

MCR 3658

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. October 1, 1901.

3858

In the matter of the application of Lone D. Johnson for the identification of himself and his brother a soldier in the United States Army as Mississippi Choctaws.

Lone D. Johnson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Lone D. Johnson.
Q What is your age? A Twenty three.
Q What is the name of the brother for whom you wish to apply?
A John H. Johnson.
Q What is your post office address? A Gober, Texas.
Q How long did you live there? A About Gober for about 21 years.
Q Where were you born? A Mississippi.
Q What place in Mississippi? A Near Corinth.
Q What was your father's name? A William H. Johnson.
Q Is he dead? A Yes sir.
Q Is your mother living or dead? A She is dead.
Q What is her name? A Nancy E. Johnson.
Q Through which one of these parents do you claim Choctaw blood?
A My father.
Q How much do you claim? A Me? I claim an 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 United States authorities in Indian Territory?
A I don't know; I don't suppose he ever was.
Q Are you married? A No sir.
Q You have no family? A No sir.
Q Do you claim for any other person than yourself? A My brother.
Q What is his name? A John H. Johnson.
Q How old is he? A Twenty five.
Q He claims through the same common father and mother, William H. Johnson and Nancy E. Johnson? A Yes sir.
Q Where is your brother now? A In the Phillipine Islands; is a private in the service, I think.
Q Do you know where he is located in the Phillipines?
A No I haven't heard from him in two months.
Q Where did he enlist? A About two years ago at Dallas.
Q He therefore is not able to come here for himself and make application? A No sir.
Q Is he married? A No sir.
Q Is your name or the name of your brother, John H. Johnson on any of the tribal rolls of the Choctaw Nation in the Indian Territory?
A No sir.

Q Did you or your brother or any one for you make application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.

Q Did you or any one for you or for your brother in 1896 make application for citizenship in the Choctaw Nation to the Dawes Commission under Act of Congress of June 10, 1896? A No sir.

Q Have you or your brother ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory?

A No sir.

Q Is this the first application of any kind that has ever been made for yourself or brother either the Choctaw tribal authorities or the authorities of the United States? A Yes sir.

Q Do you now come before the Commission for the purpose of becoming identified as a Mississippi Choctaw and for the purpose of identifying your brother as a Mississippi Choctaw under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A I suppose I understand it as well as I would if it was read; I have heard it read twice this morning.

Q You don't care to have it read or explained? A No, of course I can't repeat it; I think I understand it though.

Q How do you know, after hearing it read and explained, whether any of your ancestors complied or attempted to comply with the provisions of article fourteen of the treaty of 1830? A Well, I don't know.

Q What was the name of your Choctaw ancestor who lived in Mississippi in 1830? And who was the head of a family at that time?

A Samuel Johnson, I can't say he was in care of a family at that time.

Q How about his son, Rufus? A He was the head of a family.

Q In 1830; in Mississippi? A Yes sir.

Q He was a son of Sam Johnson? A Yes sir.

Q Was he a recognized member of the Choctaw tribe of Indians at that time? A I could not say.

Q Did he own any improvements on land in Mississippi or Alabama in 1830 or any year previous to that? A I don't know.

Q Did his father, Samuel Johnson? A Sam received land, so I have been taught.

Q You have been taught that in the family? A Yes sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Indian Territory with the other Indians of the Choctaw tribe between 1833 to 1838? A I don't know.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, then living in Mississippi, that they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know.

Q Did any of your Choctaw ancestors ever receive or claim any land in Mississippi under article fourteen of the treaty of 1830? A Yes sir.

Q You think Samuel Johnson claimed under that article? A I have been told that; taught that in my family.

Q Do you know whether any of your Choctaw ancestors received or claimed under any other article than fourteen or under the supplement to the treaty? A I don't know.

Q You claim through your father? A Yes sir.

Q He claimed through which parent? A His father, Rufus.

Q And Rufus claimed through? A Samuel.

Q You don't know about Sam's living there at that time? A Yes,

I think he did; I have been told that Samuel Johnson lived there in 1830 and received land under the treaty of 1830?

Q Then you can prove that, if given time? A Yes sir.

Q Have you any documentary evidence you want to introduce now?

A No sir, I just merely came to see what steps to take to see if there is anything in it.

A reasonable time is allowed you in which to introduce documentary proof in support of the application which you make for your self and your brother and also time to prove that any of your ancestors complied with article fourteen or received land under that article.

Q Could your grandfather, Rufus Johnson or his father, Samuel, speak Choctaw language? A I don't know.

Q Did either of them have an Indian name? A I don't know.

Q Any other name besides the English name you knew them by?

A That's all I knew.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the United States Indian agent, Col. Ward, was required to make out a list of the names of all Choctaw claimants who came before him within six months after the ratification of the treaty of 1830 and claimed rights under that treaty. Col. Ward neglected to do this and make out a full list of the claimants who came before him; he made or recorded only the names of a few of all the Choctaws who did appear so that in the years following 1830 the lands that a great many Indians occupied and had improvements upon were taken from the Indians and sold by the Government; this caused a great many complaints so that in 1837 by Act of Congress approved March 3, 1837 a Commission was appointed and sent down to Mississippi in that year and the year following and heard a great many claimants under that article of that treaty; in 1842, by an Act of Congress approved August 23, 1842, another Commission was appointed for a similar purpose. These Commissions made lists of the names of claimants who claimed rights under that article of that treaty.

Q Do you know whether any of your ancestors claimed rights under either of these Commissions? A No sir.

Q Or whether they appeared before Col. Ward, the original Commission or? A I don't know what time they appeared.

The Act of Congress approved August 23, 1842, provided that in case it should finally be determined that a Choctaw had complied

with the provisions of the Treaty of Dancing Rabbit Creek, fourteenth article, but that his land had been sold by the Government he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to be taken from vacant Government land and that a certificate to that effect should be given him; these certificates were called scrip.

Q Did any of your Choctaw ancestors ever receive any such scrip from the Government as Choctaw Indians? A My mother told me Samuel Johnson received scrip.

Q Now you understand that that scrip would be a certificate entitling the holder to go and select land there in Mississippi, Alabama, Arkansas and Louisiana; it wouldn't be money, you understand that do you? A Yes sir.

Q Do you know of the existence of any written evidence anywhere showing that any of your ancestors or the ancestors of your brother have complied or attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek or received any benefits thereunder? A I have been told that Samuel Johnson received benefits under 1830.

Q Have you anything further you want to say in support of this application? A I suppose that's all.

Q You don't speak Choctaw? A No sir.

This applicant has the appearance of being a white man; he has no knowledge of the Choctaw language and has no knowledge of the compliance by his ancestors with the provisions of the fourteenth article of the treaty of 1830.

The evidence in this case which you give for yourself and in behalf of your brother, a soldier in the United States Army in the Philippine Islands, will be taken into consideration together with the testimony of your brother, Rufus M. Johnson, who has just appeared before the Commission for identification; the three will be taken together.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 1, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Sworn and subscribed to before me this 26 day of October, 1901.

Chas. Mitchell Wood
Notary Public.

Muskogee, Indian Territory, December 27, 1901.

L. D. Johnson,
Wida, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter without date, inclosing the affidavits of John Lewis and Tobias Edwards, which you offer for filing in support of your application for identification as a Mississippi Choctaw. The same have been filed with the record in your case.

You ask if you will be permitted to offer the testimony of witnesses in Mississippi. You are informed that if you wish to offer the testimony of witnesses who are residents of the state of Mississippi, in support of your claim, the Commission will hear the testimony of such witnesses as may present themselves in person at its office in Meridian, Mississippi, between January 15 and February 15, 1902.

The change in your post office address has been made a matter of record.

Yours truly,

MC 3658

Commissioner in Charge.

COPY.

D. C. R. 3658

Kuskages, Indian Territory, July 24, 1902

Lone D. Johnson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 24th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Elizabeth Slade, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Elizabeth Slade, et al.,	D. C. R.	3796
Rufus M. Johnson, et al.,	•	3657
Mollie E. McLaughlin, et al.,	•	3771
Lone D. Johnson, et al.,	•	3658

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 Sarah Elizabeth Slade, Rufus B. Slade, William C. Slade, Samuel A.

Lone D. Johnson-2

Blade, Verda E. Blade, Jewel Blade, Valmer Blade, Rufus W. Johnson, Percy Johnson, Lollie R. McLaughlin, Arthur G. McLaughlin, William R. McLaughlin, Charlie C. McLaughlin, Harman G. McLaughlin, Lone D. Johnson, and John H. Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article 2 section 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 thereon.

Yours truly,

Commissioner in Charge.

Registered.

M C R 3658

COPY.

Muskogee, Indian Territory, September 5, 1902.

Leve D. Johnson,
Gober, Texas.

Dear Sir:

You are hereby advised that on the 28th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Elizabeth Blade, et al., of which decision you were advised by registered mail on the 24th day of July, 1902.

Yours truly,

Wm. Kirby
Acting Chairman.

No. 3658

For Identification as a Mississippi Choctaw.

Date OCT -1 1901

Name Lone D. Johnson for
self and Seldiss Brother John H. Johnson
Age 23 - Blood 1/8

Post Office, Goben, Texas -

Father: William H. Johnson d

Mother: Nancy E. " d

Claims through father

~~Witness:~~ Brother,
John H. Johnson. 25-

Stenographer W. G. Harris.

Choctaw MCR 3659

Levi B. Phillips

See MCR 3656

MCR 3659

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 1, 1901.

3658

In the matter of the application of Levi B. Phillips for the identification of himself and his four minor children as Mississippi Choctaws.

Applicant not represented by attorney.

Levi B. Phillips being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Levi B. Phillips; P-h-i-l-l-i-p-s.
Q You claim through your father, James Phillips, do you? A Yes sir
Q What is your age? A I am forty eight.
Q What is your post office address? A Pattonville, Texas.
Q Where were you born? A In Tuscaloosa County, Alabama.
Q How long did you live there? A From the time I was born in 1853 till 1867.
Q And then you went to where? A To West Tennessee.
Q How long did you stay there? A Till 1892; I went to Texas in January 1892, and have lived in Texas since then.
Q What place in Texas? A Right where I am living- in Pattonville
Q What is your father's name? A James Phillips.
Q He is living? A Yes sir.
Q He appeared for identification on the above date, October 1st?
A Yes sir.
Q Do you want to have his testimony considered with yours? A Yes, both together.
Q Is your mother living? A No sir, dead.
Q What was her name? A Elizabeth.
Q That was his first wife? A Yes, that's my mother.
Q Through which one of these parents do you claim Choctaw blood?
A Through my father.
Q How much Choctaw blood do you claim? A I claim an eighth. He was a quarter- that would give me an eighth if I calculate right.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Mary A. Phillips.
Q Is she a white woman or Indian? A White woman.
Q You make no claim for her? A No sir.

- Q Have you children under twenty one years of age and unmarried-?
 A Yes I have four.
- Q What is the name of the eldest? A Clarence Phillips.
- Q How old is Clarence? A He is in his twentieth year; he is nineteen, will be twenty in November.
- Q What is the name of the next? A Lola Phillips.
- Q l-o-l-a? A Yes sir.
- Q How old? A She will be eighteen the 25th March.
- Q Next? A Russell Sage Phillips.
- Q How old is he? A He was nine years old the 6th last April.
- Q Next? A His name is James Gordon Bennett; that's a whole lot of it isn't it?
- Q How old is James G.B. Phillips? A He is thirteen months old.
- Q Is that all? A Yes; we can produce the physician, if necessary.
- Q Is Mary A. Phillips the mother of these children? A Yes sir.
- Q You are 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 your wife? A In McNarry, Tennessee, the 29th April, 1877.
- Q Have you your marriage license and certificate with you?
 A No sir, I haven't; I can produce it easily.
- Q Have you the marriage license and certificate of your father's marriage to his wife? A No sir.
- Q Can you produce it? A Yes sir.
- Q Have you any documentary evidence, any papers, with you?
 A No sir.

A reasonable time will be allowed this applicant in which to introduce and file documentary evidence in support of his claim; also certificate and license of his father's and mother's marriage and also his own marriage to his wife, Mary A. Phillips, in support of the application for his minor children.

- Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of; I suppose they are, but I don't know.
- Q What makes you suppose so; because if they are on the rolls they are Indians and don't have to come here; I am talking about the Indian Territory rolls here. MA No sir, they are not; I thought you meant the old roll.
- Q Did you ever make application for yourself or children to the Choctaw tribal authorities for citizenship in the Choctaw Nation?
 A No sir.
- Q Did you ever make application for yourself or children to the Dawes Commission for citizenship in the Choctaw Nation under the Act of Congress of June 10, 1896? A No sir.
- Q Were you or your children ever admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Dawes Commission or by United States Court in Indian Territory? A No sir.
- Q Did you ever make application before this time for membership as Choctaw Indians in that Nation to either the Choctaw tribal authorities or the United States authorities for yourself and children? A No sir.
- Q Do you now come before the Commission for the purpose of being identified, yourself and children, as Mississippi Choctaws under article fourteen of the treaty of 1830? A Well, yes; I am not well versed along there; I come to establish that fact of course.

Q Do you understand that article of that treaty? A No sir; I don't.

The Treaty of 1830 was made between the Choctaw Indians and the United States Government on the 27th day of September of that year at a place called Dancing Rabbit Creek in Mississippi. At that time the Choctaw Indians were all living as a Nation in part of the State of Mississippi and a portion of the State of Alabama; the object of the treaty was to remove all the Indians from that old Choctaw Nation to the new Choctaw Nation in the Indian Territory. Before the treaty was signed it became apparent that a considerable number of the members of that tribe would refuse to go to the Choctaw Nation, Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

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

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830?

Q No sir; I don't know; I can't tell.

Q You claim through your father, James Phillips? A Yes sir.

Q And he claimed through which parent, father or mother? A He claimed through his father and mother, both, if I understand it.

Q He didn't make that claim? A Didn't he; well--then----

Q What is his father's name? A Levi Phillips.

Q He claimed through Levi Phillips; he didn't make any claim through his mother. A Well, I understand him that they both had some Choctaw. I just wanted to explain it to you.

Q His evidence shows that he claimed through his father, Levi; now do you say in addition that he had a claim through his mother?

A No sir; I won't say that.

Q You claim then, through his father, Levi? A Yes sir.

Q How much Choctaw blood did Levi Phillips have? A He claimed to be a half breed.

Q Could he speak Choctaw? A Yes, I remember.

Q Did you ever hear him? A I was a small boy; he was a sort of a companion with me; he used to take me up and count and talk to amuse me.

Q Did he have any Indian name do you know? A No sir, I don't.

Q This James Phillips is your father, who appeared for identification on this date? A Yes, he is my father; he raised me; has always claimed me as such.

Q Do you know whether Levi Phillips or any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830? A No sir; I don't.

Q Did Levi Phillips or any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830 or before that time? A No sir; I can't tell you; I don't know.

Q Did Levi Phillips or any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw nation Indian Territory with the other Indians between 1833 to 1838? A I don't know.

Q Did Levi Phillips or any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell the United States Indian agent, Col. Ward, that he or they intended to stay in Mississippi, take land there? A No sir I can't tell you.

Q Did Levi Phillips or any of your Choctaw ancestors ever claim any benefits such as land or moneys from the United States Government under article fourteen of the treaty of 1830? A Not that I know of.

Q Did they ever claim any benefits or land or money under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A Not that I know.

According to the provisions of article fourteen of the treaty of Dancing Rabbit Creek the Government required the United States Indian agent, Col. Ward, who lived in Mississippi in 1830 and 1831 to make a list of the names of all Mississippi Choctaw claimants who came before him as such agent within six months after the ratification of the treaty of 1830 and claimed benefits under article fourteen of that treaty; Col. Ward put upon his register only a few of all the Indians who came before him pursuant to the provisions of article fourteen of that treaty. This neglect to record the names of a great many Choctaw Indians led to distress among the Indians- their land was taken away and sold by the Government at Public Land Sale; and so many complaints were made by the Choctaw Indians because of this action of the Government that in 1837 a Commission was appointed by Congress under Act of Congress of March 3, 1837, and this Commission went to the State of Mississippi and heard a great many claimants under article fourteen of that treaty. In 1842 another Commission was appointed for the same purpose.

Q Do you know if any of your Choctaw ancestors appeared before either of these Commissions and claimed any rights or benefits under article fourteen of that treaty? A I don't know.

The Act of Congress approved August 23, 1842, provided that in case a Choctaw had complied with the provisions of article fourteen and if it also appeared that his land had previously been taken from him that he should receive land in Mississippi, Alabama, Arkansas or Louisiana, and that he should receive a certificate to that effect; these certificates were called scrip.

Q Do you know if any of your Choctaw ancestors received any such scrip from the Government under that Act of Congress? A No sir.

Q Is there anything you want to say now in support of your claim?

A No sir.

Q Have you had any relatives except your father appear before the Commission today? A Not that I know of. I haven't got any kin folks scarcely.

Q You have no knowledge of the Choctaw language yourself? A No sir.

This applicant has the appearance and physical characteristics of a white man; has brown eyes and his whiskers are brown, hair is gray. He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 1, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 25 day of October, 1901.

Wm. H. H. H.
Notary Public.

COPY.

M.C.R. 3659.

Wackogee, Indian Territory, July 12, 1902.

Levi B. Phillips,
Pattenville, Texas.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Phillips, et al., embracing the following applications for identification as Mississippi Choctaws:

James Phillips,	M.C.R. 3656.
Julian Phillips, et al.,	" 4697
Levi B. Phillips, et al.,	" 3659

These applications were made under the provision of the act of Congress of June 26, 1896 (30 Stats. 496) which is as follows:

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

Said decision concludes as follows:

L N P 2

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Phillips, Julian Phillips, Leola Phillips, Mackie Phillips, Levi B. Phillips, Clarence Phillips, Lola Phillips, Russell Sage Phillips and James Gordon Bennett Phillips, 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,

Wm. H. H. H.
Acting Chairman.

Registered.

Muskogee, Indian Territory, March 19, 1903.

Levi B. Phillips,
Pattonville, Texas.

Dear Sir:

You are hereby notified that on the 7th 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 James Phillips, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

(SIGNED)

James Birby.
Chairman.

No. 3659

For Identification as a Mississippi Choctaw.

Date OCT 1901

Name Levi B. Phillips -

Age 48 Blood 1/8

Post Office, Pattonville, Texas,

Father; James Phillips, l.

Mother: Elizabeth " d.

Claims through father's
wife, Mary A. " w.

No claim for wife

Children:

Clarence Phillips, 20.

Lola " 17

Russell S. " 9

James G. B. " 13 m.

Claims for self
and children -

Stenographer H. L. Hains

Choctaw MCR 3660

Alice M. Holstein

See MCR D.1

MCR 3660

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

3660

In the matter of the application of Alice M. Holstein for identification of herself and her seven minor children as Mississippi Choctaws.

Applicant not represented by Attorney.

Alice M. Holstein being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Alice M. Holstein.
Q What is your age? A I am thirty-five years old.
Q What is your post-office address? A Mapleton.
Q Texas? A Kansas.
Q How long have you lived at Mapleton? A We have resided there fifteen years.
Q Before you lived there, where did you live? A At Centreville
Q In Kansas? A Yes sir.
Q Where did you live before you lived there? A I was born in Kansas.
Q Never lived outside of the state of Kansas? A No sir .
Q What is your father's name Joseph Mundell.
Q Is he living? A Yes sir.
Q Has he been before the Commission? A No sir.
Q What is your mother's name? A Millie A. Mundell.
Q Is she living? A Yes sir.
Q Has she been before the Commission? A No sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much did your mother have? A It was her great grandfather that was a Choctaw. That is; so I understand.
Q What was his name? A William Harris.
Q How much Choctaw blood did he have? A He was supposed to have been a full blood.
Q That is family history? A Yes that's the way it came to me.
Q That is your mother's great grandfather? A Yes sir.
Q Was it a son or a daughter that was descended from him that you claim through? A It was a son I believe, Tom Harris.
Q Then Tom Harris was a half blood if his father was a full blood?
A (no answer)
Q You claim through your mother, her name was Millie A. Mundell?
A Yes sir.
Q She claimed through which parent? A Through her mother.
Q And what was her mother's name? A Elizabeth Reed.
Q And she claimed through which parent father or mother? A She claimed through her father.
Q Her father's name was Thomas Harris and Elisabeth ~~Reed~~ Reed's maiden name was Elizabeth Harris? A Yes.
Q And Thomas Harris claimed through William Harris? A Yes sir.
Q Do you know William Harris's wife's name? A No sir.
Q You don't know whether you claim through her? A I don't know.
Q Can you tell how much Choctaw blood you claim. William Harris was a full blood; Thomas Harris his son would be one-half; then, Elizabeth Harris or Reed would be one-half of Tom Harris; that would be one-quarter, now was your mother a daughter of Elisabeth Harris? A Yes sir.

- Q She would have been one-eighth, then you would be one-half of that; one-sixteenth? A Yes one-sixteenth.
- Q Now then I have asked you what the blood of William Harris's wife was, Can you recollect what you have heard in the family? A I have heard that she was three-quarters.
- Q You claim one-sixteenth from William Harris and you also claim through his wife who you say was three-quarters? A Yes sir.
- Q You claim in these ancestors, full blood for William Harris and three-quarters for his wife? A Yes sir.
- Q And you claim for yourself these two fractions properly reduced? A Yes sir.
- Q Now what was the name of your ancestor who lived in the old Choctaw Nation in eighteen hundred and thirty, if you know? A Well I don't know whether--- any further back than William Harris.
- Q Well did he or any other Indian descendants live in Mississippi in eighteen hundred and thirty? A I don't know which one of them lived in Mississippi in eighteen hundred and thirty. I don't know where William Harris came from.
- 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 she has not.
- Q Are you married? A Yes sir.
- Q What is your husband's name? A Charles E. Holstein.
- Q He is not an Indian I guess? A No sir.
- Q You make any claim for him? A No.
- Q Have you any children under twenty-one years of age and unmarried? A I have.
- Q What is the name of the oldest? A Charles W. Holstrein.
- Q How old is he? A He is fifteen years old.
- Q Next? A Clyde E.
- Q How old is he? A He is thirteen.
- Q Next? A Jean J.
- Q A Boy? A Yes he is eleven.
- Q What is the name of the next? A Frederick A., he is nine. Mark M., he is seven.
- Q Next? A Paul he is five, Lorena E., one year, that is all.
- Q Is Charles E. Holstein the father of all these children? A Yes sir.
- Q You were not married before? A No sir.
- Q And these are all your children? A Yes.
- Q Are they living with you at your home? Yes sir.
- Q When and where were you married to your husband? A At Centreville, Kansas, the 22nd day of March 1885.
- Q You were married by a minister and under a license? A Yes sir.
- 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 sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities? A No sir.
- Q Have you ever before this time made application for yourself and children for citizenship in the Choctaw Nation under the act of Congress of June 10th, 1896? A No I have never made one.
- Q Were you ever admitted to citizenship in the Choctaw Nation, either you or your children, by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
- Q Have you ever before this time made application for citizenship in in the Choctaw Nation, for yourself or your children, to either the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of having your children identified as Mississippi Choctaws, under article fourteen of the treaty of eighteen hundred and thirty? A Well I don't know about that article.

Q Article fourteen of the treaty of eighteen hundred and thirty was inserted into that treaty of eighteen hundred and thirty for the purpose of protecting the interests of those Choctaw Indians who stayed in Mississippi and Alabama in the years following the treaty of eighteen hundred and thirty when the other Indians came to the Indian Territory. A treaty is a contract in writing or more properly speaking a compact in writing because it is made between Nations instead of individuals. An Article is one of the subdivisions of a treaty. This treaty of eighteen hundred and thirty, some times called the treaty of Dancing Rabbit Creek was made between the Choctaw Indians and the United States government in the year eighteen hundred and thirty at a place called Dancing Rabbit Creek, in Mississippi and was made for the purpose of getting all the Choctaw Indians in Mississippi and Alabama, to leave these two states and come to the new Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that a great many Choctaw Indians would not come to the Indian Territory and so in order to protect their interests article fourteen was put in the treaty. Article fourteen reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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."

Q That is the fourteenth article of the treaty of eighteen hundred and thirty. Now I ask you if you claimed under it. Do you understand it now? A Why no, I don't understand it.

Q I don't know what more I can say to you to make you understand it just to read you a little more? A Well I don't just exactly get the meaning of that article.

Well the fourteenth article required that in case a Choctaw desired to remain in Mississippi he would receive land there under its provisions providing he would, within six months after the treaty of Dancing Rabbit Creek was ratified, signify his intention to the Agent, that is he must in some way let the Agent know that he desired to remain in Mississippi and take advantage of the fourteenth article of the treaty of eighteen hundred and thirty. The treaty of Dancing Rabbit Creek was ratified the 24th day of February 1831. Now, if a Choctaw would signify his intention to the Agent to remain in Mississippi, that is in the old Choctaw Nation in Mississippi or Alabama, he was entitled to a reservation of one section of 640 acres of land to be bounded by sectional lines of survey. If he had a

child in his family over ten years of age that child was entitled to one half as much as its parent or 320 acres, if he had a child under ten years of age that child was entitled to one-quarter. All of that was provided in case they stayed in Mississippi and did not come here. Now the location of the child's land must adjoin the location of the parent, wherever the location of the parent was the child's would be next to it and this land of the parents should include all improvements. Now under the provisions of this fourteenth article each Choctaw Indian was required to live on his reservation five years from the time the treaty of eighteen hundred and thirty was ratified or five years from February 24th, 1831, and he was then entitled to a deed from the government, for this land in Mississippi, then he would have a right to dispose of it as he pleased. The last clause of the fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity." These original Indians who came to the present Choctaw Nation in the year eighteen hundred and thirty three and the years following it not only had land given to them here but had an interest in the distribution of the yearly payments of money.

- Q Now do you think you understand this article well enough to claim under it? A Yes I think so, I presume that is as clear as it can be made.
- Q You think you understand the treaty now as it has been explained to you? A Yes sir.
- Q Do you know if any of your ancestors complied or attempted to comply with the provisions of this fourteenth article of the treaty? A I do not know.
- Q Now can you give me the name of your forefather or ancestor who lived in Mississippi in eighteen hundred and thirty when this treaty was ratified, remember it was ratified on the 24th day of February 1831. Do you know the name of the ancestor who lived in Mississippi at that time? A I can't say that.
- Q You can't say whether it was William Harris or Thomas Harris or his daughter Elizabeth Harris? A I only know that my ancestors formerly came from Mississippi but who it was that lived in Mississippi I can't state at the present time.
- Q Do you know if any of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in eighteen hundred and thirty? A I don't know.
- Q Do you know whether any of them owned land in Mississippi in eighteen hundred and thirty? A No sir.
- Q Did any of them within six months after the ratification of the treaty of eighteen hundred and thirty go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay and take land there in Mississippi? A No I don't.
- Q Did any of them go from Mississippi or Alabama to the Choctaw Nation, Indian Territory with the other Indians between eighteen hundred and thirty three and eighteen hundred and thirty eight? A I don't know.
- Q You never heard that they did? A These are points that I have not yet looked up.
- Q Did any of your ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty of eighteen hundred and thirty? A Not to my knowledge.
- Q Did they ever receive or claim any land or benefits under any other article than article fourteen or under the supplement of that treaty? A I don't know.
- Q In accordance with the provision of article fourteen of the treaty of Dancing Rabbit Creek the United States government

required that Colonel Ward the Indian Agent who lived in Mississippi at that time to make a list of all names of Choctaw Indians who claimed rights under article fourteen of the treaty of eighteen hundred and thirty and who claimed these rights within six months after the ratification of this treaty. Colonel Ward neglected to do this and recorded only the names of a few of those who appeared before him and made such declaration of remaining there. This neglect on his part caused caused numerous Indians who owned land there in Mississippi to lose both their land and the improvements upon it. This led to a great many complaints on the part of the Choctaw Indians and in 1837 by act of Congress approved March 3rd of that year Congress appointed a Commission which Commission went to the State of Mississippi and heard Choctaw Indian claimants who claimed rights under article fourteen of the treaty. In 1842 another Commission was appointed for the same purpose. Do you know whether any of your ancestors, William Harris, Thomas Harris or Elizabeth Harris or any other of your Choctaw ancestors went before either of these Commissions that of 1837 or 1842 and claimed benefits under that article of the treaty? A I don't know.

- Q The act of Congress approved August 23rd, 1842 provided, that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and if it further appeared that his land had been taken from him he should be entitled to select land either in Mississippi, Arkansas, Louisiana or Alabama from any of the vacant lands, and that a certificate should be issued to him to that effect. These certificates were called scrip. Did any of your ancestors receive any such scrip from the government as Choctaw Indians? A I don't know.
- Q You don't know when your father and mother were married?
A Yes sir.
- Q When and where were they married? A In Cooper County, Missouri.
- Q When? A In 1861.
- Q You remember the date? A The 22nd day of January.
- Q Have you the marriage license and certificate or a certified copy of it? A No sir I have not.
- Q You claim through your mother. How old is your mother now? A She was born in 1844.
- Q Where was she born? A In Missouri.
- Q Is her mother living? A No sir.
- Q How old was she at the time of your mother's birth? A I don't know.
- Q How old was she when she died? A My grandmother?
- Q Yes? A My grandmother, I don't know how old she was. Mother told me about it but I have forgotten. I believe she said she was forty-two.
- Q When she died? A Yes sir.
- Q When did she die? A I think it was in 1860.
- Q Then she was born in 1818 was she not, from twenty to sixty is forty and two years would make it about eighteen or nineteen?
A I presume that was about it.
- Q Where was she born? A Well now I don't know.
- Q If she was born in Mississippi in eighteen hundred and eighteen then her father Thomas Harris was living in Mississippi at that time? A I don't think that my grandmother was born in Mississippi.
- Q You cannot testify as to any ancestor who was born there or lived there in Mississippi in eighteen hundred and thirty? A No sir I can't I can get that tho'.
- Q Have you any documentary evidence that you want to introduce now, any papers.

Affidavit of Millie A. Mundell, mother of this applicant, presented by this applicant, marked exhibit "A" filed, made a part of the record in this case.

Certified copy of marriage license and certificate of the marriage between Charles E. Holstein and Alice M. Mundell offered in evidence, marked exhibit "B" filed and made a part of the record in this case.

A reasonable time will be allowed this applicant in which to file documentary evidence, also the testimony of witnesses in person if she desires, also time in which to file evidence of the marriage of her father and mother.

- Q Now give me the names of your relatives who have come before the Commission who claim through the same ancestor that you do? A W. S. Mundell, John Martin and others.
- Q Do you want the evidence given by your relatives who have previously made application here made a part of your application in the consideration of the same? A Yes sir.
- Q Is there anything further that you would like to say in support of this application, anything more that you can think of? A Why I don't know anything further.
- Q You do not speak Choctaw? A No sir.

The applicant has the appearance and physical characteristics of being descended from white parentage. She does not speak the Choctaw language and knows of no compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 2, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 15th day of October 1901.

Notary Public.

Muskogee, Indian Territory, December 2, 1901.

Alice Holstein,
Mapleton, Kansas.

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 October 2, 1901, you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and seven 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. 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.-3660

Commissioner in Charge.

COMMISSIONERS
HENRY I. DAWES
TAMM DIXBY
THOMAS B. NEEDLE
R. BRACKENRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

AFTER REPLY TO THE FOLLOWING

Miss. Choc. 3660

A. J. LINDA L. AYLESWORTH
SECRETARY

COPY.

Muskogee, Indian Territory, March 15, 1902.

Alice M. Holstein,
Mapleton, Kansas,

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.	2810
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.	3700
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.	1225
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.	2804
Finis M. Son,	M.C.R.	2596
Maggie Bradford, et al.,	M.C.R.	2307

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, Va'entin 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 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,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, April 24, 1902.

Alice M. Holstein,
Mapleton, Kansas.

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,

Acting Chairman.

V.C.P. 3660.

COPY

Muskogee, Indian Territory, November 16, 1906.

Alice M. Holstein,
Mapleton, Kansas.

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 OCT 2 1901

Name Alice M. Holstrom,

Age 35 Blood 1/16-

Post Office, Mapleton, Kansas,

Father: Joseph Mundell, l.

Mother: Millie A " l

Claims through mother
husband. Charles E. Holstrom, W.

No claim for husband.

Children: Charles W. Holstrom, 15

Clyde E. " 13

Jean J. " 11

Frederick A. " 9

Mark M. " 7

Paul " 5-

Lorna E. " 1

Claims for self &
children -

Stenographer L. R. Cannon, l. l.

Choctaw MCR 3661

Nathaniel P. Gotcher

See MCR 3662, 3664, 3960
3665, 3666, 3804, 3667, 4364

MCR 3661

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

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In the matter of the application of Nathaniel P. Gotcher for identification as a Mississippi Choctaw, consolidating the applications of-

Nathaniel P. Gotcher	M.C.R. 3661
Leroy B. Camden	" 3662
Harriet Alexander, et al	" 3664
John N. Camden	" 3960
Mary Camden	" 3665
Andrew B. Camden	" 3666
Eva Mathews, et al	" 3864
Effie Myler, et al	" 3667
J. N. Camden	" 4364

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of Nathaniel P. Gotcher, et al.

	(Page)
Original application of Nathaniel P. Gotcher before the Dawes Commission for identification as a Mississippi Choctaw	1
Certified copy of affidavit of Johnson Colbert.....	5
Certified copy of affidavit of Isam Matubbie	6
Certified copy of affidavit of James Bennett, et al	7
Certified copy of affidavit of Amos Johnson	8
Copy of family record of Jesse Gotcher	9
Original application of Leroy B. Camden before the Dawes Commission for identification as a Mississippi Choctaw	10

	(Page)
Affidavit of Amos Johnson	13
Affidavit of James Bennett, et al	14
Affidavit of Leroy B. Camden	15
Certified copy of marriage certificate of Leroy B. Camden and Harriet L. Bennett	16
Affidavit of Dirinde Bennett, et al.....	17
Affidavit of Isam Matubbie	18
Affidavit of Johnson Colbert	19
Original application of Harriet Alexander, et al., before the Dawes Commission for identification as Mississippi Choctaws	20
Certified copy of affidavit of Isam Matubbie	26
Certified copy of marriage license of G.H. Alexander and Hattie Camden	27
Certified copy of affidavit of James Bennett, et al ...	28
Certified copy of affidavit of Amos Johnson	29
Original application of John W. Camden before the Dawes Commission for identification as a Mississippi Choctaw	30
Certified copy of affidavit of Johnson Colbert	35
Certified copy of affidavit of Isam Matubbie	36
Certified copy of affidavit of Amos Johnson	37
Original application of Mary Camden before the Dawes Commission for identification as a Mississippi Choctaw	38
Certified copy of affidavit of James Bennett, et al.....	43
Certified copy of affidavit of Amos Johnson	44
Certified copy of affidavit of Johnson Colbert	45
Certified copy of affidavit of Isam Matubbie	46
Original application of Andrew B. Camden before the Dawes Commission for identification as a Mississippi Choctaw	47

	(Page)
Certified copy of affidavit of Isam Matubbie	51
Certified copy of affidavit of Johnson Colbert	52
Certified copy of affidavit of James Bennett	53
Certified copy of affidavit of Amos Johnson	54
Original application of Eva Mathews, et al., before the Dawes Commission for identification as Mississippi Choctaws	55
Certified copy of marriage license of J.R. Mathew and Donna Camden	61
Certified copy of affidavit of Isam Matubbie	62
Certified copy of affidavit of Johnson Colbert	63
Certified copy of affidavit of James Bennett, et al	64
Certified copy of affidavit of Amos Johnson	65
Original application of Effie Myler, et al., before the Dawes Commission for identification as Mississippi Choctaws	66
Certified copy of marriage license of John B. Myler and Effie Camden	70
Certified copy of affidavit of Isam Matubbie	71
Certified copy of affidavit of Johnson Colbert	72
Certified copy of affidavit of James Bennett, et al.	73
Certified copy of affidavit of Amos Johnson	74
Original application of J. H. Camden before the Dawes Commission for identification as a Mississippi Choctaw	75
Certified copy of affidavit of Johnson Colbert	81
Certified copy of affidavit of Isam Matubbee	82
Certified copy of affidavit of Amos Johnson	83

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

3661

In the matter of the application of Nathaniel P. Gotcher for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Nathaniel P. Gotcher being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Nathaniel P. Gotcher.
Q What is your age? A Sixty-six years old.
Q What is your post-office address? A Sulphur Springs, Arkansas.
Q How long have you lived there? A I have lived there three years.
Q Where did you live before you lived there? A Bentonville, Arkansas.
Q How long have you lived there? A Ten years.
Q Where did you live before you lived there? A South of there since sixty-six
Q Before sixty-six where did you live? A Lawrence Missouri.
Q Were you born in Missouri? A No sir I was born in Tennessee.
Q What place in Tennessee? A Coffee County, Tennessee.
Q How long did you live there? A Until I was seventeen years old.
Q And then did you go to Missouri? A Yes sir.
Q And lived in Missouri about how long? A From Fifty-one to sixty-six.
Q What is your father's name? A Jesse Gotcher.
Q Is he living? A No sir.
Q What is your mother's name? A Annie.
Q Is she living? A No sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A I think 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 United States authorities in Indian Territory? A Not to my knowledge.
Q Are you married? A I am.
Q What is your wife's name? A Nancy.
Q Do you make any claim for her? A No sir.
Q She is a white woman? A Yes sir.
Q Have you any children for whom you wish to apply now? A None, they are all of age.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A Never.
Q Have you made application for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896, to the Commission to the Five Civilized Tribes? 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 Did you ever before this time make application for enrollment as a Choctaw Indian either to the Choctaw tribal authority or the United States authority? A Never.
- Q You now come before the Commission for the purpose of being identified as a Mississippi Choctaw under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.
- Q You understand that treaty or that article of the treaty? A The fourteenth article?
- Q Yes? A Yes sir.
- Q You think you understand it or do you want it explained? A I think I understand it but I might be mistaken.

The treaty of 1830 was made between the United States government and the Choctaw tribe of Indians who at that time were living in Mississippi and Alabama in the old Choctaw Nation. The object of that treaty was to secure the removal of all the Choctaws from the County then occupied by them to a New County west of the Mississippi River, the present Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that a great many Choctaws would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Choctaws article fourteen was inserted into the treaty. This article 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 understand that? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830? A Why I can't answer that.
- Q What is the name of your ancestor who lived in Mississippi in 1830? A Nathaniel Payne.
- Q Was he the head of a family in Mississippi at that time? A I could not answer that question but I suppose he was.
- Q You claim through your mother? A Yes sir.
- Q Annie Gotcher? A Yes sir.
- Q And she claimed her Choctaw blood through which parent? A Through Nathaniel Payne.
- Q This is your grandfather then? A Yes sir.
- Q Did you ever live in Mississippi? A No sir.
- Q Did your mother ever live in Mississippi? A I could not answer that.
- Q Was she born in Mississippi? A I could not answer that. I think she was.
- Q You have no proof of that? A No not as I know of. I have some documentary proof that we wish to file later.

- Q Have you the marriage license and certificate of the marriage of your father and mother? A No sir I have not.
- Q Can you produce that later or some proof of their marriage? A I don't know whether I can or not.
- Q Were they married by a minister under a license? A I don't know whether they were married under a minister or by a civil officer?
- Q You know where they were married? A In Tennessee.
- Q You know when they were married? A I could not give the date of their marriage.
- Q Well if you have any records or any proof of the marriage of your father and mother a reasonable time will be allowed you to present it to the Commission, either a certified copy of the marriage license and certificate or the sworn statement of witnesses who were present at the marriage.
- Q How do you know positively whether Nathaniel Payne lived in Mississippi in 1830? A Not to my own knowledge.
- Q Did he ever live in Mississippi? A Yes sir.
- Q Through which parent did he claim Choctaw blood, father or mother? A I don't know, I can't go back farther than my grandfather.
- Q You know when he lived in Mississippi? A I can't give you the date.
- Q You know whether he was there in 1830 or not? A No sir but I think he was.
- Q Have you any documentary evidence now? A No sir.
- Q Do you know whether any of your ancestors were recognized members of the Choctaw tribe of Indians in 1830 or not? A I don't know.
- Q Did any of your Choctaw ancestors and particularly Nathaniel Payne own any improvements on land in Mississippi in 1830? A Why I could not answer that question of my own knowledge.
- Q Did Nathaniel Payne or any Choctaw ancestor of yours go from Mississippi or Alabama to the Indian Territory with the other Indians between 1833 and 1838? A No sir.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian Agent Colonel Ward and tell him that they intended to stay in Mississippi and take land there and become citizens of the States? A I could not answer that question.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi under article fourteen of the treaty 1830? A Why I can't answer it of my own knowledge.
- Q Do you know whether Nathaniel Payne ever received any land in Mississippi or any money or any benefits at all from the government as a Choctaw Indian? A I can't answer that. I can't of my own knowledge.
- Q Did any of your Choctaw ancestors receive any land or any benefits under any other article than article fourteen of the of the treaty of 1830 or under the supplement of that treaty? A No to my own knowledge.
- Q Did you ever hear it in the family? A No sir I reckon not.

In accordance with the provisions of article fourteen of the treaty of naming Rabbit Creek the United States Indian Agent living in Mississippi at that time was directed by the government to make a list of all the Choctaws who came before him within six months after the ratification of the treaty of 1830 and declared their intention of remaining and taking advantage of the fourteenth article of the treaty of 1830. This Indian Agent Col. Ward failed to make a complete list of names of all the Choctaws who came before him and made such declaration and as the result of this neglect many Choctaws who had land in Mississippi on which

they owned improvements had their land taken from them and lost both the land and the improvements. This caused many complaints among the Choctaws and in 1837 Congress appointed a Commission under act of Congress approved March 3rd that year, which Commission went to Mississippi and heard claimants under article fourteen, in 1842 another Commission was appointed for a similar purpose. Both of these Commissions made lists of successful claimants.

- Q Did any of your ancestors or did Nathaniel Payne go before of these Commission that of 1837 or the Commission of 1842 and attempt to establish their rights under article fourteen of the treaty of 1830? A Not to my knowledge.

The act of Congress approved August 23rd 1842 provided that in case it should be finally determined that a Choctaw had complied with all the provisions of article fourteen and that his land had been taken away from him he should be entitled to select land elsewhere, either in Mississippi, Arkansas, Louisiana or Alabama to be taken from vacant government lands and that a certificate should be issued to him to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any such scrip from the government? A Not to my knowledge.
Q Have you any witnesses that you would like to present now before the Commission? A No not now.
Q You know of any witnesses anywhere who would be able to testify as to your ancestors complying with this fourteen article of the treaty of 1830 or as to the amount of Choctaw blood possessed by you? A Yes sir I think so.
Q Have you any documentary evidence that you would like to present now? A Not now.

A reasonable time will be allowed this applicant in which to introduce the testimony of ~~his~~ witnesses if he desires also for to the introduction of any documentary evidence.

- Q Do you speak Choctaw? A No sir.
Q You don't understand it? A No sir.
Q Are there any other statements that you wish to make now? A Not that I think of, my information has been from my mother and her sister and my cousins mother, that we all had Indian blood.
Q It is a matter of family history and tradition? A Yes sir.

This applicant has the physical appearance and characteristics of a white man. His hair and beard are gray. He has no knowledge of compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 3rd 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 October 1901.

Subscribed and sworn to before me this 25th day of November 1901.

G. Rosenwinkel
W. C. Mitchell
Notary Public.

*2/4/13
C. W.*

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

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In the matter of the application of Nathaniel P. Gotcher,
et al., for identification as Mississippi Choctaws, consolidating the
applications of-

Nathaniel P. Gotcher	M. C. R. 3661
Leroy E. Camden	" 3662
Harriet Alexander, et al	" 3664
John H. Camden	" 3660
Mary Camden	" 3665
Andrew E. Camden	" 3666
Eva Mathews, et al	" 3804
Kffie Myler, et al	" 3667
J. H. Camden, et al	" 4364

--: 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 Nathaniel P. Gotcher for himself; by Leroy E. Camden for himself;
by Harriet Alexander for herself and her four minor children, Guil-
ford, George, Harriet and Heather Alexander; by John H. Camden for
himself; by Mary Camden for herself; by Andrew E. Camden for himself;
by Eva Mathews for herself and her two minor children, Polly and
Fern Mathews; by Kffie Myler for herself and her minor child, Ethel
Myler, and by J. H. Camden for himself and his minor child, Georgia H.

Camden, under the following provision of the act of Congress approved June 26, 1898 (30 Stats., 495):

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

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Nathaniel Payne, who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1898 (29 Stats., 321).

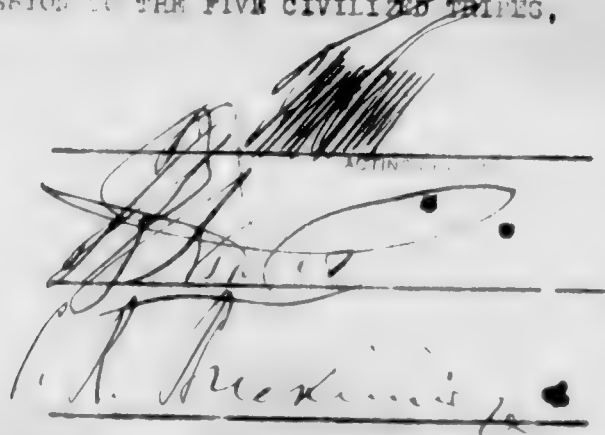
It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nathaniel Payne, or a less

(3)

remote ancestor of any of the applicants herein, or any of the said applicants, 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 Lathaniel P. Getcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Heather Alexander, John N. Camden, Mary Camden, Andrew B. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. N. Camden and Georgia H. Camden, 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,



A. N. McKim

Commissioners.

Muskogee, Indian Territory,

July 12, 1851

COPY.

M.C.R. 3661

Muskogee, Indian Territory, July 12, 1902.

Nathaniel P. Gotcher,
Sulphur Springs, Arkansas.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harriet Alexander, et al.,	M.C.R. 3664
John N. Camden,	M.C.R. 3660
Mary Camden,	M.C.R. 3665
Andrew B. Camden,	M.C.R. 3666
Eva Mathews, et al.,	M.C.R. 3804
Effie Myler, et al.,	M.C.R. 3667
J. N. Camden, et al.,	M.C.R. 4364

These applications were made under the provisions of the act of Congress of June 22, 1890 (50 Stat., 496) which is as follows:

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

N P O -----3

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nathaniel P. Coteher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Esther Alexander, John H. Camden, Mary Camden, Andrew H. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. H. Camden, and Georgia H. Camden, 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 Dixby.

Acting Chairman.

Registered.

COPY.

A.C.R. 3661

Muskogee, Indian Territory, July 11, 1902.

Messrs. Hamfield, McMurray & Cornish,

Attorneys For the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 11th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	A.C.R. 3661
Heroy B. Camden,	A.C.R. 3662
Harriet Alexander, et al.,	A.C.R. 3674
John L. Camden,	A.C.R. 3680
Henry Camden,	A.C.R. 3685
Andrew L. Camden,	A.C.R. 3686
Iva Mathews, et al.,	A.C.R. 3691
Eric Tyler, et al.,	A.C.R. 3697
J. E. Camden, et al.,	A.C.R. 4364

These applications were made under the provision of the act of Congress of June 20, 1892 (30 Stats., 495) which is as follows:

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

M M & C -----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 Nathaniel P. Gotcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Hester Alexander, John N. Camden, Mary Camden, Andrew F. Camden, W. Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, F. H. Camden and Georgia H. Camden, 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.

Your truly,

(Signed)

W. H. H.

Acting Chairman.

COPY.

M.C.R. 3661

Muskogee, Indian Territory, July 12, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nathaniel P. Gotcher, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 12, 1902.

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

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harrist Alexander, et al.,	M.C.R. 3664
John N. Camden,	M.C.R. 3960
Mary Camden,	M.C.R. 3665
Andrew B. Camden,	M.C.R. 3666
Eva Mathews, et al.,	M.C.R. 3804
Effie Myler, et al.,	M.C.R. 3667
J. N. Camden, et al.,	M.C.R. 4364

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

-2-

being attached to the record.

Respectfully,

(SIGNATURE)

Acting Chairman.

Through the
Commissioner of Indian Affairs.
1 enclosure.

COPY.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Land 42364-1902.

Washington, Sept. 26, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 12, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes forwarding for the Department's consideration the record relative to the consolidated case of Nathaniel P. Gotcher, et al., applicants for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article fourteen of the treaty of 1830.

Nathaniel P. Gotcher applies for the identification of himself; Leroy B. Camden for himself; Harriet Alexander for herself and her four minor children, Guilford, George, Harriet and Hester Alexander; John N. Camden for himself; Mary Camden for herself; Andrew B. Camden for himself; Eva Mathews for herself and her two minor children, Polly and Fern Mathews; Effie Myler for herself and her minor child, Ethel Myler; and J. N. Camden for himself and his minor child, Georgia H. Camden.

July 12, 1902, the Commission held that the parties above named were not entitled to identification as Mississippi Choctaws.

The applicants in this case attempt to trace descent from Nathaniel Payne, grandfather of principal applicant, Nathaniel P. Gotcher. These applicants attempt to trace descent to Payne through his daughters Annie and Odelia Payne. Annie Payne married Jesse Gotcher and Odelia married L. B. Camden.

The records of the office relating to Mississippi Choctaws do not show that any one by the name of Nathaniel Payne, Annie Gotcher, nee Payne, or Odelia Camden, nee Payne, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or that they or either of them applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if any they had.

This being true, the decision of the Commission refusing to identify the applicants should be affirmed and the office so recommends.

Very respectfully,
Your obedient servant,

W. A. Jones,
Commissioner.

G.A.W. (S)

COPY.

D. C. 17054-1902.

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RAF.

DEPARTMENT OF THE INTERIOR,

Washington.

LTD. 5934-1902.
L. R. S.

September 30, 1902.

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

Gentlemen:

July 12, 1902, you transmitted the papers in the consolidated case involving the applications for identification as Mississippi Choctaws, of Nathaniel P. Gotcher; of Leroy B. Camden; of Harriet Alexander and her minor children, Guilford, George, Harriet and Hesther Alexander; of John N. Camden; of Mary Camden; of Andrew B. Camden; of Eva Mathews and her minor children, Polly and Fern Mathews; of Rffie Myler and her minor child, Ethel Myler; and of J. N. Camden and his minor child, Georgia H. Camden.

The applicants trace their descent from one Nathaniel Payne, 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 Nathaniel Payne 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 12, 1902.

In forwarding the papers September 26, 1902, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Finding no reason to disturb your decision upon a careful review of the whole record, the Department affirms the same.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

De L.

M.C.R. 3661.

COPY

Muskogee, Indian Territory, October 8, 1902.

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

Gentlemen:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotoher, et al., of which decision you were advised by mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

M.C.R. 3661.

Muskogee, Indian Territory, October 8, 1902.

Nathaniel P. Gotcher,
Sulphur Springs, Arkansas.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

Consolidated Case
of
Nathaniel V. Gotcher
et al

REFER TO M. C. R. 3661.

FATHERS TRIBAL ENROLLMENT
YEAR DISTRICT No. FATHER'S OWNER NAME OF MOTHER

N. FREEDMEN ROLL

^{mck 2664}
 Annie Payne, dead
 married
 Jesse Gotcher, dead

^{mck 2664}
 Nathaniel P. Gotcher, 66 1/8
 wife
 Nancy Gotcher, w

^{mck 2664}
 Harriet Camden, 39 1/16
 married
 Guilford Alexander, dead

^{mck 2664}
 Guilford Alexander 12
 George Alexander, 10
 Harriet Alexander, 7
 Esther Alexander, 4

Leroy, T. Camden ?

Richard J Camden ?

3960 John N Camden, 32 1/16

Sarah O Camden, dead

3665 Mary Camden, 26 1/16

3666 Andrew B Camden, 24 1/16

^{mck 2664}
 Nathaniel Payne, ?
 wife
 Milly Payne

^{mck 2664}
 Odelia Payne, dead
 Odela Payne
 married
 Leroy S. Camden, dead

^{mck 2664}
 Leroy B. Camden, 65 1/8
 married
 Divinda Bennett w

^{mck 2664}
 Eva Camden, 22, 1804/6

^{mck 2667}
 John Mathews, w
 married

^{mck 2667}
 Effie Camden, 18
 married
 John Myler, w

^{mck 2664}
 Polly Mathews, 2 1/2
 Fern Mathews, 6 wks

P. L. Camden ?

^{mck 2664}
 Ethel Myler, 1

^{mck 2664}
 Myrtle Camden ?
 Charley Camden ?
 Sallie Camden ?

^{mck 4384}
 J. N. Camden, 56 1/8
 wife
 Elizabeth A. Camden, w, dead

L. G. Camden ?

^{mck 4384}
 Julia Camden ?
 wife

Letha Camden, ?

^{mck 4384}
 married
 William P. Lafavers, w.

^{mck 4384}
 Georgia H Camden, 14

^{mck 4384}
 James N. Camden, 5 ?
 Leroy Camden, 2 ?
 Birdie Lafavers, 8 ?
 James Lafavers, 6 ?
 Jake Lafavers, 3 ?

a part of Complete
Record of
A. B. Camden

Liter 9/26/02 80
9/30/02 - 80
(2) - 7/12/02 - 120
2 - 2 - 2

Dec 7/12/02 100

Family Tree 100

No. 3661

For Identification as a Mississippi Choctaw.

Date OCT -3 1901

Name Nathaniel P. Gotcher
GOTCHER.

Age 66 Blood 1/8

Post Office, Sulphur Springs, Ark.

Father; Jesse Gotcher, d

Mother: Annie " - d

Claims through mother
wife. Nancy " ✓

No claim for wife.

~~...~~

Claims for self alone.

Stenographer G. R. Winnick

Choctaw MCR 3662

Leroy B. Camden

See MCR 3661

MCR 3662

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

3662

In the matter of the application for identification as a
Mississippi Choctaw of Leroy B. Camden.

Applicant not represented by attorney.

Leroy B. Camden being first duly sworn testified as follows:

Examination by the Commission

- Q What is your name? A Leroy B. Camden.
Q What is your age? A Sixty-five, a little over.
Q What is your post-office address? A Rogers.
Q What State? A Arkansas.
Q How long have you lived at Rogers? A I lived at Rogers about,--
I moved the fall the strip came in, ninety-three I think.
Q Where were you born? A In Tennessee.
Q How long did you live there? A I was eleven years old when I
moved to Missouri.
Q How long did you live in Missouri? A Until seventy-five.
Q And then went to where? A To Texas.
Q To what place in Texas? A Gainesville and lived there one year.
Q And then went to where? A Bentonville, Arkansas.
Q And have lived there ever since? A Yes sir.
Q What is your father's name? A Leroy S. Camden.
Q He is living? A No sir.
Q Your mother dead? A Yes sir.
Q What was her name? A Odelia Camden.
Q Through which parent do you claim Choctaw blood? A Through my
mother.
Q How much do you claim? A Well I claim one-eighth I reckon, be-
cause I think though, my grandfather was over one-half, from what
they state. I seen some of my mother's cousins coming from Ten-
nessee and they looked to be full bloods.
Q You are not absolutely sure about one-eighth? A Well I am sure
of one-eighth.
Q Was your mother ever recognized or enrolled in any way as a
member of the Choctaw tribe of Indians by the Choctaw tribal
authorities or the authorities of the United States in Indian
Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Dirinda, D-i-r-i-n-d-a, she was
a Bennett.
Q What is her blood? A She was a white woman.
Q You make any claim for her? A No sir.
Q Have you any children under twenty-one years of age? A Yes one
but it is married.
Q You make this application for yourself alone then? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in
Indian Territory? A No sir.
Q Did you ever make application to the Choctaw tribal authorities
for citizenship in the Choctaw Nation? A No sir.
Q Did you make application to the Commission to the Five Civilized
Tribes under the act of Congress of June 10, 1896 for citizenship
in the Choctaw Nation? A No sir.
Q Were you ever 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 before this time made application for enrollment as a Choctaw citizen either to the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw under the fourteenth article of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I don't know that I fully understand it. I think I understand it.

The treaty of eighteen hundred and thirty was made between the United States government and the Choctaw Indians who lived at that time in the States of Mississippi and Alabama for the purpose of securing the removal of all the Choctaws from the old Choctaw Nation to the New Choctaw Nation Indian Territory. Before the treaty was signed it became evidence that a great many Choctaws would not go to the New Choctaw Nation Indian Territory and in order to protect their interests article fourteen was made a part of the treaty. 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 You understand that do you? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I don't know.
- Q Were any of your Choctaw ancestors living in Mississippi or Alabama in the old Choctaw Nation when the treaty of Dancing Rabbit Creek was made? A I think my grandfather lived in 1830?
- Q What was his name? A Nathaniel Payne.
- Q Was he the head of a family at that time? A I don't know.
- Q He was your grandfather? A Yes sir.
- Q Your mother's father? A Yes sir.
- Q How much Choctaw blood did he have? A I could not say, he was called a Choctaw Indian?
- Q Full blood or half blood? A I think he was called full blood.
- Q You have no evidence as to the amount of his Choctaw blood? A No.
- Q Do you think you can produce such evidence? A Yes sir.
- Q Did he have an Indian name? A I think so.
- Q You know what it was? A No.
- Q Did he speak the Choctaw language? A Yes he spoke the Choctaw language and English language both.
- Q Who told you he spoke it? A I heard it said in the family.
- Q Did your father say so? A No he would not claim any Indian he tried to hide it.
- Q What did your mother say about it? A Very little.
- Q Can you prove the marriage of your father and mother? A I don't think I can.

You will be given a reasonable time in which to introduce evidence of their marriage.

- Q A They were married in Coffee County, Tennessee.
 Q You know the date? A No sir.
 Qx Well you will have to get some proof of their marriage? A Yes but they old class are all dead.
 Q There may be records some where that would show it. Do you think or rather do you know if your mother was born in Mississippi?
 A No sir I do not.
 Q What was her age when she died? A She was about eighty.
 Q When did she die? A She has been dead about fifteen years I think.
 Q She died about '85? A I think so, she died in the eighties some where.
 Q She was born somewhere between 1805 and 1810? A She was born about 1805 or 1806 I think.
 Q Where was she born, can you tell what state? A No sir I don't know.
 Q Have you any record or anything that would show? A No sir.
 Q Do you know whether she ever lived in Mississippi? A I don't know that either? A
 Q Have you any documentary evidence that you wish to introduce now in support of that fact? A No sir not now.

A reasonable time will be allowed this applicant in which to present proper written or oral testimony in support of his claim and in proof of the fact of his Choctaw ancestry.

- Q Are you able to give the names of your grandfather's father or mother? A No sir I don't know but I believe that my great grand father's name was Nathaniel Payne.
 Q Do you know whether your grand grandfather or mother ever lived in Mississippi? A I don't know.
 Q Did any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830 or prior to that time? A I don't know.
 Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation Indian Territory with the other Choctaw Indians between 1833 and 1838? A I don't think my grandfather went.
 Q Did any of your Choctaw ancestors go? A None that I know of.
 Q Did any of your Choctaw ancestors within six months after the treaty of 1830 go to the United States Indian Agent Cox. Ward and tell him that they intended to stay in Mississippi and take land there? A I don't know.
 Q Did any of your Choctaw ancestors ever receive any land or claim any as beneficiaries under article fourteen of the treaty of eighteen hundred and thirty? A I don't know.
 Q Did they ever receive or claim any benefits under any other article than article fourteen or under the supplement of the treaty of 1830? A I don't know.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent who lived in Mississippi at that time was required by the government to make a list of all the Choctaw Indians who came before said agent within six months after the ratification of the treaty of 1830 and declared their intentions with him of remaining in Mississippi and taking land there. We failed to record the names of a great many Choctaw Indians who did appear before him within that time and as the result of that neglect many Choctaw Indians who held land in Mississippi upon which they owned improvements had both

the land and the improvements taken from them. This caused a great many complaints among the Choctaws so that in 1837 Congress appointed a Commission which Commission went to the State of Mississippi and heard claimants who came before it, under article fourteen. In 1842 another Commission was appointed for the same purpose. Both of these Commissions made lists of successful claimants.

Q Did any of your Choctaw ancestors appear before either of these Commissions that of 1837 or the Commission of 1842 and claim benefits as Choctaw Indians under article fourteen? 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 with all the provisions of article fourteen of the treaty of 1830 and that his land had been taken from him he should be entitled to select land elsewhere, in Mississippi, Arkansas, Louisiana or Alabama and this land to be taken from vacant government lands and that a certificate should be issued to him to this effect. These certificates were called scrip.

Q Did any of your Choctaw ancestors receive any of this scrip from the government? A Not that I know of.

Q Are you related to Nathaniel P. Gother? A Yes sir.

Q Do you want these two cases considered together so that each of you will get the benefit of what the other has testified to? A I suppose so.

Q Have you any other relatives who have appeared before the Commission for identification as Mississippi Choctaws? A Why there are four of my children who will appear here to-day.

Q Are they all of age? A All but one and that one is married.

Q But you have no relatives who have appeared previously? A No sir.

Q Can you speak Choctaw? A No.

This applicant has the appearance and physical characteristics of a white man. He has a dark complexion and light hair. He does not speak the Choctaw language and knows of no compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on October 30, 1901, and that the above and foregoing is a full true and correct transcript of his stenographic notes in said cause on said date of October 1901.

Subscribed and sworn to before me this 30th day of November 1901

Charles W. Miller
Notary Public.

to identification as Mississippi Choctaws by reason of being descendants, or married to descendants, of one Joe W. (or Josiah) Doak (or Doke), who is alleged to have been an adopted citizen of the Choctaw Nation and to have resided in Mississippi in eighteen hundred and thirty, and whose name, according to the testimony, submitted by the applicants herein, appears in article two of the supplement of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that 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 18, 1896 (29 Stats. 341).

It is found that the name of Jo Doke appears in article two of the supplemental article of the treaty of eighteen hundred and thirty, in a list of names of those persons to whom "half a section of land on any unoccupied and unimproved lands in the districts wherein they respectively lived" was reserved. Article two above referred to in no way relates to the provisions of article fourteen of the treaty of eighteen hundred and thirty, or shows any compliance or attempted compliance on the part of the persons named therein with the provisions of said article fourteen.

It does not appear from the testimony and evidence offered in support of these applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe S. (or Josiah) Doak (or Deke) 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 Alexander V. Doak, Cora Le Grand, Joseph W. Le Grand, Claude F. Le Grand, George W. Le Grand, Richard V. Le Grand Jr., Edith V. Le Grand, and Annie W. Le Grand as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Richard V. Le Grand for the identification of himself as an intermarried Mississippi Choctaw should, therefore

be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

James Birby.
Acting Chairman

T. B. Needles.
Commissioner

C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory

FEB 7 1903

COPY.

M.C.R. 3662

Muskogee, Indian Territory, July 12, 1902.

Leroy B. Camden,
Rogers, Arkansas.

Dear Sir:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harriet Alexander, et al.,	M.C.R. 3664
John E. Camden,	M.C.R. 3980
Mary Camden,	M.C.R. 3665
Andrew B. Camden,	M.C.R. 3666
Eva Mathews, et al.,	M.C.R. 3804
Effie Myler, et al.,	M.C.R. 3667
J. N. Camden, et al.,	M.C.R. 4364

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

10WS1

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

L B C -----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 Nathaniel P. Gotcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Hester Alexander, John N. Camden, Mary Camden, Andrew P. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Effie Myler, Ethel Myler, J. F. Camden and Georgia H. Camden, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused and it is so ordered."

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

Yours truly,

(SIGNED)

Registered.

Sam D. Dixie

Acting Chairman.

M.C.R. 3662.

Muskogee, Indian Territory, October 6, 1902.

Leroy B. Camden,
Rogers, Arkansas.

Dear Sir:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

No. 3062

For Identification as a Mississippi Choctaw.

Date Oct - 3 1901

Name Leroy B. Camden,

Age 65 Blood 1/8 —

Post Office, Rogers, Arkansas,

Father; Leroy S. Camden, d.

Mother: Odelia " d

Claims through mother
wife Dirinda " w.

No claim for wife

~~Stillborn.~~

Claims for self
alone,

Stenographer G. Ramminger

Choctaw MCR 3663

Alexander U. Dook

See MCR 3652

MCR 3663

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

.....

The Honorable
The Secretary of the Interior.

In the matter of the application of A. V. Doak, et al.,
for identification as Mississippi Choctaws.

MOTION TO REOPEN AND READJUDICATE.

Now comes A. V. Doak, William G. Doak, Claude A. Doak, Edith H. Wooten, for herself and her minor child, Leslie Wooten, Georgie Clarke and Cora LeGrand, for herself and her minor children, Joseph H. LeGrand, Claude F. LeGrand, George W. LeGrand, Richard V. LeGrand, Jr., Edith LeGrand, Annie W. LeGrand and Myrtle LeGrand and moves the Honorable, the Secretary of the Interior to set aside the decision of the Commission to the Five Civilized Tribes heretofore rendered in the consolidated Mississippi Choctaw case of "A. V. Doak, et al.", in which these applicants were parties; that said case be reopened for the purpose of re-adjudication and for grounds of said motion show the following:

FIRST: The Commission to the Five Civilized Tribes and the Department erred in holding that the ancestor of these ap-

plicants, to-wit: Jo Doko, through whom the applicants herein claim their right to identification as Mississippi Choctaws under the provisions of the act of Congress of June 22, 1838, (30 Stats., 495), and later acts of Congress relative to the identification of Mississippi Choctaws was not a beneficiary under the fourteenth article of the treaty of eighteen hundred and thirty.

SECOND: The Commission to the Five Civilized Tribes and the Department erred in failing to find that "Jo Doko" the ancestor of the applicants herein was a beneficiary under the Supplemental agreement of said treaty of September 27, 1830, commonly known as the "Treaty of Dancing Rabbit Creek", as his name (Jo Doko's) is given in said supplemental agreement as a beneficiary, said supplemental agreement being signed the next day after the original agreement. (7 Stats., 340, paragraph 5, article 2).

THIRD: The Commission to the Five Civilized Tribes and the Department erred in failing to find that Jo Doko was a beneficiary under the nineteenth article of the treaty of 1830 and erred in failing to hold that a beneficiary under said article nineteen was entitled to identification as a Mississippi Choctaw.

FOURTH: The Commission to the Five Civilized Tribes and the Department erred in failing to find that the provision contained in article fourteen of said treaty:

"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 AVD

also applied to all beneficiaries under later articles of the same treaty, and the provision that persons who should after that time remove to the Choctaw Nation, Indian Territory, should not lose their rights of Choctaw citizenship, but only their right to participate in the annuities of said tribes would certainly apply to all later articles of the treaty.

Jo Doko having thereafter removed to the Choctaw Nation where he lived ^{a number of years and} ~~until his death~~ was entitled to recognition as a citizen under said provision of the treaty, and his descendants are, therefore, at this time entitled to identification under the law as provided at this time.

WHEREFORE, These applicants ask that said consolidated case entitled "A. V. Doak, et al.," in which the rights of all the petitioners herein were adjudicated be reopened and readjudicated and upon a final hearing that these applicants be identified as Mississippi Choctaws entitled to enrollment under the law as at present provided.

Respectfully submitted,

William Riley
Attorney for Petitioners.

A. V. Doak, the principal applicant herein, being first duly sworn on his oath states that this motion is not made for the purpose of delay but in order that justice may be done the applicants.

A V Doak

Subscribed and sworn to before me this the twentieth day of June, A. D. 1906.

Robert Lee Russell
Notary Public.

Through the
Commissioner to the
Five Civilized Tribes.
Muskegee, Indian Territory.

#4 AVD

Fred V. Kinkade, of lawful age, being first duly sworn states that he did on June 20, 1906, by registered mail, transmit to Mansfield, McMurray & Cernish, attorneys for the nations, So. McAlester, I. T., a carbon copy of above motion; that attached registry receipt is for letter in which same was transmitted.

Fred V. Kinkade

Subscribed and sworn to before me this the 20th day of June, A. D. 1906.

Robert Lee Russell

Notary Public.

DEPARTMENT OF THE ARMY

OFFICE OF THE CHIEF OF STAFF

MEMORANDUM FOR THE RECORD

1. The subject of this memorandum is the proposed revision of the Army Regulation 600-10, "Administrative Control of the Army," and the proposed revision of the Army Regulation 600-11, "Administrative Control of the Army."

2. The proposed revision of AR 600-10 is being prepared by the G-1, and the proposed revision of AR 600-11 is being prepared by the G-2. The proposed revisions are being prepared in accordance with the instructions of the Chief of Staff, dated 15 October 1954.

3. The proposed revisions of AR 600-10 and AR 600-11 are being prepared in accordance with the instructions of the Chief of Staff, dated 15 October 1954. The proposed revisions are being prepared in accordance with the instructions of the Chief of Staff, dated 15 October 1954.

fication as Mississippi Choctaws the same as persons descended from ancestors who received benefits under the fourteenth article of said treaty. The Department therefore, agreed under these conditions to hold that these applicants are not entitled to identification as Mississippi Choctaws.

S 100-99: The Commission to the Five Civilized Tribes and the Department agreed in failing to find that the provision contained in articles fourteen of said treaty:

"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;

also applied to all beneficiaries under later articles of the same treaty, and the provision that persons who should after that time remove to the Choctaw Nation, Indian Territory, should not lose their rights of Choctaw citizenship, but only their right to participate in the annuities of said title would certainly apply to all following articles of the same treaty. We believe that that portion "None shall be entitled" would apply equally to persons claiming under articles 14, 17, 18 or 19 to persons claiming under article 14.

WHEREFORE, the applicants ask that said application be held in abeyance until the Department has had an opportunity to consider, and has not finally ruled thereon, and that this matter be referred to the first Assistant Attorney General for the Interior Department for his opinion as to whether or not a compliance with article fourteen of the treaty of 1830 is sufficient to entitle an applicant to identification as Mississippi Choctaw, and if not, is a compliance with article two of the supplemental agreement sufficient to entitle persons to identification.

Alexander L. Dohy, the principal applicant, in his first duly sworn affidavit states that this motion is not filed for the purpose of delay but in order that justice may be done the applicants.

Alexander L. Dohy

Subscribed and sworn to before me this the fourth day of December, 1901.

J. H. [unclear]

That V. Vincent, the first applicant, in his affidavit states that he did on December 4, 1901, register to Mansfield, to Morris Cornish, attorney for the motion, a carbon copy of above motion; that the registry receipt hereto attached is for letter 12345678901234567890.

V. Vincent

Subscribed and sworn to before me this the fourth day of December, 1901.

J. H. [unclear]

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

In the matter of the application of Alexander V. Doak,
et al., for identification as Mississippi Choctaws, consolidating
the applications of -

Alexander V. Doak, M.C.R. 3663
Richard V. Le Grand, et al., V.C.R. 3662

Copies of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated application of
Alexander V. Doak, et al.

	Page.
Original application of Alexander V. Doak to the Commission for identification as a Mississippi Choctaw	1
Letter of D. M. Browning, Commissioner, to C. A. Doak, Ardmore, I. T.	7
Certificate of A. C. Tonner, Acting Commissioner	16
Certified copy of letter of J. W. Denver, Commis- sioner, to Hon. J. Thompson, Secretary of the Interior,	17
Certified copy of letter of A. B. Upshaw, Commis- sioner, to Robert L. Boyd, Esq.,	19
Affidavit of Lewis Ward	21
Sworn application of A. V. Doak, et al., for enroll- ment as Mississippi Choctaws	22
Certified copy of marriage license and certificate of A. V. Doak and Nellie E. Anderson	25
Affidavit of R. P. Bourland	26
Affidavit of A. V. Doak	27

	Page.
Original application of Richard V. Le Grand, et al., to the Commission for identification as Mississippi Choctaws	33
Letter of A. C. Tenner, Commissioner, to R. V. Le Grande, Esq., Dallas, Texas,	35
Letter of the Commission to R. V. Le Grand, Dallas, Texas,	36
Letter of C. L. Herbert to R. V. Le Grand	38
Letter of C. L. Herbert to R. V. Le Grand	40
Letter of Hal M. Cannon to R. V. Le Grand, Ardmore, I. T.,	41
Letter of D. M. Browning, Commissioner, to C. A. Doak, Esq., Ardmore, I. T.,	42
Letter of A. B. Uphaw, Commissioner, to Robert L. Boyd, Esq., Tishomingo, I. T.,	43
Letter of A. C. Tenner, Commissioner, to Hon. J. Thompson	49
Certificate of A. C. Tenner,	50
Copy of sworn petition of A. V. Doak, et al., in behalf of their application for enrollment	51
Certified copy of marriage record between A. V. Doak and Mollie E. Anderson	54
Certified copy of marriage record between W. G. Doak and Miss Della Hampton	55
Certified copy of marriage record between S. H. Wooten and Edith Doak	56
Affidavit of P. R. Bourland	57
Affidavit of A. V. Doak	58
Affidavit of Dixie (Cora) Le Grand	59
Affidavit of R. V. Le Grand	61
Affidavit of Georgia Clarke	62
Marriage record between R. V. Le Grand and Cora A. Clarke	63
Decision of the Commission refusing the consolidated application of Alexander V. Doak, et al., for identification as Mississippi Choctaws	64

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
AOKA, I.T. October 3, 1901.

3663

In the matter of the application of Alexander V. Doak for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Alexander V. Doak being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Alexander V. Doak; D-o-a-k.
Q What is your age? A Fifty nine.
Q What is your post office address? A Ardmore, Indian Territory.
Q How long have you lived in Ardmore? A About ten years.
Q Where did you live before you lived there? A I lived in -- well, that's rather a hard question to answer; I can't give you my family residence but I was traveling all the time; my family was in Sherman and Dallas, Texas.
Q Where were you born? A Holly Springs, Mississippi.
Q How long did you live there? A I was a year old when I left there.
Q Where did you go to? A To Doaksville.
Q Indian Territory? A Yes; its named after my father.
Q How long were you there? A About ten years I suppose.
Q Then you went where? A Clarkesville, Texas.
Q How long were you there? A About ten years I suppose.
Q Then where? A Then went to Fayetteville.
Q You lived there how long? A About five or six years.
Q Then you went from there where? A To Bates County, Missouri.
Q How long were you there? A About four or five years.
Q Then you went to-? A After the War I came back to Sherman, Texas.
Q Then did you live in Texas up to the time you went to the Indian Territory? A No sir; I moved down to the Southern part of Texas; then I went to Corpus Christi and Lockport, Texas; stayed there a few years and went back to Sherman again.
Q Sherman Texas? A yes sir.
Q Then from Sherman you went to-? A To Dannison, Texas and lived there a while; then from pennison to Gainesville, then from Gainesville moved to Dallas- at least my family did- I was traveling for Simpson thirteen years; for the past three years I have been Government contractor at Ardmore.

- Q Where has your home been the last three years? A Ardmore.
- Q What is your father's name? A Jo S. Doak, or Josiah.
- Q Is he living or dead? A No sir; dead.
- Q What is your mother's name? A Elizabeth Ann Doak.
- Q Is she living or dead? A Dead.
- Q Do you claim through your father or mother? A Claim through my father.
- Q Do you claim by virtue of his having had Choctaw blood? A No sir.
- Q You don't claim by virtue of any blood at all? A No sir.
- Q What is your claim? A That he was a citizen by adoption.
- Q By whom? A By Indians in the old Choctaws in Mississippi.
- Q In Mississippi and Alabama? A Yes; I don't know.
- Q Is this Jo or Josiah Doak, your father, the same Jo Doak who is mentioned in the supplement of the treaty of 1830, the Treaty of Dancing Rabbit Creek? A Yes; the same one.
- Q Do you claim that this Jo Doak who is mentioned in article #2 of the supplement of the treaty of 1830 who received according to that article a half section of unoccupied and unimproved land in the district where he lived was an adopted citizen of the Choctaw tribe of Indians in Mississippi? A Yes sir.
- Q Have you proof of that? A I have.
- Q Do you, in addition to this claim under the supplement of the treaty of 1830, make a claim generally under the whole treaty of 1830? A Yes; I suppose so; I don't know exactly how to answer that.
- Q Well, I ask you if you claim under the whole treaty? A I do; yes sir.
- Q That would include all the articles besides the supplement.
- A Yes sir.
- Q But that without blood of any kind that you would supposed to have by being descended from Choctaw Indians. When did Jo Doak die? A About 1873.
- Q Where did he die, do you know? A He died about twelve miles above Corpus Christi.
- Q In Texas? A Yes sir.
- Q You don't remember exactly the date of his death? A No sir.
- Q Is that in any of your papers? A No sir.
- Q What was his age when he died? A About eighty six.
- Q Was he born in Mississippi? A I don't know.
- Q Was he living there in Mississippi in 1830? A I suppose so, for that's where I was born; in Holly Springs, Mississippi.
- Q Had you brothers and sisters older than you? A I have.
- Q How much older than you were they? A I was the youngest.
- Q You were born about sixty years ago? A I was born in 1842.
- Q That treaty was made in 1830 and ratified in 1831; had you brothers or sisters that were twelve years older than you? A Yes.
- Q Fourteen fifteen, sixteen? A I suppose so.
- Q They were born in Mississippi? A Yes sir.
- Q Then in 1830 it is reasonable to suppose that your father was living in Mississippi and head of a family? A He was either out here in the Choctaw Nation or going back and forth in Mississippi as I understand it; he was a trader; he come out here.
- Q That's not before 1830? A No.
- Q When was Doakville settled? A Just before I was born I think.
- Q That would be about sometime in 1840? A Yes, possibly just before that.
- Q Are you married? A I am.

- Q What is your wife's name? A Mary K. Doak.
- Q Is she an Indian or white woman? A White woman.
- Q Do you make any claim for her? A Yes sir.
- Q In what way? A Well, by herself what I claim; if my father has got a right she has got a right through me.
- Q You claim for her by inter-marriage? A No, I don't think I claim for her at all.
- Q You have no children under twenty one years of age and unmarried? A No sir.
- Q Then you claim for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application to the Choctaw tribal authorities in the Indian Territory for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896;- five years ago? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or United States Court in Indian Territory? A No sir.
- Q Have you ever made any claim before this time to be made a member of the Choctaw tribe of Indians either the Choctaw tribal authorities or the United States authorities? A No sir.
- Q Do you now come before the Commission at this time for the purpose of being identified as a Mississippi Choctaw by virtue of any particular article of the treaty of 1830? By that I mean, claim particularly under article fourteen of the treaty of 1830? A No sir.
- Q Under what part of the treaty of 1830 then, are you making this claim especially? A I don't know.
- Q Under article second of the supplement of the treaty? A Yes sir.
- Q Article second of the supplement of the treaty of 1830 contains the name of Jo Doak who, you say is your father; you are claiming under that, are you not? A Yes sir.
- Q Did I understand you to say that you are claiming under the whole treaty and the supplement? A Yes sir.
- Q That is, you desire to preserve and subserve whatever rights you have under the whole treaty; did I understand you to say that you claim particularly under the second article of the supplement of the treaty of 1830? A Yes sir.
- Q I will read, in order that it may be made a part of your record the authority which this Commission has for hearing these applications. The authority which gives the Commission the right to determine the identity of Choctaw Indians reads as follows: Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."
- But in addition to the claim you make under the supplement, you claim under the whole treaty including article fourteen?
- A Yes sir.
- Q Following that line of inquiry I will ask you these questions:

Do you understand the provision of article fourteen of the treaty of 1830? A I think so.

Q Then you understand what the treaty of 1830 was made for? A As I understand it it was a treaty between the Indians and the people of the Government.

Q For what purpose? A In that treaty the Indians gave up lands for lands out west.

Q And was the object to remove them here to the Choctaw Nation in the Indian Territory from the old Choctaw Nation in Mississippi?

A Yes sir.

Q Do you understand that some of them would not come? A I do.

Q That article fourteen was put into the treaty to protect their interests? A Yes sir.

Q I will just read that article to you just to refresh your memory. A All right.

"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 know whether any of your ancestors through the Doak line or through your mother's line, if that mother had any Choctaw blood complied or attempted to comply with the provisions of that article? A No sir not as far as I know.

Q You never heard anything about it? A No sir; my father was Scotch- you could tell it on his face and you could tell it in his talk, in his brogue.

Q Did any of your Choctaw ancestors or your father Jo Doak occupy and hold any improvements on land in Mississippi in 1830? A I don't know sir; that's before my time.

Q You have no knowledge of any Choctaw ancestor who went from the old Choctaw nation in Mississippi and Alabama to the Indian Territory? A No sir.

Q Did your father go? A Yes sir.

Q What time did he come away? A I don't know sir.

Q Do you know where the land is situated in Mississippi that he received under article second of the supplement of the treaty?

A No sir; I don't.

Q Do you know what became of that land? A No sir.

Q You have documentary evidence, have you, that you intend to introduce on that point, in reference to the disposal of the land?

A Yes sir.

Q Do you know whether any of your Choctaw ancestors, provided any of them had Choctaw blood, within six months after the ratification of the treaty of 1830 went to the United States Indian Agent and told him that they preferred to stay in Mississippi and take land there? A No sir, that's before my time.

Q You never heard anything about that in your family? A No sir. Q Beside this land that your father, Jo Doak, received from the Government under article second of the supplement of the treaty of 1830, do you know of any other land that was claimed or received by him or any other of your ancestors? A No sir.

Q This is all you know of it? A Yes sir, part of that was merely hearsay, to use it transpired before I was born.

Q Do you know of any benefits such as land or money or other benefits being received by any of your ancestors and particularly by Jo Doak under any other article of the supplement of the treaty of 1830 or under any other article of the treaty of 1830? A Not that I know of; not a cent as far as I know.

Q Now there was a Commission appointed by Act of Congress approved March 3, 1837, and another Commission appointed by Act of Congress approved August 23, 1842, and these Commissions went to the States of Mississippi and heard claimants under article fourteen of the treaty of 1830 and under that article only. The reason why these two Commissions were appointed was because the United States Indian agent, Col. Ward, who lived in Mississippi in 1830 failed to put down upon his register the names of a great many Choctaw Indians who went to him within six months after the ratification of the treaty of 1830 and told him they wanted to stay in Mississippi and take land there; he neglected the orders of the Government and a great many Indians lost their lands in Mississippi; now these Commissions were appointed in 1837 and 1842 to hear all these disaffected parties and these Commissions made lists of the names of the Choctaw Indians whose claims were allowed by these Commissions respectively. Have you any recollection of any of your ancestors going before either of these Commissions and making claims under this law? A No sir.

Q Then it comes to this in your application;— you claim through Jo Doak as a white man, as an adopted citizen? A Yes sir.

Q You have no knowledge of any Choctaw blood in either branch of your family going back? A No sir, not a bit.

Q You come before the Commission claiming your right to be heard for the purpose of identification because of your relationship to Jo Doak who was an adopted citizen and a beneficiary under article second of the Supplement of the treaty of 1830? A Yes sir.

Q Have you any documentary evidence that you want to introduce now in support of your application? A Yes sir.

The written application of this claimant, Alexander V. Doak, is presented by him, received by the Commission, filed, marked Exhibit "A" and made a part of the record in this case; certified copy of the marriage license and certificate between A.V. Doak and Mollie E. Anderson presented by applicant, received, filed, marked Exhibit "B" and made a part of the record in this case; affidavit of R.R. Bourland received, filed, marked Exhibit "C", filed and made a part of the records in this case; affidavit of A.V. Doak received, filed, marked Exhibit "D" and made a part of the record in this case; a letter received from the Department of the Interior Office of Indian Affairs, October 21, 1895 addressed to C.A. Doak Ardmore, Indian Territory and signed by D.M. Browning, Commissioner,

received, filed, marked Exhibit "E" and made a part of the record in this case; certified copy of a letter, dated Department of the Interior, Office of Indian affairs, November 11, 1857, to Hon. J. Thompson, Secretary of the Interior, and signed by J.W. Denver, Commissioner, presented by applicant, received, filed, marked Exhibit "F", and made a part of the record in this case; also letter from the Department of the Interior, Office of Indian Affairs, Washington, D.C., June 16, 1886, addressed to Robert L. Boyd, Esq., Tishomingo, Indian territory, signed by A.B. Upshaw, Acting Commissioner, presented by this applicant, received, filed, marked Exhibit "G", and made a part of the records in this case; also the sworn statement of Lewis Ward, dated April 24, 1835, presented by applicant, received, filed, marked Exhibit "H", and made a part of the record in this case.

Reasonable time will be allowed this applicant in which to file further testimony in support of this application if he desires to do so; also reasonable time for the introduction of oral testimony or witnesses if he desires to introduce them.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 26 day of October, 1901.

Clara Mitchell Wood
Notary Public.

COPY

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

C. V. W.

In the matter of the application of Alexander V. Doak,
et al., for identification as Mississippi Choctaws,
consolidating the applications of:

Alexander V. Doak M.C.R. 3663
Richard V. Le Grand, et al., M.C.R. 3652

----- 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 Alexander V. Doak for himself; by Richard V. Le Grand for his wife, Cora Le Grand and his six minor children, Joseph M., Claude F., George W., Richard V. Jr., Edith V. and Annie W. Legrand, and by Richard V. Le Grand for the identification of himself as an inter-married Mississippi Choctaw, under the following provision of the act of Congress, approved June 28, 1898 (30 Stats. 495):

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

It also appears that all of said applicants claim rights

to identification as Mississippi Choctaws by reason of being descendants, or married to descendants, of one Joe D. (or Josiah) Dook (or Duke), who is alleged to have been an adopted citizen of the Choctaw Nation and to have resided in Mississippi in eighteen hundred and thirty, and whose name, according to the testimony submitted by the applicants herein, appears in article two of the supplement of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that 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 18, 1890 (26 Stats. 541).

It is found that the name of Jo Dook appears in article two of the supplemental article of the treaty of eighteen hundred and thirty, in a list of names of those persons to whom "half a section of land on any unceded and unimproved lands in the district wherein they respectively resided" was reserved. Article one here referred to in no way relates to the provisions of article fourteen of the treaty of eighteen hundred and thirty, or shows any compliance or attempted compliance on the part of the persons named therein with the provisions of said article fourteen.

It does not appear from the testimony and evidence offered in support of these applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Joe S. (or Josiah) Doak (or Doka) 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 Alexander V. Doak, Cora Le Grand, Joseph M. Le Grand, Claude F. Le Grand, George W. Le Grand, Richard V. Le Grand Jr., Edith V. Le Grand, and Annie W. Le Grand as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Richard V. Le Grand for the identification of himself as an intermarried Mississippi Choctaw should, therefore.

be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

SIGNED Tame Dixby.
Acting Chairman

SIGNED T. B. Needles.
Commissioner

SIGNED C. H. Breckinridge.
Commissioner

Muskogee, Indian Territory

FEB 7 1903

Muskogee, Indian Territory, February 7, 1903.

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

Gentleman:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander V. Doak, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander V. Doak,	M.C.R. 3663
Richard V. Le Grand, et al.,	M.C.R. 3652

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 Alexander V. Doak, Cora Le Grand, Joseph M. Le Grand, Claude F. Le Grand, George W. Le Grand, Richard V. Le Grand, Jr., Edith V. Le Grand, and Annie W. Le Grand as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Richard V. Le Grand for the identification of himself as an intermarried Mississippi Choctaw should, therefore be refused, and it is so ordered."

M., McF. & 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,

Tame Doby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 7, 1903.

Alexander V. Doak,

Ardmore, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alexander V. Doak, et al., embracing the following applications for identification as Mississippi Choctaws:

Alexander V. Doak,	D.C.R. 3663
Richard V. LeGrand, et al.,	D.C.P. 3662

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 Alexander V. Doak, Cora Le Grand, Joseph M. Le Grand, Claude F. Le Grand, George W. Le Grand, Richard V. Le Grand, Jr., Edith V. Le Grand, and Annie W. Le Grand as Choctaw Indians entitled 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.

Alexander V. Doak,-2

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Richard V. Le Grand for the identification of himself as an intermarried Mississippi Choctaw should, therefore be refused, and it is so ordered.*

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

Respectfully,

James H. ...
Acting Chairman.

Registered.

Muskegee, Indian Territory, February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Alexander V. Doak, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 7, 1903.

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

Alexander V. Doak	M.C.R. 3663
Richard V. LeGrand, et al.	M.C.R. 3652

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

Respectfully,

James D. Smith

Chairman.

Through the
Commissioner of Indian Affairs.

3 inclosures: M.C.R. 3663

(COPY)

Refer in reply
to the following:
Land-- 13875 --1903

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Alexander V. Doak; Richard V. LeGrand, for his wife, Cora LeGrand and his six minor children Joseph M., Claude F., George W., Richard V. Jr., Edith V. and Annie W. LeGrand, and Richard V. LeGrand, for identification of himself as an intermarried Mississippi Choctaw, wherein a decision adverse to the applicants was rendered by the Commission on February 7, 1903.

An examination of the evidence in this case shows that the applicants base their claim to identification on their descent from one Joe Duke or Doak, who, it is alleged was a citizen of the Choctaw Nation and a resident of Alabama or Mississippi in 1830.

The Commission states in its decision rejecting these applicants that no person by the name of Joe S. (or Josiah) Doak (or Duke), appears in its records of those persons who complied or attempted to comply with the provisions of the 14th article of the

Choctaw treaty of 1830.

The records of this office show that one Joe Doke was a reservee under the supplemental articles to the Choctaw treaty, but it does not appear that any such person as Joe Doke or Doak ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

E.B.H'r.

3 inclusions.

M C R 3652
M C R 3663

Muskogee, Indian Territory, March 21, 1903.

W. A. Ledbetter,
Attorney at Law,
Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, enclosing copy of letter of the Commission addressed to Mr. R. B. LeGrande, at Comanche, I. T., on February 7, 1903.

You state "On behalf of Mr. LeGrande and the other applicants therein, we request that you transmit the record in their application for citizenship to the Secretary of the Interior for review."

In reply to your letter you are informed that the Commission, on February 24, 1903, forwarded to the Secretary of the Interior, the record in the case of Richard V. LeGrande, et al., applicants to this Commission for identification as Mississippi Choctaws. The applicants will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

(C O P Y)

J.W.H.

DEPARTMENT OF THE INTERIOR,

FHE

Washington, March 28, 1903.

D.C. 9002-1903
I.T.D. 2730-1903.

L. R. S.

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 Alexander V. Doak (M C R 3663), for himself; of Richard V. Le Grand for his wife, Cora LeGrand, and his six minor children, Joseph M., Claude F., George W., Richard V., Jr., Edith V. and Annie W. LeGrand; and of Richard V. LeGrand for the identification of himself as an intermarried Mississippi Choctaw, including your decision of February 7, 1903, refusing to identify them as such.

The principal applicant, Alexander V. Doak, is a white man, who was born at Holly Springs, Mississippi, in 1842. He traces his descent from Hoe or Josiah Doak, now deceased, who it seems was a Scotchman who lived in Mississippi in 1830 and was recognized at that time as a member by adoption of the Choctaw Nation. His

name appears as a beneficiary under article 2 of the supplemental articles of the treaty of 1830 with the Choctaw Nation. It further appears that Josiah Doak died in 1873 near Corpus Christi, Texas, at the age of 86 years. Applicant Richard V. LeGrand is also a white man who claims rights in the Choctaw Nation by intermarriage with Cora LeGrand. She was the grand-daughter of the said Joe or Josiah Doak, from whom she claims descent through her mother, Malvina Clarke.

The fact that Josiah Doak was entitled to the benefits of article 2 of the supplemental articles of the treaty of September 27, 1830, is not of itself sufficient to entitle these applicants to identification as Mississippi Choctaws.

The testimony as furnished by the applicants fails to show that they or any of their 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.

It further appears that the records of the government in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article 14 of the treaty of 1830.

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 11, 1903, the Acting Commissioner of Indian Affairs recommends that your action be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, April 7, 1903.

Mansfield, McMurray & Cornish,

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

Gentlemen:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander V. Doak et al., of which decision you were advised by mail on the 7th day of February, 1903.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

M C R 3663

COPY.

Muskogee, Indian Territory, April 7, 1903.

Alexander V. Doak,

Ardmore, Indian Territory,

Dear Sir:

You are hereby notified that on the 28th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Alexander V. Doak et al., of which decision you were advised by registered mail on the 7th day of February, 1903.

Respectfully,

C. R. Brockton
Commissioner in Charge.

Muskogee, Indian Territory, July 5, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., the record therein, together with the adverse decision of the Commission to the Five Civilized Tribes rendered February 7, 1903, was, on February 24, 1903, forwarded the Department.

March 28, 1903 (I T D 2730-1903), the Department affirmed the decision of said Commission refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Alexander V. Doak, et al.

June 23, 1906, this office received from Chilion Riley, Ardmore, Indian Territory, attorney for petitioners, a motion for a reopening and readjudication of the above consolidated case. The motion is herewith transmitted.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 5/4

M C R 3663

Muskogee, Indian Territory, July 5, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of June 20, 1906, transmitting motion for reopening and readjudication of the consolidated Mississippi Choctaw case of Alexander V. Doak, et al. Said motion has this day been forwarded to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

M C R 3663

Muskogee, Indian Territory, October 17, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 3rd instant, requesting that the applicants in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al. be permitted to appear in person at the Chickasaw land office and make reservations or designations of lands they desire to file upon in the event they are finally identified as Mississippi Choctaws.

You are advised that your letter has this day been transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner.

Muskogee, Indian Territory, October 17, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith letter of Chillion Riley, of Ardmore, Indian Territory, dated October 3, 1906, requesting that the applicants in the Mississippi Choctaw case of Alexander V. Doak, et al. be permitted to appear in person at the Chickasaw land office and make reservations or designations of the lands desired by them as their allotments in the event of their final identification as Mississippi Choctaws.

The case referred to by Mr. Riley is the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., (M.C.R.3663) in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes February 7, 1903. This decision was affirmed by the Department March 28, 1903 (I T D 2730-1903).

The case was discussed at length in the decision of the Commission of February 7, 1903, and Departmental letter of March 28, 1903.

The applicants claim their right to identification as Mississippi Choctaws by reason of being the descendants of one Joe S. (or Josiah) Doak (or Duke) who was a beneficiary under

(2)

article two of the supplementary articles of the Choctaw treaty of 1830.

July 5, 1906, I had the honor to transmit to the Department, through the office of the Commissioner of Indian Affairs, a motion to reopen and readjudicate the Mississippi Choctaw case of A. V. Doak, et al., filed with this office June 23, 1906.

The motion alleges error in the findings of the Commission to the Five Civilized Tribes and the Department in failing to find that Joe Doke was a beneficiary under the nineteenth article of the treaty of 1830 and as such beneficiary was entitled to identification as a Mississippi Choctaw.

It would appear that this motion was filed for the sole purpose of delay, inasmuch as the applicants do not claim to be the descendants of a beneficiary under the provisions of the fourteenth article of the Choctaw treaty of 1830. The apparent purpose thereof was to revive the case in order that the applicants might secure or maintain possession of land in the Choctaw or Chickasaw Nation.

I have not permitted any designation by the applicants in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., but call the Department's attention to Mr. Riley's letter of October 3, 1906, in order that the motion transmitted July 5,

(3)

1906, may receive early consideration and action.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 17/1

J .P.

DEPARTMENT OF THE INTERIOR,

FHE.

WASHINGTON.

D.C. 48518-06.
I. T. D. 20526-1906.
L. R. S.

November 1, 1906.

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

Sir:

The motion to "reopen and readjudicate" the Mississippi Choctaw case of Alexander V. Doak, et al, received with your letter of July 5, 1906, in which no recommendation is made, is hereby denied, as the motion presents no question of law or fact not considered in the decision of the Department of March 28, 1903, adverse to the claimants.

A copy of Indian Office letter of October 11, 1906, (Land 57997), submitting your report, is inclosed. The motion and other papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) E. A. Hitchcock.
Secretary.

Through the Commissioner
of Indian Affairs.

1 inc. and 4 to Ind. Of.

(C O P Y)

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

Land
19927-1903.
57887-1906.

October 11, 1906.

The Honorable,

The Secretary of the Interior.

Sir:--

Referring to Departmental letter of March 28, 1903,
(I. T. D. 2730-1903), I have the honor to transmit herewith a
motion for the reopening and readjudication of the consolidated
Mississippi Choctaw case of Alexander V. Voaks, et al. There is
also inclosed the record in the case.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

EBM-KEN.

M C R 3663.

COPY

Muskogee, Indian Territory, November 12, 1906.

Chief Clerk,

Chickasaw Land Office,

Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 1, 1906, denied the motion filed in this office June 25, 1906, by Chilion Riley, attorney at law, Ardmore, Indian Territory, to reopen and readjudicate the consolidated Mississippi Choctaw case of Alexander V. Doak et al. This case includes the following persons:

Alexander V. Doak,	Cora Le Grand,
Joseph M. Le Grand,	Claude F. Le Grand,
George W. Le Grand,	Richard V. Le Grand, Jr.,
Edith V. Le Grand,	Annie W. Le Grand,
Richard V. Le Grand.	

It does not appear that there are any proceedings now pending in this case.

Respectfully,

Wams Kirby.

Commissioner.

M C R 3663

Muskogee, Indian Territory, November 12, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed copy of Departmental letter of November 1, 1906, denying the motion filed in this office by Chilion Riley, attorney, June 25, 1906, for a readjudication of the consolidated Mississippi Choctaw case of Alexander V. Doak et al.

Respectfully,

Special Commissioner

Commissioner.

McM 12/3

M C R 3663

COPY

Muskogee, Indian Territory, November 12, 1906.

Alexander V. Doak,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on November 1, 1906, denied the motion filed in this office June 25, 1906, by Chibion Riley, attorney at law, Ardmore, Indian Territory, to reopen and readjudicate the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

Respectfully,

Wm. H. ...
Commissioner.

M C R 3663

3011

Muskogee, Indian Territory, November 12, 1906.

Chilion Wiley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

There is herewith enclosed copy of Departmental letter of November 1, 1906, denying the motion to reopen and readjudicate the consolidated ~~Mississippi~~ Choctaw case of Alexander V. Doak, et al., which motion was filed by you in this office June 25, 1906.

Respectfully,

SIGNED *Wm. B. ...*

Commissioner.

McM 12/2

JP
LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.D. 22758-1906.

November 21, 1906.

LRS

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

Sir :--

Answering your letter of October 17, 1906, submitting a request addressed to you that the applicants in the Mississippi Choctaw case of Alexander V. Doak et al. be permitted to appear in person at the Chickasaw Land office and make reservations or designations of land desired by them as their allotments, in the event of their final identification as Mississippi Choctaws, you are advised that as the Department on the 1st instant refused to grant the motion to reopen the case to which you refer, no action is considered necessary upon the request you submit.

A copy of Indian Office letter and the letter of the attorney making the request are inclosed.

Respectfully,

(Signed) Thos. Ryan,

Through the Commissioner of Indian Affairs,
First Assistant Secretary.

2 inclosures.

(C O P Y)

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

Land.
92923-1906.

November 12, 1906.

The Honorable,

The Secretary of the Interior.

Sir :--

I have the honor to invite your attention to the enclosed letter of October 17, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who transmits a letter of Chilion Riley, of Ardmore, Indian Territory, dated October 3, 1906, requesting that the applicants in the Mississippi Choctaw case of Alexander V. Doak, et al., be permitted to appear in person at the Chickasaw Land office and make reservations or designations of the lands desired by them as their allotments in the event of their final identification as Mississippi Choctaws.

Mr. Bixby says that the case referred to by Mr. Riley is the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., in which a decision adverse to the applicants was rendered by the Commission to the Five Civilized Tribes on February 7, 1903, which decision was affirmed by the Department on March 28, 1903, (I.T.D. 2730-1903).

He says that the applicants claim their right to identification as Mississippi Choctaws by reason of their being descendants of one Joe S. (Josiah) Doak (or Doke), who was a beneficiary under article 2 of the supplemental articles to the Choctaw treaty of 1830. On July 5, 1906, the Commissioner transmitted to the Department, through this Office, a motion to reopen and readjudicate the case of A. V. Doak, et al., which was filed in his office on June 23, 1906.

He further says that the motion alleges error in the findings of the Commission to the Five Civilized Tribes and the Department in failing to find that Joe Doke was a Beneficiary under the 19th article of the treaty of 1830, and as such beneficiary was entitled to identification as a Mississippi Choctaw.

He expresses the belief that this motion was filed for the sole purpose of delay, inasmuch as the applicants do not claim to be the descendants of a beneficiary under the provisions of the 14th article of the treaty of 1830, and that the apparent purpose thereof was to revive the case in order that the applicants might secure or obtain possession of the land in the Choctaw or Chickasaw Nations.

Mr. Bixby reports that he has not permitted any designation by the applicants in the case of Alexander V. Doak, et al., but invites the attention of the Department to Mr. Riley's letter of October 3, 1906, in order that the motion transmitted July 5, 1906, may receive early consideration and action.

The motion to reopen and readjudicate this case was denied by the Department on the 1st instant (I.T.D. 20526-1906). For this reason I recommend that no action be taken on the letter of Mr. Riley.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y

2

M C R 3663

COPY

Muskogee, Indian Territory, November 30, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Referring to your letter of October 3, 1906, requesting that you be notified that the applicants in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al. may appear in person at the Chickasaw Land Office and make reservations of lands they desire to file on in the event they are finally identified as Mississippi Choctaws, you are advised that the same was submitted to the Secretary of the Interior for consideration, October 17, 1906.

This office is now in receipt of a letter from the Department stating that no action is considered necessary upon your request, inasmuch as it refused, on November 1, 1906, to grant the motion filed June 25, 1906, to reopen the case in question.

Respectfully,

Commissioner.

M C R 3663

COPY

Muskogee, Indian Territory, November 30, 1906.

Chilion Riley,

Attorney at Law,

Armore, Indian Territory.

Dear Sir:

Your letter of November 23rd addressed to Mr. Ed Hastain, Muskogee, Indian Territory, requesting him to secure for you from this office a copy of Departmental letter of March 28, 1903, in the consolidated Mississippi Choctaw case of Alexander V. Doak et al., has been referred to the Commissioner by Mr. Hastain.

The copy requested is herewith enclosed.

Respectfully,

Commissioner.

McM 30/5

0001

Muskogee, Indian Territory, December 19, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a motion for review in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., filed with this office December 8, 1906, by Chilion Riley, attorney at law, Ardmore, Indian Territory, for transmission to the Department.

In submitting this motion permit me to invite the attention of the Department to the fact that a decision was rendered in this case adverse to the applicants by the Commission to the Five Civilized Tribes February 7, 1903, and was affirmed by the Department March 28, 1903 (I T D 2730-1903).

June 25, 1906, there was filed with this office by Chilion Riley a motion to reopen and review the consolidated Mississippi Choctaw case of Alexander V. Doak, et al. This motion was transmitted the Department with my letter of July 5, 1906, and was the subject of the report of the Acting Commissioner of Indian Affairs of October 11, 1906 (Land 19927-1903, 57687-1906).

The Department on November 1, 1906 (I T D 20526-1906), denied the motion to reopen and readjudicate the case, as the same

(2)

presented no question of law or fact not considered in the decision of the Department of March 28, 1903, adverse to the applicants.

November 12, 1906, the principal applicants and their attorney of record, Chilion Riley, of Ardmore, Indian Territory, were advised of the action taken by the Department upon the motion to reopen and readjudicate, and Mr. Riley was furnished with a copy of Departmental letter of November 1, 1906, and the report of the Acting Commissioner of Indian Affairs of October 11, 1906:

This case was also the subject of my letter of October 17, 1906, transmitting a letter of Chilion Riley, of Ardmore, Indian Territory, dated October 3, 1906, requesting that the applicants in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., be permitted to appear in person at the Chickasaw land office and make reservations or designation of the lands desired by them as their prospective allotments in the event of their final identification and enrollment as Mississippi Choctaws.

The Department on November 21, 1906 (I T D 22758-1906), in replying to my letter of October 17, 1906, stated that as the Department had on November 1, 1906, refused to grant the motion to reopen the case of Alexander V. Doak, et al., no action was considered necessary upon the request made by Mr. Riley.

November 23, 1906, Mr. Riley requested a copy of the original decision of the Department of March 28, 1903, affirming the decision of the Commission to the Five Civilized Tribes of February

7, 1903, in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., to be used by him in preparing a motion for reconsideration of Departmental action of November 1, 1906, (I T D 20526-1906).

The applicants in the Doak case do not claim to be the descendants of a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830, nor are they full blood Choctaw Indians, and the evident and sole purpose in filing the motion which is herewith transmitted, is the unquestionable desire of the applicants and their attorney to keep the case alive as long as possible in order that they may not be removed from the lands which they are now holding in the Chickasaw Nation.

In the motion to review, herewith transmitted, the only apparent error alleged in the original decision of the Commission to the Five Civilized Tribes of February 7, 1903, and the subsequent decisions of the Department is in failing to find that the provisions of article 14 of the treaty of 1830 -

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuities,"

applied to the beneficiaries under article 2 of the supplemental agreement of the treaty of 1830, under which the ancestor in the Doak case was a beneficiary.

The motion to review presents no new question of law or fact which has not heretofore been considered by the Department;

(4)

is trivial in its nature, and is unquestionably submitted for the purpose of delay, and I have to respectfully recommend that the same be denied.

Permit me in this case to invite attention to the provision in the Act of Congress approved April 20, 1906 (34 Stat., 117), as follows:

"No motion to reopen or reconsider any of the said cases in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this act, in which case such motions shall be made within sixty days after the passage of this Act."

With but few exceptions, all Mississippi Choctaw cases were decided by the Commission to the Five Civilized Tribes and its successor long prior to the approval of the Act of April 20, 1906, and the majority of these decisions were affirmed by the Department prior to the approval of said Act.

A large number of the motions for review filed within the time prescribed by the Act of Congress approved April 20, 1906, have been denied by the Department, and the question is presented in this case as to whether or not a subsequent motion for reconsideration of the Department's action in denying a previous motion for review and reconsideration can be considered or maintained.

It is respectfully suggested and urged that some finality should attach to the work of this office and the Department in connection with these Mississippi Choctaw cases, and unless the

(5)

provision of the Act of Congress of April 26, 1906, above quoted, is construed to mean that no motions for review or reconsideration of the original action of the Department can be filed after the sixty days prescribed, there would seemingly be no limitation to the revival of those Mississippi Choctaw cases by the filing of subsequent motions within a period of sixty days from any action taken either by the Commission or the Department.

In such cases where a motion for review or reconsideration has been denied by the Department, I have directed the land offices to discontinue any proceedings to which the applicants might be a party, but it is apparent that if these new motions for review and reconsideration are permitted, such action would not be warranted until some date is made effective by operation of law in which no further action of any character whatever can be taken.

I do not consider that it was the purpose either of the Department or of Congress to allow an abuse of the right to review and reconsideration in these cases, but the case under consideration presents to my mind a flagrant abuse of the privilege which it was intended by Congress to extend to these rejected Mississippi Choctaw applicants.

I have in conclusion to respectfully request that this office be informed specifically whether the rights of Mississippi Choctaw applicants are to be considered as finally determined upon the denial by the Department of a motion for review and reconsider-

(6)

ation, or whether additional motions of such a character as the one herewith transmitted should be received and filed and the cases revived to the extent of permitting the applicants to designate lands in the Choctaw and Chickasaw Nations as their prospective allotments.

Respectfully,

Sam Sixby.
Commissioner.

Through the Commissioner
of Indian Affairs.

McM 19/99

M C R 3663

COPY

Muskogee, Indian Territory, December 19, 1906.

Chilion Riley,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, enclosing a motion for review of Departmental action of November 1, 1906, denying a motion filed by you under the Act of Congress approved April 26, 1906, for reopening and readjudication of the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

The motion has this day been transmitted to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

W. H. H. H.
Commissioner.

COPY

(C O P Y)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington.

January 17, 1907.

Land.
111706-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of December 19, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, who transmits a motion for review on the consolidated Mississippi Choctaw case of Alexander V. Doak, et al., filed in his office on December 6, 1906, by Chilion Riley, an attorney at law of Ardmore, Indian Territory, for transmission to the Department.

In submitting this motion Commissioner Bixby invites the attention of the Department to the fact that a decision was rendered in this case adverse to the applicants by the Commission to the Five Civilized Tribes on February 7, 1903, and was affirmed by the Department March 28, 1903 (I.T.D. 2730-1903). He also says that on June 25, 1906, there was filed in his office by Chilion Riley a motion to reopen and review the consolidated Mississippi Choctaw case of Alexander V. Doak, et al. ; and that this motion was transmitted to the Department with his letter of July 5, 1906, and was

(2)

the subject of a report of this office of October 11, 1906. The Department on November 1, 1906 (I.T.D. 20526-1906), denied the motion to reopen and readjudicate the case, as it presented no question of law or fact not considered in the decision of the Department of March 28, 1903.

He further says that on November 12, 1906, the principal applicants and their attorney of record, Chilion Riley, were advised of the action of the Department on the motion to reopen and readjudicate, and Mr. Riley was furnished with a copy of Departmental letter of November 1, 1906, and the report of this office of October 11, 1906.

He refers to the fact that this ~~letter~~ case was also the subject of his letter of October 17, 1906, transmitting a letter of Chilion Riley, dated October 3, 1906, requesting that the applicants be permitted to appear in person at the Chickasaw Land Office and make reservations or designation of the lands desired by them as their prospective allotments in the event of their final identification and enrollment as Mississippi Choctaws. In replying to this letter of November 21, 1906, the Department (I.T.D. 22758-1906), referred to the fact that it had on November 1, 1906, refused to grant the motion to reopen the case, and held that no action was considered necessary on the request made by Mr. Riley.

On November 23, 1906, Mr. Riley requested of the Commissioner a copy of the original decision of the Department on March 28, 1903, affirming the decision of the Commission of February 7,

(3)

1903, to be used by him in preparing a motion for reconsideration of Departmental action of November 1, 1906.

The Commissioner invites attention to the fact that the applicants in the Doak case do not claim to be the descendants of a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830, nor are they full blood Choctaw Indians, and expresses the belief that the sole purpose in filing the motion now transmitted is the unquestionable desire of the applicants and their attorney to keep the case alive as long as possible in order that they may not be removed from the lands which they are now holding in the Choctaw Nation. (Chickasaw).

In the motion for review now transmitted the Commissioner finds that the only error apparently alleged in the original decision of the Commission of February 7, 1903, and the subsequent decisions of the Department is that they fail to find that the provision of article 14 of the treaty of 1830,

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove will not be entitled to any portion of the Choctaw annuities, applied to the beneficiaries under article 2 of the supplemental articles to the treaty of 1830 under which the ancestor in the Doak case was a beneficiary.

He holds that the motion to review presents no new question of law or fact which has not heretofore been considered by the Department, that it is trivial in its nature and is unquestionably

(4)

submitted for the purpose of delay, and he recommends that it be denied.

He also invites attention to the provision in the act of Congress approved April 26, 1906 (34 Stat. L., 137), as follows:

No motion to reopen or reconsider any citizenship case in any of said tribes shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this Act, in which case such motions shall be made within sixty days after the passage of this Act,

and says that with but few exceptions, all Mississippi Choctaw cases were decided by the Commission to the Five Civilized Tribes, or its successor, long before the approval of the act of April 26, 1906, and that the majority of these decisions were affirmed by the Department prior to the approval of that act.

He further invites attention to the fact that a large number of motions for review filed within the time prescribed by the act of Congress approved April 26, 1906, have been denied by the Department, and the question is presented in this case as to whether a subsequent motion for reconsideration of the Department's action in denying the previous motion for review and reconsideration can be considered or maintained.

He suggests that some finality should attach to the work of his office and the Department in connection with these cases, and holds that unless the provision of the act of Congress of April 26, 1906, above quoted, is construed to mean that no motions for review

(5)

or reconsideration of the original action of the Department can be filed after the sixty days prescribed, there would seemingly be no limitation to the revival of these Mississippi Choctaw cases by the filing of subsequent motions within the period of sixty days from any action taken, either by the Commission or the Department.

Mr. Bixby reports that in such cases, where a motion for review or reconsideration has been denied by the Department, he has directed the land offices to dismiss any proceedings to which the applicants might be a party, and it is apparent to him that if these new motions for review and reconsideration are permitted, such action would not be warranted until some date is made effective by operation of law in which no further action of any character whatever can be taken.

He says he does not consider that it was the purpose of either the Department or of Congress to allow an abuse of the right of review and reconsideration in these cases, but the case now under consideration presents to his mind a flagrant abuse of the privilege which it was intended by Congress to extend to the rejected Mississippi Choctaw applicants.

In conclusion he requests that he be informed specifically whether the rights of Mississippi Choctaw applicants are to be considered as finally determined on the denial by the Department of a motion for review and reconsideration, or whether additional motions of such a character as the one now transmitted should be received

and filed and the cases revived to the extent of permitting the applicants to designate lands in the Choctaw and Chickasaw Nations as their prospective allotments.

As is mentioned by the Commissioner these applicants do not descend from a beneficiary under the 14th article of the Choctaw treaty of 1830. Their ancestor, known variously as Jo O. Doke (Josiah S. Doak), Joseph Doke, Joseph Duke or Dukess, and Captain Joseph Duke or Doak, was a prominent member of the Choctaw tribe of Indians in Mississippi in 1830, and was provided for under the supplement to the treaty. He and his family were transported west by the government, arriving in the Choctaw Nation west on December 12, 1832. There was in his family at that time one male of 25 and under 50 years of age, two females of ten and under 25, and two of 25 and under 50, a total of five. He settled at what afterwards became known as Doakville and maintained a general merchandise store there. He was a delegate to the convention that adopted the Choctaw constitution (Laws of the Choctaw Nation, 1869, page 25). He was able to read and write and was connected with many transactions concerning the lands of the Choctaws during the ten or fifteen years succeeding the treaty.

The previous report of this Office in this case shows that the ancestor of the applicants was not a beneficiary or applicant for benefits under the 14th article of the Choctaw treaty. If there had been no records in the Office showing who their ancestor was, there might have been more merit in their continuing to seek iden-

(7)

tification as Mississippi Choctaws, but the situation being as it is, their continuing motions and petitions have been made with full knowledge of the fact that they did not come within the class of persons entitled to identification as Mississippi Choctaws, and the Office is inclined to believe that the theory of the Commissioner that these people have pursued the course he described for the purpose of continuing to hold the lands now in their possession is well founded.

I recommend that prompt action be taken in this case, that the Commissioner be notified at the earliest possible moment that this new application has been denied, and that no further applications for rehearing or reopening will be considered. Following that, the Indian Agent at Union Agency should be notified of the action of the Department that he may take steps to remove the parties from the lands which they are wrongfully holding in their possession.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

WBH-Y

C O P Y

Y.P.

DEPARTMENT OF THE INTERIOR, LLB
Washington.

I.T.D. 1106-1907.

January 26, 1907.

L. R. S.

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

Sir:

Received with your letter of December 19, 1906, and Indian Office letter of the 17th instant, was the "motion to review" in the Mississippi Choctaw case of Alexander V. Doak, et al., filed in your office December 6, 1906. This motion asks that the Department overrule its action of October 11, 1906, denying a former motion to reopen the case filed in your office June 25, 1906, in time, under section 1 of the act of April 26, 1906 (34 Stat., 137).

The original decision of the Department, adverse to the applicants, was made March 28, 1903.

You urge that some finality should attach to the work of your office and the Department in connection with these Mississippi Choctaw cases, and state that unless the provision of the act of Congress of April 26, 1906, above referred to, is construed to mean that no motions for review or reconsideration of the original action of the Department can be filed after the sixty days prescribed, there would seemingly be no limitation to the revival of these cases by the filing of subsequent motions within a period of sixty

(2)

days from any action taken either by you or the Department.

You inform the Department that where a motion for review or reconsideration has been denied by the Department, you have directed the land offices under your jurisdiction to dismiss any proceedings in which the ~~applicants~~ applicants might be a party, but it is apparent that if these new motions for review and reconsideration are permitted, such action would not be warranted until some date is made effective by operation of law in which no further action of any character whatever can be taken.

You request that your office be informed specifically whether the rights of Mississippi Choctaw applicants are to be considered as finally determined upon denial by the Department of a motion for review and reconsideration or whether additional motions of such a character as the one transmitted should be received and filed and the cases revived to the extent of permitting the applicants to designate lands in the Choctaw and Chickasaw nations as their prospective allotments.

The Indian Office concludes that the motion under consideration was merely for the purpose of delay. It recommends that prompt action be taken upon it, and that you be notified that this new application has been denied and that no further applications for rehearing or reopening the case will be considered.

The Department prefers to dispose of each case as it arises. It however considers its action of October 11, 1906, in this case

(3)

closed it. To entertain the present motion, which is apparently without any merit, would be to recognize the right of the applicants to file any number of motions, which clearly the act of April 26, 1906, did not contemplate. The motion is denied.

In similar cases the Department expects you to receive any motion filed and submit it for the action of the Department, but not to permit applicants to designate land as their prospective allotments.

A copy of the Indian Office letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

First Assistant Secretary.

1 inclosure.

M C R 3663

Muskogee, Indian Territory, February 6, 1907.

Alexander V. Doak,
Ardmore, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 26, 1907, denied the motion filed with this office December 6, 1906, by Chilion Riley, attorney, for review in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

Respectfully,

Commissioner.

M C R 3663

Muskogee, Indian Territory, February 6, 1907.

Chilion Riley,
Attorney at Law,
Duncan, Indian Territory.

Dear Sir:

There is herewith enclosed copy of Departmental letter of January 26, 1907 (I T D 1106-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of January 17, 1907 (Land 111706-1906), denying the motion filed by you with this office December 6, 1906, for review in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

Respectfully,

Commissioner.

McM 6/1

M C R 3663

Muskegee, Indian Territory, February 6, 1907.

Chief Clerk,
Chickasaw Land Office,
Ardmore, Indian Territory.

Dear Sir:

There is herewith enclosed for your information copy of Departmental letter of January 26, 1907 (I T D 1106-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of January 17, 1907 (Land 111706-1906), denying a motion filed with this office December 6, 1906, by Chilion Riley, attorney, for review in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al. The case includes the following persons:

Alexander V. Doak,	Cora Le Grand,
Joseph M. Le Grand,	Claude F. Le Grand,
George W. Le Grand,	Richard V. Le Grand, Jr.,
Edith V. Le Grand,	Annie W. Le Grand,
	Richard V. Le Grand.

All pending proceedings relative to the identification of the applicants in the above case are now disposed of, and no notations should be made of their claims to land.

Respectfully,

McM 6/2

Commissioner.

M C R 3663

Muskogee, Indian Territory, February 6, 1907.

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

Gentlemen:

There is herewith enclosed copy of Departmental letter of January 26, 1907 (I T D 1106-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of January 17, 1907 (Land 111706-1906), denying a motion filed with this office by Chilion Riley, attorney, December 6, 1906, for review in the consolidated Mississippi Choctaw case of Alexander V. Doak, et al.

Respectfully,

Commissioner.

McM 6/3

CARD No.

NAME

RESIDENCE
DISTRICT

POST OFFICE

AGE

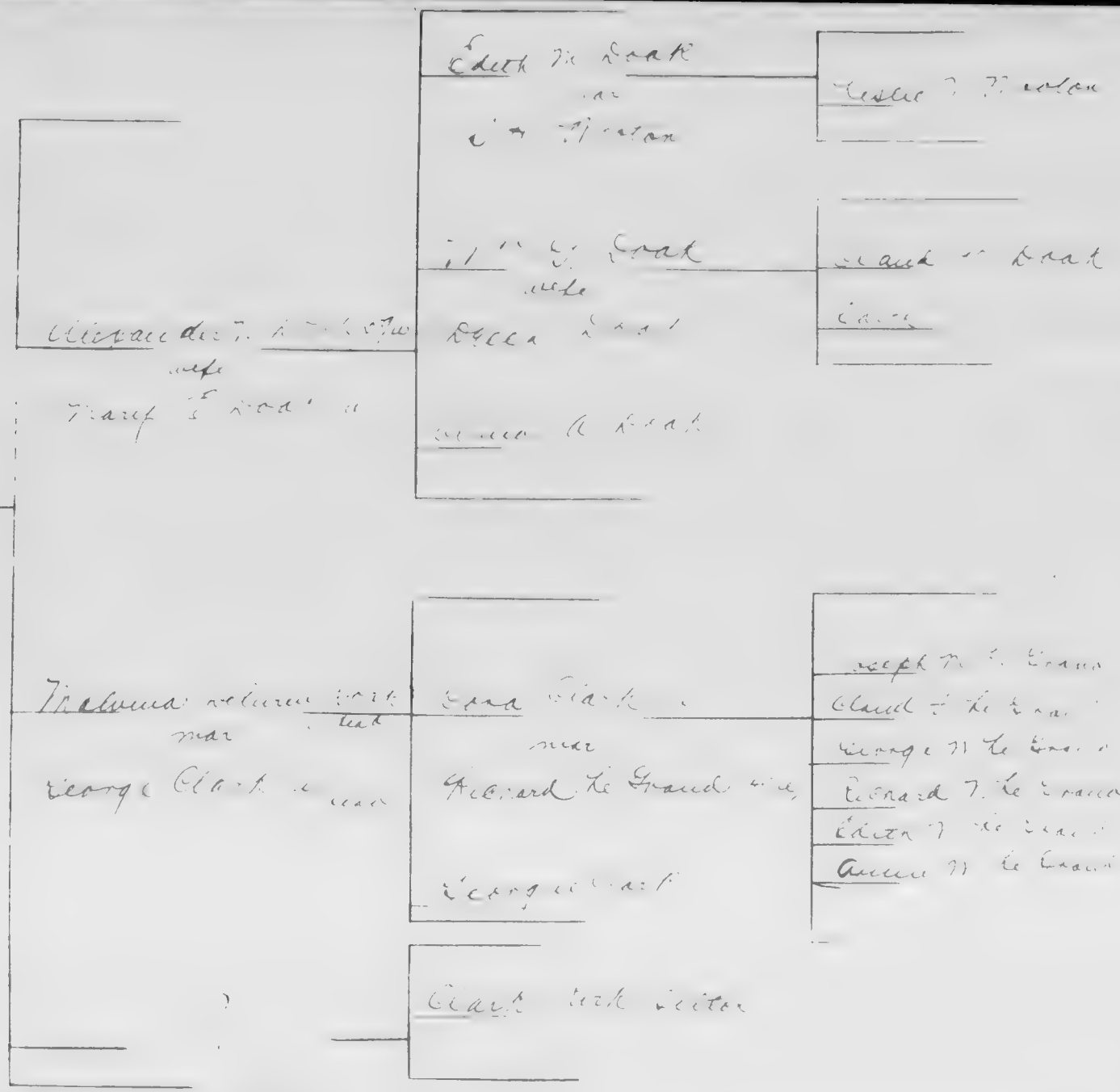
SEX

Consolidated Co.

Alexander's Shop

28 Soak
 30 Soak
 31 Soak
 1 Soak
 2 Soak
 3 Soak

Clark's ...



For Identification as a Mississippi Choctaw.

Date OCT - 3 1901

Name Alexander V. Hoark.

Age 59 - Blood WHITE

Post Office, Ardmore, L.P.

Father; Jo Hoark, w. d

Mother. Elizabeth A. " d

Claims through father -
wife. Mary E. Hoark - w.

No claim for wife -

~~CLAIMS~~

Claims for self alone.

Stenographer H. G. Harris

Choctaw MCR 3664

Harriet Alexander

See MCR 3661

MCR 3664

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOFA, I.T. October 3, 1901.

3664

In the matter of the application of Harriet Alexander for the identification of herself and four minor children as Mississippi Choctaws.

No attorney representing applicant.

Harriet Alexander being first duly sworn states:

Examination by the Commission:

- Q What is your name? A Harriet Alexander.
Q What is your age? A Thirty nine.
Q What is your post office address? A Rogers, Arkansas.
Q How long have you lived at Rogers? A I have lived there near
in the town about fourteen years and in the country near there
about twenty two or three years.
Q And where did you live before that? A In Missouri.
Q Where were you born? A In Lawrence County, Missouri.
Q And you went from there to Arkansas? A Yes sir.
Q What is your father's name? A Leroy B. Camden.
Q Is it the Leroy B. Camden who made application on the above date
October 3, 1901, for identification as a Mississippi Choctaw? A Yes
sir.
Q Are you kin to Nathaniel P. Gotcher? A Yes sir.
Q Your father and he are cousins, are they not? A Yes sir.
Q Do you want to have their testimony taken with theirs in
consideration, so that the testimony of all will be taken together?
A Yes sir.
Q You all claim from the same common ancestor? A Yes sir.
Q What was your mother's name? A Dirinda.
Q Is she living? A Yes sir.
Q Through which one of the parents do you claim Choctaw blood?
A My father.
Q How much Choctaw blood do you claim? A I never figured it out;
my grandmother I have always understood was an Indian; my father's
mother.
Q Your father claimed an eighth today? A Well, I suppose I
would be a sixteenth then.
Q Was your father ever been recognized in any way or enrolled as
a member of the Choctaw tribe of Indians by either the Choctaw
tribal authorities or the United State authorities in Indian
Territory? A Not that I know of.
Q Does your mother claim any Choctaw blood at all? A No sir.
Q When and where were your father and mother married? A In Barry
County, Missouri.
Q Do you remember the date? A About '61, wasn't it?

Q Don't you remember the day of the month? A The eighteenth of April. (Some one interrupts: "No sir; the 14th April.")

Reasonable time will be allowed to get copy of the marriage license or marriage certificate to prove this marriage.

Q Are you married? A I am a widow.

Q What is your husband's name? A Alexander.

Q What is his first name? A Guilford.

Q How is he dead? A Yes sir.

Q Have you any children under age and unmarried for whom you want to make application? A I have four?

Q What is the name of the oldest? A Guilford.

Q Are they all named Alexander? A Yes sir.

Q How old is that oldest child? A He was twelve years old last February.

Q Next? A George.

Q How old is he? A He was ten last August.

Q Next? A Harriet.

Q How old is Harriet? A She was seven years old the 30th of last December.

Q Next? A Hesther; H-e-s-t-h-e-r.

Q How old is Hesther? A She was four years old the 25th day of last December.

Q Is that all the children? A Yes sir.

Q Is your deceased husband, Guilford Alexander the father of these children? A Yes sir.

Q When and where were you married to him? A In Benton County, Arkansas, 1888.

Q Is your name or the name of these children on any of the tribal rolls of the Choctaw nation in Indian Territory? A No sir they are not.

Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.

Q Did you ever make application for citizenship in the Choctaw Nation for yourself or children to the Dawes Commission under Act of Congress of June 10, 1896; that's five years ago. A No sir.

Q Were you ever admitted to citizenship in the Choctaw Nation either yourself or children by the Choctaw tribal authorities, the Dawes Commission or United States Court in Indian Territory? A No sir.

Q Did you ever make application before this time for citizenship in the Choctaw Nation for yourself or children to either the Choctaw tribal authorities or the United States authorities? A No sir.

Q Do you now come before the Commission for the purpose of claiming identification for yourself and children under article fourteen of the treaty of 1830? A I don't hardly know what the article is.

Q You know what a treaty is do you? A (No answer.)

A Treaty is an agreement or compact in writing between two or more Nations. An article of a treaty is one of the subdivisions of it. These articles are all numbered from one up to as many as there are. The treaty of 1830 sometimes called the treaty of Dancing Rabbit Creek was made between the United States Government and the Choctaw Indians who lived at that time in part of the State of Mississippi and Western part of the State of Alabama. The object

of the treaty was the removal of those Choctaw Indians from Mississippi and Alabama to the Choctaw Nation Indian Territory. Before the treaty was signed it became apparent that a great many Choctaw Indians wouldn't go to the Indian Territory and in order to protect their interests article fourteen was put into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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? A Yes sir.

Q Do you understand it? A Yes sir.

Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of article fourteen of the treaty of 1830? Do you know that they ever did comply with that article that I read you, doing those things that I said they would have to do?

A I don't know.

Q What was the name of your Choctaw ancestor, if you can give it, who lived in Mississippi in 1830 and who was a Choctaw Indian; if you know? A Nathaniel Payne.

Q Did he live in Mississippi in 1830? A That's my understanding that's what I have been told.

Q Was he a recognized member of the Choctaw tribe of Indians at that time? A Yes, I think so.

Q Have you any proof of that; any other proof than what you have heard in your family? Any proof in writing, any copies of records or documents? A I think there are some records of some kind.

Q Have you any now you can introduce? A Not here.

Q Do you think you can show that later if given time? A Yes sir.

Q Did he or any of your Choctaw ancestors own any improvements on lands in Mississippi in 1830? A I don't know; I think they did.

Q You think you can cover that point if you are allowed time to file documentary evidence? A Yes sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama to the Choctaw Nation, Indian Territory, with the other Indians between 1830 to 1836? 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 go to the United States Indian Agent, Col. Ward, and tell him that they wanted to stay in the State of Mississippi and not go to the Indian Territory? A I don't know; can't tell you.

Q Did any of your ancestors, if Choctaw Indians, ever receive or

claim any land in Mississippi as beneficiaries under article fourteen of the treaty of 1830? A I can't tell you; I don't know.
 Q Did any of your Choctaw ancestors ever claim or receive any benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A Not that I know of.

In accordance with the provisions of article fourteen of the treaty of 1830 the United States Indian Agent, Col. Ward, who lived in Mississippi at that time was required by the Government to make a list of the names of all Choctaw Indians who went to him at his office within six months after the ratification of the treaty of 1830 and told him that they wanted to stay in Mississippi and take land there and become citizens of the United States. Col. Ward neglected to do as required by the Government so that his list, called Ward's Register, contains the names of only a few Indians who did apply to him and who complied with the provisions of article fourteen. This neglect on his part caused a great many complaints and a great many Indians to lose their lands which were sold with all the improvements upon them. This naturally caused a great many complaints among the Indians, so that in March 3, 1837 a Commission was appointed which Commission went to Mississippi and heard a great many Indians who claimed under article fourteen and many of these claims were allowed. In 1842 another Commission was appointed for the same purpose.

Q Do you know if any of your ancestors went before either of these Commissions, that of 1837 or 1842, and claimed benefits under article fourteen? A No sir.

The Act of Congress of August 23, 1842, provided that if it appeared that any claimant who came before it had proved his claim under article fourteen, and if it further appeared that his land had been taken away from him that he should be entitled to receive land in Louisiana, Arkansas, Alabama, or Mississippi, and that a certificate should be given to him to that effect; these certificates were called scrip.

Q Did any of your ancestors receive any such scrip from the Government as Choctaw Indians? A Not that I know of.

Q You have no documentary evidence to file at this time any papers? A No sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this application which she makes for herself and minor children; also marriage license or any proof of her father's and mother's marriage; also of her own marriage.

Q You don't speak or understand Choctaw? A No sir.

- Q You claim through your father, Leroy B. Camden? A Yes sir.
 Q He claims through which parent? His mother.
 Q What was her name? A Odelia Camden.
 Q What was her maiden name? A Odelia Payne, daughter of Nathaniel Payne.
 Q Do you know what his father's or mother's name was? A I don't remember; I have heard.
 Q You don't go back any farther than your grandfather, Nathaniel Payne for your Choctaw blood? A I think not.
 Q Do you know where and when he died? A No sir; I don't.
 Q Do you know how old he was when he died? A No sir.
 Q When and where was his daughter, Odelia, born? A I don't know whether she was born in Mississippi or Tennessee.
 Q Do you know when? A No sir; they have a family record though.
 Q That record will be produced in support of these cases, your father's or some others, you think? A I suppose, if it is necessary it will be produced.
 Q Whether it is necessary or not will depend on what the applicants think, of course; generally it is necessary to prove descent when you are claiming through a line of descent.
 Q Is there anything further you want to say in support of this claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from a white parentage; has brown eyes, brunette complexion, brown hair. She has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Gains 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 October 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 26 day of October, 1901.

Henry G. Gains
 Notary Public.

COPY.

M.C.R. 3664

Muskogee, Indian Territory, July 12, 1902.

Harriet Alexander,
Rogers, Arkansas.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harriet Alexander, et al.,	M.C.R. 3664
John N. Camden,	M.C.R. 3960
Mary Camden,	M.C.R. 3665
Andrew B. Camden,	M.C.R. 3666
Eva Mathews, et al.,	M.C.R. 3804
Effie Myler, et al.,	M.C.R. 3667
J. N. Camden, et al.,	M.C.R. 4364

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

H A -----2

Said decision concluded as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nathaniel P. Gettner, Leroy S. Camden, Harriet Alexander, Cullford Alexander, George Alexander, Harriet Alexander (2), Hester Alexander, John N. Camden, Lory Camden, Andrew S. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Elsie Myler, Ethel Myler, J. A. Camden and Georgia A. Camden, 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,

LESLIE D.

Registered.

James Dixby.

Acting Chairman.

4/18/1902

COMMISSIONERS
HENRY L. DAWES
TAMM BIXLEY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M.C.R. 3664.

ALLISON L. AYLESWORTH
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

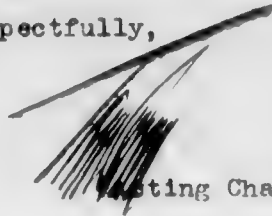
Muskogee, Indian Territory, October 8, 1902.

Harriet Alexander,
Rogers, Arkandas.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,



Acting Chairman.



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

NOV 1902

A handwritten signature in ink, appearing to be "G. H. ...".

ACTING CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Hannah Alexander
Atoka, *AG*
~~Atoka~~

No. 23654

For Identification as a Mississippi Choctaw.

OCT -3 1901

Date

Name *Harriet Alexander*

Age *39* Blood *1/16*

Post Office, *Rogers, Arkansas.*

Father: *Leroy B. Camden, l*

Mother: *Dirinda " l*

(claims through father
husband Guilford " (d)

Children:

<i>Guilford Alexander.</i>	<i>12</i>
<i>George " "</i>	<i>10</i>
<i>Harriet " "</i>	<i>7</i>
<i>Hester " "</i>	<i>4</i>

*Claims for self
and children.*

Stenographer *H. G. Harris.*

Choctaw MCR 3665

• Mary Camden

See MCR 3661

MCR 3665

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, I.T. October 3, 1901.

3665

In the matter of the application of Mary Camden for identification as a Mississippi Choctaw.

Applicant not represented by attorney.

Mary Camden being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Camden.
Q You are single, are you? A Yes sir.
Q What is your age? A Twenty six.
Q What is your post office address? A Rogers, Arkansas, Benton County.
Q Where were you born? A In Missouri.
Q What place? A Lawrence County.
Q How long did you live in Missouri before you moved from that State? A I was a baby I suppose.
Q Where did you go to? A To Texas.
Q How long did you live in Texas? A I can't tell.
Q Did you always live there? A No, not quite a year.
Q Then you went where? A Back to Arkansas.
Q Then have you always lived there since? A Yes; only with the Cherokee tribe once.
Q You stayed there how long? A No t quite a year.
Q Then you went back to Arkansas and have lived there since?
A Yes.
Q You have lived at Rogers how many years? A About seven years.
Q What is your father's name? A Leroy B. Camden.
Q Is it the same one who appeared for identification October 3, 1901, before the Commission? A Yes sir.
Q Do you want to have his testimony and yours considered together so that you can have the benefit of his? A Yes sir.
Q What is your mother's name? A Dirinda Camden.
Q Is she living? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A From my father.
Q How much Choctaw blood do you claim to have? A I can't tell; I don't know.
Q Well, your father claimed an eighth; your sister, Harriet Alexander, claimed a sixteenth. A Well, I would have to claim the same I guess.

- Q You think that's right, do you? A I suppose so.
- Q You don't know though, do you? A No, of course I don't.
- Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No sir.
- Q You are not married? A No sir.
- Q You claim for yourself alone? A Alone.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under Act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw nation by either the Choctaw tribal authorities, the Commission to the Five civilized Tribes or by United States Court in Indian Territory? A No sir.
- Q Have you ever before this applied to either the Choctaw tribal authorities or the United States authorities to be admitted to citizenship in the Choctaw Nation in Indian Territory? A No sir.
- Q Do you now come before the Commission for the purpose of being identified as a Mississippi Choctaw and for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.
- Q Do you understand what a treaty is? A No sir.
- Q You know what a contract or agreement is? A Yes sir.
- Q You have heard of them being in writing? A Yes sir.
- Q A treaty is a compact or contract or agreement made between Nations instead of people.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place called Dancing Rabbit Creek in Mississippi and was made for the purpose of removing all the Choctaw Indians who lived in Mississippi and Alabama to the Choctaw Nation, Indian Territory. Before the treaty was signed it became evident that a good many Choctaw Indians wouldn't go to the Indian Territory and in order to protect their rights and have their interests looked after under that treaty an article had to be put into it. Article fourteen was therefore inserted into the treaty. Article fourteen reads as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which 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 ~~present improvement~~ 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 article fourteen of the treaty of 1830, the Treaty of Dancing Rabbit Creek; you understand that, do you? And so you can claim under it? A I suppose so.

Q The Indians all claim under that, it is the only authority there is that gives them a right to be identified. Do you understand it as I read and explained it to you? A Yes sir.

Q Do you know whether any of your ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.

Q What is the name of your ancestor who lived in Mississippi in 1830 under whom you claim the right to be identified now? A It's my grandfather.

Q What was his name? A Camden---Green-- Payne, it is.

Q What is his first name? A I will have to guess; I don't know.

Q Well, they called him Nat for short; what will you call him for long? Your father gave the name of Nathaniel Payne; is that the fellow? A Yes sir.

Q You don't know much about him, do you? A No sir.

Q Do you know whether he was a recognized member of the Choctaw tribe of Indians in 1830? A I think so.

Q By that I mean living with them and doing everything that the Indian does, not associating with the whites; living as the Indians did? A I can't tell you.

Q You claim through your father? A Yes sir.

Q Through which parent does he claim his Choctaw blood? A His mother.

Q Was she born in Mississippi, do you know? A I can't tell you whether she was or not.

Q What was her father's name? A Greer.

Q No; her father's name; was not her maiden name Payne? A Yes sir.

Q What was her father's name? A Nathaniel Payne.

Q Did he live in Mississippi in 1830 and was the head of a family there at that time? A I don't know.

Q Never heard about that in the family did you? A No sir.

Q Did Nathaniel Payne or any of your Choctaw ancestors ever own any improvements on land in Mississippi in 1830? A No sir.

Q Did any of your Choctaw ancestors go from Mississippi or Alabama with the other Indians between 1833 to 1838? A No sir, I don't think they did.

Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 tell Col. Ward, the United States Indian agent in Mississippi at that time that they intended to stay in Mississippi, take land there and become citizens of the United States? A Now; do you know about that? A Just by guessing; I suppose they did.

Q Well, you can't guess; you are under oath; you don't know about that, do you? A No sir.

Q Did any of your Choctaw ancestors ever claim or receive any land under article fourteen of the treaty of Dancing Rabbit Creek?

A No sir.

Q Did they ever receive any land or benefits under any other article of the treaty of 1830 than article fourteen or under the supplement to that treaty? A No sir.

/ According to the provisions of article fourteen of the treaty

of 1830 the United States Indian agent who lived in Mississippi at that time whose name was Col. Ward was required to make a list of the names of all Indian claimants who claimed rights under article fourteen and who declared their intention to remain in Mississippi to the Indian agent within six months after the ratification of that treaty of 1830. Col. Ward neglected to record the names of a great many Choctaw Indians who went to his office and signified their intention under article fourteen to remain in Mississippi and take land there, within the six months. As a result of his neglect a great many had the lands they occupied in Mississippi taken away from them; the land and improvements were sold by the Government at its Public Land Sale. This led to a great many complaints, so that as a result of these complaints, in March 3, 1837, Congress appointed a Commission to go to Mississippi and hear the claimants under article fourteen. In 1842 another Commission was appointed by Congress and ratified August 23, 1842, for a similar purpose.

Q Did any of your Choctaw ancestors go before either of these Commissions, that of 1837 or 1842, and claim rights under article fourteen of the treaty of 1830? A No sir.

The Act of Congress approved August 23, 1842, provided that if any claimant came before it and claimed and proved his right under article fourteen of that treaty and if it further appeared that his land had been taken away from him by the Government previous to his going in 1842, that he should be entitled to receive land in Mississippi, Alabama, Arkansas or Louisiana, and that he should receive a certificate to that effect. These certificates were called scrip.

Q Do you know if any of your Choctaw ancestors ever received any such scrip from the Government? A No sir.

Q Have you any documentary evidence, any papers of any kind, you want to file now in support of this application? A No sir.

Q Do you know where your father and mother were married? A In Missouri, in Barry County.

Q You don't remember the date? A No sir; I don't.

Q Are you related to Nathaniel P. Gotcher? A Yes sir.

Q What relation is he to you? A Second cousin.

Q Leroy B. Camden is your father? A Yes sir.

Q Is Harriet Alexander your sister? A Yes sir.

Q Do you want their testimony taken into consideration with yours when yours is examined? A Yes sir.

A reasonable time will be allowed this applicant in which to file documentary evidence in support of this claim; also marriage license or proof of the marriage of the father and mother.

Q Do you speak Choctaw? A No sir.

Q Do you understand or know it? A No sir.

Q Is there anything further you want to say in support of your claim? A No sir.

This applicant has the appearance and all the physical characteristics of being descended from white parentage; has dark hair, dark eyes, somewhat dark complexion; does not understand the Choctaw language or speak it; has no knowledge of any compliance on the part of ~~his~~ her ancestors with the provisions of the fourteenth article of the treaty of 1830.

Henry G. Hains being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on October 3, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date.

Subscribed and sworn to before me this 26 day of October, 1901.

Clara Mitchell Wood
Notary Public.

Muskogee, Indian Territory, July 12, 1902.

Mary Camden,
Rogers, Arkansas.

Dear Madam:

You are hereby advised that on the 12th day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nathaniel P. Gotcher, et al., embracing the following applications for identification as Mississippi Choctaws:

Nathaniel P. Gotcher,	M.C.R. 3661
Leroy B. Camden,	M.C.R. 3662
Harriet Alexander, et al.,	M.C.R. 3664
John N. Camden,	M.C.R. 3960
Mary Camden,	M.C.R. 3665
Andrew B. Camden,	M.C.R. 3666
Eva Mathews, et al.,	M.C.R. 3804
Effie Myler, et al.,	M.C.R. 3667
J. N. Camden, et al.,	M.C.R. 4364

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 Nathaniel P. Gotcher, Leroy B. Camden, Harriet Alexander, Guilford Alexander, George Alexander, Harriet Alexander (2), Hester Alexander, John N. Camden, Mary Camden, Andrew B. Camden, Eva Mathews, Polly Mathews, Fern Mathews, Riffie Myler, Ethel Myler, J. N. Camden and Georgia H. Camden, 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,

Registered.

W. C. Cannon
Acting Chairman.

M.C.R., 3666.

Muskogee, Indian Territory, October 8, 1902.

Mary Camden,

Rogers, Arkansas.

Dear Madam:

You are hereby advised that on the 30th day of September, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nathaniel P. Gotcher, et al., of which decision you were advised by registered mail on the 12th day of July, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw!

Date OCT -3 1901

Name Mary Camden

Age 26 Blood 1/16 —

Post Office, Rogers, Arkansas.

Father: Leroy B. Camden, l

Mother: Dirinda " l

Claims through father

~~None~~

Claims for self
alone —

Stenographer H. M. Harris

END

OF

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